

RESOLUTION NO. 2006-271

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE HIGH
DENSITY RESIDENTIAL GENERAL PLAN AMENDMENT AND REZONE PROJECT,
MAKING FINDINGS, ADOPTING A STATEMENT OF OVERRIDING
CONSIDERATIONS, ADOPTING A MITIGATION MONITORING AND REPORTING
PROGRAM, AND APPROVING AN AMENDMENT TO THE
ELK GROVE GENERAL PLAN FOR 6915 ELK GROVE BOULEVARD,
APN 116-0061-103 FROM OFFICE/MULTI-FAMILY TO HIGH DENSITY
RESIDENTIAL (GPA 06-001)**

WHEREAS, the City of Elk Grove has initiated a General Plan Amendment (also known as the High Density Residential General Plan Amendment and Rezone and referred to herein as "Project") to revise and update the Elk Grove General Plan; and

WHEREAS, the proposed General Plan Amendment is required to make land use policy changes desired by the City Council; and

WHEREAS, the City Council is the appropriate authority to hear and take action on the proposed General Plan Amendment after a recommendation by the Planning Commission; and

WHEREAS, the City of Elk Grove determined that the High Density Residential General Plan Amendment and Rezone was a project requiring review pursuant to the California Environmental Quality Act (CEQA, Public Resources Code 21000 et seq.) and that an Environmental Impact Report (EIR) be prepared to evaluate the potential environmental effects of the project; and,

WHEREAS, a Notice of Preparation was released for public and agency review and comment on December 7, 2005 and a public scoping meeting to receive comments on topics and issues which should be evaluated in the Draft EIR was held by the City on January 5, 2006; and,

WHEREAS, the City of Elk Grove distributed a Notice of Availability for the High Density Residential General Plan Amendment and Rezone Draft EIR on August 2, 2006, which started the 45-day public review period, ending on September 15, 2006; and

WHEREAS, the Draft EIR was also submitted to the State Clearinghouse for state agency review; and,

WHEREAS, the City of Elk Grove Planning Commission held a public meeting on September 7, 2006 to receive public comments on the Draft EIR and those comments were received and considered in the Final EIR; and,

WHEREAS, the City Council of the City of Elk Grove has reviewed all evidence presented both orally and in writing and intends to make certain findings in compliance with CEQA, which are more fully set forth below in Exhibit A, attached hereto and incorporated in its entirety by this reference;

WHEREAS, the Planning Commission considered the proposed General Plan Amendment at a public hearing on October 19, 2006, and provided a recommendation to the City Council regarding certification of the Final EIR and approval of the amendment to the General Plan Land Use Map for 6915 Elk Grove Boulevard from Office/Multi-family to High Density Residential, as indicated in Exhibit B; and

WHEREAS, the City Council duly advertised and considered the Planning Commission recommendation and all of the testimony presented to it, including staff reports, environmental documents and public testimony, at a public hearing on October 25, 2006.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE HEREBY RESOLVES AS FOLLOWS:

1. Certification of the Final EIR

- A. The City Council of the City of Elk Grove hereby certifies that the Final EIR (Exhibit C) has been completed in compliance with the requirements of the California Environmental Quality Act.
- B. The City Council of the City of Elk Grove hereby certifies that the Final EIR was presented to the City Council and that the City Council reviewed and considered the information contained in the Final EIR prior to taking action on the Project.
- C. The City Council of the City of Elk Grove hereby certifies that the Final EIR reflects the independent judgment and analysis of the City Council of the City of Elk Grove.

2. Findings on Impacts

The City Council makes the findings with respect to environmental impacts related to the General Plan Amendment and Rezone of Site I (6915 Elk Grove Boulevard) as set forth in Exhibit A, attached hereto and incorporated herein by reference.

3. Statement of Overriding Considerations

The City Council adopts the Statement of Overriding Considerations findings with respect to significant and unavoidable environmental impacts related to the General

Plan Amendment and Rezone of Site I (6915 Elk Grove Boulevard) as set forth in Exhibit A, attached hereto and incorporated herein by reference

4. Findings on Alternatives

The City Council makes the findings with respect to project alternatives as set forth in Exhibit A, attached hereto and incorporated herein by reference.

5. Mitigation Monitoring and Reporting Program

Pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment," the City Council adopts the Mitigation Monitoring and Reporting Program attached as Exhibit D.

6. Other Findings

The City Council finds that issues raised during the public comment period and written comment letters submitted during the public review period of the Draft EIR do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

7. Approval of General Plan Amendment for Site I

The City Council hereby approves the Amendment to the Elk Grove General Plan Land Use Policy Map for 6915 Elk Grove Boulevard, APN 116-0061-103 from Office/Multi-family to High Density Residential as recommended by the Planning Commission.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 25th day of October 2006.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT B



EXISTING LAND USE DESIGNATION: OFFICE/MULTI-FAMILY



PROPOSED LAND USE DESIGNATION: HIGH DENSITY RESIDENTIAL

EXHIBIT A

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR

SITE I OF THE HIGH DENSITY RESIDENTIAL GENERAL PLAN AMENDMENT AND REZONE EIR

SCH# 2005122030

PREPARED BY:

CITY OF ELK GROVE
8401 LAGUNA PALMS WAY
ELK GROVE, CA 95758

OCTOBER 2006

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INTRODUCTION

The Elk Grove High Density Residential (HDR) General Plan Amendment (GPA) and Rezone Environmental Impact Report (EIR) identified significant impacts associated with the HDR GPA and Rezone proposal. These Findings of Fact consider the certification of the HDR GPA and Rezone EIR and adoption of Site I (project) as presented in the EIR.

These Findings of Fact and Statement of Overriding Considerations consider the project as the City Council is only taking action on Site I at this time.

Approval of a project with significant impacts requires that findings be made by the Lead Agency pursuant to the California Environmental Quality Act (CEQA, California Public Resources Code Sections 21000 et seq.), and CEQA Guidelines (California Administrative Code, Title 14, Chapter 3) Sections 15043, 15091, and 15093. Significant impacts of the project would either: 1) be mitigated to a less than significant level pursuant to the mitigation measures identified in the EIR; or 2) have a significant impact following mitigation that requires a Statement of Overriding Consideration. Specifically, CEQA Guidelines Section 15091 requires lead agencies to make one or more of the following written findings:

- 1) 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 final EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- 3) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or project alternative identified in the Final EIR.

These Findings accomplish the following: a) they address the significant environmental effects identified in the EIR for the approved project; b) they incorporate all General Plan policies and action items associated with these significant impacts identified in either the Draft EIR or the Final EIR; c) they indicate which impacts remain significant and unavoidable, because there are not feasible mitigation measures; and, d) they address the feasibility of all project alternatives identified in the EIR. For any effects that will remain significant and unavoidable, a "Statement of Overriding Considerations" is presented. The conclusions presented in these Findings are based on the Final EIR (consisting of the Draft EIR, Response to Comments, and errata to the Draft EIR) and other evidence in the administrative record.

To the extent that these Findings conclude that various mitigation measures outlined in the EIR are feasible to reduce significant and unavoidable impacts to a level of significance have not been modified, superseded, or withdrawn, the City of Elk Grove hereby binds itself to implement these measures. These Findings are not merely informational, but constitute a binding set of obligations that will come into effect when the City of Elk Grove approves the project (Public Resources Code, Section 21081.6[b]). The mitigation measures identified as feasible and within the City's authority to implement for the approved project become express conditions of approval which the City binds itself to upon project approval. The City of Elk Grove, upon review of the Final EIR, which includes the Draft EIR and based on all the information and evidence in the administrative record, hereby makes the Findings set forth herein.

MANDATORY FINDINGS OF SIGNIFICANCE

As required by CEQA Guidelines Section 15065(a)(1) through (4), the HDR GPA and Rezone EIR addressed the following:

- 1) The project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.
- 2) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- 3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- 4) The environmental effects of a project will cause substantial adverse effects on human beings either directly or indirectly.

These impacts are addressed in Sections 4.1 through 4.11 of the HDR GPA and Rezone Draft EIR, the Final EIR, and the Final MMRP for the project. The mitigation measures in the HDR GPA and Rezone EIR are consistent with this section of CEQA as well. As required by subsection (c) of CEQA Guidelines Section 15065, these Findings of Fact and the Statement of Overriding Considerations take into account the project's impacts on traffic and circulation, noise, air quality, hydrology and water quality, biological and natural resources, and cultural and paleontological resources, public services and utilities, and visual resources/aesthetics.

CEQA PROCESS OVERVIEW

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City of Elk Grove prepared and circulated a Notice of Preparation (NOP) and Initial Study for the HDR GPA and Rezone EIR for public and agency review on December 7, 2005 and held a public scoping meeting on April 8, 2004. The comments received in response to the NOP and scoping meeting were included as an appendix to the Draft EIR. A scoping meeting was held on January 5, 2006, to receive additional comments. Subsequently, a revised NOP was circulated March 10, 2006 which included an additional Site, H. Comments raised in response to the NOP were considered and addressed during preparation of the EIR.

Upon completion of the HDR GPA and Rezone Draft EIR, the City prepared and distributed a Notice of Availability on August 2, 2006 pursuant to CEQA Guidelines Section 15087. Pursuant to CEQA Guidelines, Sections 15087 and 15105, a 45-day public comment and review period was opened on August 2, 2006 and was closed on September 15, 2006. A public meeting was held at the City of Elk Grove City Hall on September 7, 2006, before the Elk Grove Planning Commission in order to obtain comments on the Draft EIR. Planning Commission hearings were also held on October 10, 2006 as well as October 19, 2006. The City Council considered certification of the EIR on October 25, 2006. Written comment letters and oral comments were received during this public review period. No new significant environmental issues, beyond

those already covered in the Draft EIR, were raised during the comment period, and the Final EIR was prepared. Responses to comments received on the Draft EIR did not involve any changes to the project that would create new significant impacts or provide significant new information that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Responses to comments were provided in the Final EIR, and responses were sent to public agencies that commented on the Draft EIR ten days prior to certification of the Final EIR.

ADMINISTRATIVE RECORD

The environmental analysis provided in the Draft and Final EIR and the Findings provided herein are based on and are supported by the following documents, materials and other evidence, which constitute the Administrative Record for the City of Elk Grove General Plan:

- 1) The NOP, comments received on the NOP and all other public notices issued by the City in relation to the HDR GPA and Rezone EIR (e.g., Notice of Availability).
- 2) The 2003 General Plan Draft EIR, associated appendices to the Draft EIR and technical materials cited in the Draft EIR.
- 3) The HDR GPA and Rezone Draft EIR, associated appendices to the Draft EIR and technical materials cited in the Draft EIR.
- 4) The HDR GPA and Rezone Final EIR, including comment letters, oral testimony and technical materials cited in the document.
- 5) All non-draft and/or non-confidential reports and memoranda prepared by the City of Elk Grove and consultants.
- 6) Minutes and transcripts of the discussions regarding the project and/or project components at public hearings held by the City of Elk Grove Planning Commission and City Council.
- 7) Staff reports associated with Planning Commission and City Council meetings on the General Plan Amendment.
- 8) Elk Grove General Plan.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Elk Grove at 8401 Laguna Palms Way, Elk Grove, California 95758.

FINDINGS REQUIRED UNDER CEQA

Public Resources Code 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[.]" (Emphasis added.) The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects." (Emphasis added.) Section 21002 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 announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, Section 21081, subd. (a); CEQA Guidelines, Section 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, Section 15091, subd. (a)(1).) The second permissible finding is that "[s]uch 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." (CEQA Guidelines, Section 15091, subd. (a)(2).) The third potential conclusion is that "[s]pecific 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 15091, subd. (a)(3).) Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines Section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* ("Goleta II") (1990) 52 Cal.3d 553, 565.)

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. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City of Elk Grove must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy 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." (Pub. Resources Code, Section 21002.)

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. 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. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains significant.

Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, Section 15091, subd. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public 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 why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, Sections 15093, 15043, subd. (b); see also Pub. Resources Code, Section 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, 52 Cal.3d at p. 576.)

These findings constitute the City of Elk Grove best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City of Elk Grove hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City of Elk Grove approves the project.

SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The Draft EIR identified a number of significant and potentially significant environmental effects (or "impacts") that the project will cause. Some of these significant effects can be avoided through the adoption of feasible mitigation measures. Other effects cannot be avoided by the adoption of feasible mitigation measures or alternatives, and thus will be significant and unavoidable. Some of these unavoidable significant effects can be substantially lessened by the adoption of feasible mitigation measures. Other significant, unavoidable effects cannot be substantially lessened or avoided. The City of Elk Grove has determined that the significant and unavoidable effects of the project are outweighed by overriding economic, social, and other considerations.

DOCUMENT ORGANIZATION

The findings are organized into the following sections:

- 1) Findings Associated with Less Than Significant and Less than Cumulatively Considerable Impacts Identified in the EIR

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- 2) Findings Associated with Significant, Potentially Significant, and Cumulative Significant Impacts which can be Mitigated to a Less Than Significant Level
 - 3) Findings Associated with Significant and Cumulative Significant Impacts which Cannot Feasibly be Mitigated to a Less Than Significant Level
 - 4) Findings Associated with Project Alternatives
 - 5) Statement of Overriding Considerations for Significant and Unavoidable Impacts

1. FINDINGS ASSOCIATED WITH LESS THAN SIGNIFICANT AND LESS THAN CUMULATIVELY CONSIDERABLE IMPACTS IDENTIFIED IN THE EIR

The City of Elk Grove (City) hereby adopts and makes the following findings relating to its approval of the project. Having received, reviewed, and considered the entire record, both written and oral, relating to the project and associated Draft and Final Environmental Impact Report, the City makes the following findings associated with less than significant impacts:

1.1 LAND USE

1.1.1 Land Use Conflicts

Impact 4.1.2 Implementation of the proposed project could create conflicts with existing land uses and proposed land uses of the surrounding areas. This is considered a **less than significant** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.1 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts associated with inconsistencies between the project and surrounding land use designations are **less than significant** because subsequent projects would be subject to the City's Design Guidelines, Zoning Code requirements, General Plan policies and actions which would reduce the impact and approval of the proposed project, specifically the GPA and Rezone, would correct the project's inconsistency with the existing land use and zoning designations.

Reference: Draft EIR pages 4.1-33 through 4.1-39; Final EIR page 2.0-48; General Plan Land Use Element policies LU-4, LU-6, LU-7, LU-9 and associated action items.

1.1.2 Higher Intensity Development

Impact 4.1.3 Development of the proposed project in addition to other reasonably foreseeable projects in the region would change the land use patterns and convert low density and non-residential designated land uses to high density residential uses. These proposed changes would result in residential land use development in excess of that considered under the General Plan. This would be a **less than cumulatively considerable** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.1 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts associated with higher intensity development are **less than significant** because all of the sites are designated for development rather than remaining vacant or preserved as opens space.

Reference: Draft EIR pages 4.1-38 through 4.1-39; General Plan Land Use Element policies LU-6.

1.1.3 Cumulative Land Use Conflicts

Impact 4.1.4 The project in addition to other reasonably foreseeable development within Elk Grove could result in land use conflicts. However, this is a **less than cumulatively considerable** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.1 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts associated with cumulative land use conflicts are **less than significant** because specific conflicts would be addressed on a site-by-site level and compliance with applicable General Plan policies and action items would reduce impacts.

Reference: Draft EIR pages 4.1-39 through 4.1-40; Final EIR page 2.0-48; General Plan Land Use Element policies LU-4, LU-6, LU-7, LU-9 and associated action items.

1.2 POPULATION, EMPLOYMENT AND HOUSING

1.2.1 Population and Housing Increases

Impact 4.2.1 Implementation of the proposed project would result in a 5.5 percent increase in population and housing units over the City of Elk Grove 2003 General Plan projections. This is a **less than significant** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.2 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts associated with population and housing increases are **less than significant** because the project's contribution to the additional housing units and population represent only a slight

increase in units compared to the existing holding capacity of the City, and the increase in housing units and population would be consistent with General Plan policies and actions associated with maintaining approximately zoned land for all types of housing and supporting housing opportunities affordable to all income levels.

Reference: Draft EIR pages 4.2-7 through 4.2-8; General Plan Housing Element Policies H-1, H-4 and H-10.

1.2.2 Jobs-Housing Balance

Impact 4.2.2 The increase in acres available for housing versus the decrease in areas of land available for business and employment may result in a jobs-housing imbalance. This is considered a **less than significant** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.2 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts associated with the jobs-housing imbalance are **less than significant** because the project's contribution to additional housing units and population results in a jobs per housing unit ratio of 0.82 which is slightly below the 0.89 ratio which is based on the adopted General Plan.

Reference: Draft EIR pages 4.2-8 through 4.2-10; General Plan Economic Development Policies ED-7, ED-8, ED-9 and Land Use Element Policy L-10.

1.2.3 Cumulative Population and Housing Increases

Impact 4.2.3 The population and housing unit increases due to implementation of the proposed project may exceed the Elk Grove General Plan population and housing projections for the Planning Area. This is considered a **less than cumulatively considerable** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.2 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts associated with cumulative population and housing increases are **less than significant** because implementation of the project would result in a slight increase relative to the total population and housing included as part of the project

Reference: Draft EIR pages 4.2-10 through 4.2-11; General Plan Housing Element policies H-1, H-4, H-10 and H-12.

1.3 HAZARDS AND HAZARDOUS MATERIALS

1.3.1 Airport Operations

Impact 4.3.2 Implementation of the proposed HDR GPA and Rezone proposal would result in locating Site M within the overflight zone of the Sunset Sky Ranch Airport. This is considered a **less than significant** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based upon the analysis presented in Section 4.3 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts associated with airport operations are **less than significant** because implementation of the proposed project would not obstruct navigation near the Sunset Sky Ranch Airport.

Reference: Draft EIR page 4.3-26 through 4.3-27; General Plan Circulation Element policies CI-24, CI-25 and Safety Element policy SA-1.

1.3.2 Electromagnetic Fields

Impact 4.3.3 Two of the proposed project sites are located within a power corridor easement. No residential uses are allowed to be constructed within the easement. Therefore, impacts resulting from electromagnetic fields are considered **less than significant**.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based upon the analysis presented in Section 4.3 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts associated with electromagnetic fields are **less than significant** because development of Site I would occur outside of the power corridor and implementation of General Plan policy SA-1 would reduce the potential for exposure of residential development to hazards.

Reference: Draft EIR page 4.3-27; Final EIR pages 2.0-14, 2.0-46, and 2.0-47; General Plan Policy SA-1.

1.3.3 Cumulative Exposure to Hazards Associated with Facilities Utilizing Hazardous Materials

Impact 4.3.6 Implementation of the proposed project could result in the exposure of populated areas to accidental incidents and intentional acts at existing and future facilities utilizing hazardous materials. This is considered a **less than cumulatively considerable** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based upon the analysis presented in Section 4.3 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that cumulative exposure to hazards associated with facilities utilizing hazardous materials are **less than cumulatively considerable** because the proposed project would not increase the potential for exposure to hazards.

Reference: Draft EIR page 4.3-30; General Plan Safety Element policies SA-1, SA-2, SA-3, SA-8, SA-9, and SA-10 along with associated action items.

1.4 TRAFFIC AND CIRCULATION

1.4.1 State Highways

Impact 4.4.2 The proposed project would not cause any segment of SR 99 to go from an acceptable LOS (A - D) to an unacceptable LOS (E or F). Additionally if a segment is expected to operate at an unacceptable level, the project would only increase the v/c by 0.01.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.4 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts to state highways are **less than significant** because none of the highway segments would exceed the Concept LOS identified by Caltrans.

Significance After Mitigation: The impact is less than significant without mitigation.

Reference: Draft EIR pages 4.4.22 through 4.4-23; Final EIR pages 2.0-16 and 2.0-17.

1.5 NOISE

1.5.1 Long-term Increases in Ambient Noise Levels

Impact 4.5.1 Implementation of the proposed project would result in long-term increases in ambient noise levels. This is considered a **less than significant** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based upon the analysis presented in Section 4.5 of the Draft EIR and considering the information in the administrative record, the City hereby finds that long-term increases in ambient noise levels would be **less than significant** because the anticipated increase in noise due to Site I would not be discernible (i.e. 0.6 dBA or less).

Reference: Draft EIR pages 4.5-11 through 4.5-14; General Plan Policies NO-2, NO-4, NO-5, NO-6, NO-7 and NO-8 and associated action items.

1.6 AIR QUALITY

1.6.1 Possible Exposure of Sensitive Receptors to Odorous Emissions

Impact 4.6.5 Implementation of the proposed project may expose sensitive receptors to construction and long-term odorous emissions. This impact is considered **less than significant**.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.6 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that possible exposure of sensitive receptors to odorous emissions are **less than significant** because exposure of sensitive receptors to odorous emissions would be temporary and is addressed through Rule 402 as well as General Plan policies.

Reference: Draft EIR pages 4.6-18 through 4.6-19; General Plan Conservation and Air Quality policies CAQ-4, CAQ-27, CAQ-30, CAQ-32 and CAQ-33 and associated action items.

1.7 PUBLIC SERVICES AND UTILITIES

1.7.1 Fire Protection and Emergency Medical Services

Impact 4.10.1.1 Implementation of the proposed project would increase demand for fire protection services. However, the Fire Department has indicated that the project would not require any additional facilities, equipment or staffing. Therefore, impacts to fire protection and emergency medical services are considered **less than significant**.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts to fire protection and emergency medical services are **less than significant** because the EGCS D Fire Department indicated that services are already provided and/or the capability of providing service to the project already exists.

Reference: Draft EIR page 4.10-5; General Plan Public Facilities and Finance Element policies PF-7, PF-19, PF-21 and Safety Element policies SA-5 and SA-32 and associated action items.

1.7.2 Cumulative Impacts to Fire Protection and Emergency Medical Services

Impact 4.10.1.2 The proposed project, in combination with other approved and future development in the City, would incrementally increase demand for fire protection and emergency medical services.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that cumulative impacts to fire protection and emergency medical services are **less than significant** because increased revenues and improved efficiency would reduce any cumulative impacts to fire protection and emergency services that would occur as a result of the implementation of the project.

Reference: Draft EIR page 4.10-6.

1.7.3 Impacts to Police Protection Services

Impact 4.10.2.1 Implementation of the proposed project would increase demand for law enforcement services in association with new residential development. This is considered a **less than significant** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that cumulative impacts to police protection services are **less than significant** because each development project would be required to pay fees which would fund police facilities.

Reference: Draft EIR pages 4.10-10 and 4.10-11; General Plan Public Facilities and Finance Element policies PF-1, PF-20 and Safety Element policies SA-30 and SA-31 and associated action items.

1.7.4 Cumulative Law Enforcement Impacts

Impact 4.10.2.2 Implementation of the proposed project could require additional law enforcement related services and facilities in combination with planned and proposed development. This is considered a **less than cumulatively considerable** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that cumulative impacts to police protection services are **less than cumulatively considerable** because each development project would be required to pay fees which would fund police facilities and subsequent projects would be required to incorporate design features that assist with crime prevention.

Reference: Draft EIR page 4.10-12; General Plan Public Facilities and Finance Element policies PF-2 and PF-18 along with associated action items.

1.7.5 Public School Facilities

Impact 4.10.3.1 Implementation of the proposed project would increase demand for EGUSD facilities and services. This is considered a **less than significant** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts to public school facilities are **less than significant** because existing and/or other school sites are planned for or have been/will be requested to serve the students generated. In addition, subsequent development projects would be subject to the EGUSD residential fee in place at the time an application is submitted for a building permit. Payment of the EGUSD residential development fees are considered under CEQA to mitigate the need for school facilities generated by project implementation.

Reference: Draft EIR page 4.10-17 through 4.10-19; General Plan Public Facilities and Finance Element policies PF-2 and PF-18 along with associated action items.

1.7.6 Cumulative Public School Impacts

Impact 4.10.3.2 Implementation of the proposed project, in combination with other planned development would result in the generation of additional students. Each project is required to pay development fees on a project-by-project basis. Therefore, cumulative public school impacts are considered **less than cumulatively considerable**.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that cumulative impacts to public school facilities are **less than cumulatively considerable** because existing funding mechanisms, bond measures, within the school district, and compliance with the General Plan policies would reduce the cumulative impacts on school facilities.

Reference: Draft EIR page 4.10-20.

1.7.7 Cumulative Wastewater Impacts

Impact 4.10.5.2 Implementation of the proposed project along with other potential development of the sites and growth in the SRCSD service area would increase demand for wastewater service. Therefore, cumulative impacts are considered **less than cumulatively considerable**.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that cumulative wastewater treatment impacts are **less than cumulatively considerable** because all new development projects are required to pay connection fees and construct necessary wastewater improvements to ensure adequate financing.

Reference: Draft EIR page 4.10-44.

1.7.8 Solid Waste Impacts

Impact 4.10.6.1 Implementation of the proposed project would increase solid waste generation and the demand for waste disposal. Sufficient capacity is available at the Kiefer Landfill and curbside pick-up is negotiated through a contract with BFI Waste Systems. Therefore impacts to solid waste pickup and disposal are considered a **less than significant** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that solid waste impacts are **less than significant** because the estimated amount of solid waste generated by the project is within the permitted capacity of the landfill.

Reference: Draft EIR page 4.10-48 though 4.10-49; General Plan Public Facilities and Finance Element policies PF-21 and Conservation and Air Quality Element policy CAQ-25 along with associated action items.

1.7.9 Cumulative Solid Waste Service

Impact 4.10.6.2 The proposed project, in addition to other proposed and approved projects in the region area, would generate solid waste that would require expanded collection and disposal services. The project's contribution would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that cumulative solid waste impacts are **less than cumulatively considerable** because the Kiefer Landfill, the Forward Landfill in Manteca, and the Lockwood Regional Landfill in Nevada would accommodate the solid waste disposal demands of Sacramento County and have adequate capacity to accommodate projected population growth and subsequent solid waste generation in the City and surrounding area.

Reference: Draft EIR page 4.10-50.

1.7.10 Increased Demand for Park and Recreational Facilities

Impact 4.10.7.1 Implementation of the proposed project would increase population and subsequently increase the demand for park and recreation related services. This is considered a **less than significant** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that increased demand for park and recreational facilities would be **less than significant** because adequate parkland would be ensured by dedication of parkland, payment of in-lieu fees, or on-site inclusion of parkland by future projects.

Reference: Draft EIR page 4.10-54; General Plan Parks, Trails and Open Space Element policies PTO-2, PTO-3, PTO-4, PTO-9, PF-2 and Public Facilities and Finance Element policy PF-21 along with associated action items.

1.7.11 Cumulative Impacts to Parks and Recreation

Impact 4.10.7.2 The proposed HDR GPA and Rezone proposal, in combination with other proposed and approved development, would result in increased demand for parks and recreation facilities. Individual development projects are required to dedicate park land and/or pay development fees. Therefore, cumulative impacts to parks and recreation are considered **less than cumulatively considerable**.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the

City hereby finds that cumulative impacts to park and recreation facilities would be **less than cumulatively considerable** because all development projects must comply with the parkland dedication requirements of EGCSO.

Reference: Draft EIR page 4.10-55.

1.7.12 Impacts to Electric, Telephone, and Natural Gas Service

Impact 4.10.8.1 Implementation of the proposed project would not significantly increase the demand for electric, telephone and natural gas services from that proposed by the existing General Plan.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts to electric, telephone, and natural gas service would be **less than significant** because these services could be extended to the various sites.

Reference: Draft EIR page 4.10-57 through 4.10-59.

1.7.13 Cumulative Electrical, Telephone and Natural Gas Impacts

Impact 4.10.8.2 Implementation of the proposed project, in combination with other proposed and approved projects, would incrementally increase demand for electric, natural gas and telephone services. Cumulative impacts to electric, natural gas and telephone services are considered **less than cumulatively considerable**.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that cumulative impacts to electric, telephone, and natural gas service would be **less than cumulatively considerable** because adequate supply is available and these services would be provided on a project-by-project basis under cumulative conditions.

Reference: Draft EIR page 4.10-59 through 4.10-60.

1.8 VISUAL RESOURCES/AESTHETICS

1.8.1 Degrade Existing Visual Character

Impact 4.11.1 Implementation of the proposed project could result in the degradation of the visual character and quality of the City. This impact is considered a **less than significant** impact.

Mitigation Measures: None required.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Sections 15126.4, subd. (a)(3), 15091.)

Explanation: Based on the analysis presented in Section 4.10 of the Draft EIR and considering the information contained in the administrative record, the City hereby finds that impacts regarding degrading the existing visual character would be **less than significant** because the proposed project site was identified for urban development as part of the Elk Grove General Plan and because all development would be required to comply with the City of Elk Grove Design Guidelines, which would ensure that subsequent development would be visually appropriate in the context of the proposed uses and existing visual characteristics of the project sites.

Reference: Draft EIR page 4.11-12 through 4.11-15; Final EIR Response 4-13; General Plan Conservation and Air Quality Element policies CAQ-7, CAQ-8 and Land Use Element policy LU-35 with their corresponding action items.

2. FINDINGS ASSOCIATED WITH SIGNIFICANT, POTENTIALLY SIGNIFICANT, AND CUMULATIVELY CONSIDERABLE IMPACTS WHICH CAN BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The City of Elk Grove (City) hereby adopts and makes the following findings relating to its approval of the proposed project. Having received, reviewed, and considered the entire record, both written and oral, relating to the HDR GPA and Rezone proposal and associated Draft and Final Environmental Impact Report, the City makes the following findings associated with potentially significant impacts which can be mitigated to a less than significant level through: 1) adoption of the mitigation measures identified in the Final EIR, and 2) implementation of General Plan policies identified in the Final EIR:

2.1 LAND USE

2.1.1 Consistency with Relevant Land Use Planning Documents

Impact 4.1.1 Implementation of the proposed HDR GPA and Rezone proposal would potentially conflict with existing land use plans. This is considered a **potentially significant** impact.

Mitigation Measures:

MM 4.1.1 A 50-foot wide buffer measured from the property line of Site M shall separate proposed HDR uses from existing light industry and office uses

to the south and west. The buffer can include parking, roadways and landscaping to provide separation from any industrial uses. An 8-foot tall masonry wall shall also be constructed at Site M's property line. The buffer and masonry wall shall be identified on project plans for the HDR development on Site M.

Timing/Implementation: As a condition of approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.3.1 No residential development shall be allowed within one half mile of the Suburban Propane Facility as depicted on **Figure 4.3.2**.

Timing/Implementation: As condition of approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: The proposed project would result in less than significant impacts relative to consistency with relevant land use planning documents following implementation of the HDR GPA and Rezone. The project site is currently designated for development on the General Plan Land Use Map. The proposed project would alter the existing designations and zoning, but would still result in urban development on Site I. The presence of industrial uses to the west of Site M present a conflict relative to HDR uses resulting in a potentially significant impact. The mitigation measures identified apply to Site M and are not applicable to the proposed project.

Significance After Mitigation: Mitigation measure MM 4.1.1 would require a 50-foot wide buffer and 8-foot tall masonry wall to separate Site M from adjacent industrial and office uses. With implementation of this mitigation measure, consistency impacts associated with relevant land use planning documents would be reduced to less than significant.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that implementation of mitigation measures MM 4.1.1 MM 4.3.1 would require a 50-foot wide buffer and 8-foot tall masonry wall to separate Site M from adjacent industrial and office uses and provide a buffer between proposed residential uses and Suburban Propane, reducing Impact 4.1.1 to a less-than-significant level as described in the Draft EIR. As the potentially significant impacts described under Impact 4.1.1 are associated with Site M, mitigation measures MM 4.1.1 and MM 4.3.1 are not necessary for Site I. The City finds that approval of only Site I at this time avoids land use impacts associated with Impact 4.1.1 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR pages 4.1-24 through 4.1-33; Final EIR pages 2.0-48 and 2.0-49; General Plan Land Use Element Policies CI-24, CI-25 and LU-21, LU-22 and LU-23 and associated action items.

2.2 HAZARDS AND HAZARDOUS MATERIALS

2.2.1 Exposure of Public to Hazards

Impact 4.3.1 Implementation of the proposed HDR GPA and Rezone proposal could result in accidental incidents and intentional acts at existing and future facilities utilizing hazardous materials. This is considered a **significant** impact.

Mitigation Measure:

MM 4.3.1 No residential development shall be allowed within one half mile of the Suburban Propane Facility as depicted on **Figure 4.3.2**.

Timing/Implementation: As condition of approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: The areas on Sites L, M and the SPPA that would be developed with HDR uses are located approximately one-half mile or more from both the Suburban Propane and Georgia Pacific facilities. The risk level posed by these facilities is determined to be acceptable. Nonetheless, Site M's location within one-half mile from Suburban Propane would put it at risk for exposure to fireball hazard in the event of an intentional act. This is considered a significant impact. Site I is not located within one-half mile from Suburban Propane and Georgia Pacific. Therefore, Site I would not contribute to exposure to public hazards.

Significance After Mitigation: Implementation of mitigation measure MM 4.3.1 would prevent placement of residential uses within one-quarter mile of Suburban Propane thereby reducing exposure of the public to hazards to less than significant.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that implementation of mitigation measure MM 4.3.1 would prohibit residential development within one-half mile of the Suburban Propane facility and thereby reduce Impact 4.3.1 to a less-than-significant level as described in the Draft EIR. As the significant impacts described under Impact 4.3.1 are associated with Sites L, M and the SPPA, mitigation measure MM 4.3.1 is not necessary for Site I. The City finds that approval of only Site I at this time avoids exposure to public hazards associated with Impact 4.3.1 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR pages 4.2-23 through 4.1-26; General Plan Safety Element Policies SA-1, SA-2, SA-3, and SA-8, SA-9 and SA-10 along with associated action items.

2.2.2 Railroad Safety Impacts

Impact 4.3.4 The proposed HDR GPA and Rezone proposal would result in locating several high density developments in close proximity to the UPRR and would generate additional traffic along roadways crossing the UPRR. This is considered a **significant** impact.

Mitigation Measures:

MM 4.3.4a The City shall coordinate with the railroads operating in Elk Grove to ensure that all appropriate safety measures are implemented in their operations in the city.

Timing/Implementation: On-going.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.3.4b The City shall seek to improve the safety at rail crossings by continuing to investigate improvements in crossing gates and warning device.

Timing/Implementation: On-going.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.3.4c The City shall make available information on railroad crossing safety at City Hall and on the City's web site to encourage safe practices by Elk Grove residents and businesses.

Timing/Implementation: On-going.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.3.4d A property deed notification program shall be required for Sites A, E and L, where interested parties of real property are provided information regarding the proximity of their residence to the railroad corridor. Disclosure of the presence of the railroad must be placed on the deed and notification provided through title in the case of single-family homes for sale. In the case of an apartment complex where the units are for rent, notice must be posted in the rental office.

Timing/Implementation: Condition of approval of tentative map.

Enforcement/Monitoring: City of Elk Grove Development Services,
Planning.

Explanation: Development generated in association with implementation of the proposed HDR GPA and Rezone proposal would place sites A, E and L within 250 to 600 feet of the UPRR. In addition, traffic volumes generated in association with several of the sites would result in increased trips along Calvine Road, Sheldon Road and Elk Grove Boulevard, each of which has at-grade crossing of the UPRR. The at-grade crossings in the City have lead to the increased traffic delays and in some incidences resulted in accidents between motor vehicles and trains. This is considered a significant impact. It should be noted that Site I is not located near the UPRR and implementation of the proposed project would not contribute to this impact.

Significance After Mitigation: Implementation of mitigation measure MM 4.3.4a, MM 4.3.4b, MM 4.3.4c and MM 4.3.4d would ensure safety measures are implemented at railroad crossings; investigate improvements in crossing gates and warning devices; make available information on railroad crossing safety; and provide property deed notification for Sites A, E and L. These measures would reduce railroad safety impacts to less than significant.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the significant impacts described under Impact 4.3.4 are associated with Sites A, E and L, mitigation measures MM 4.3.4a, MM 4.3.4b, MM 4.3.4c and MM 4.3.4d are not necessary for Site I. The City finds that approval of only Site I at this time avoids railroad safety impacts associated with Impact 4.3.4 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR pages 4.3-27 and 4.3-29; Final EIR page 2.0-4; General Plan Safety Element Policies SA-1, SA-27, SA-28 and associated action items.

2.2.3 Expansive and Unstable Soils

Impact 4.3.5 Implementation of the proposed project could expose buildings, pavements, and utilities to significant damage as a result of underlying expansive or unstable soil properties. This is considered a **potentially significant** impact.

Mitigation Measures:

MM 4.3.5 Prior to approval of grading or improvement plans, whichever occurs first, a geotechnical report or other appropriate analysis shall be conducted for each of the proposed HDR GPA and Rezone sites to determine the shrink-swell potential and stability of the soil. The geotechnical report shall identify measures necessary to ensure stable soil conditions.

Timing/Implementation: Prior to approval of grading or improvement plans, whichever occurs first.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: Implementation of the proposed project could result in construction activities overlying expansive or unstable soils. Newly constructed buildings, pavements, and utilities could be damaged by differential settlement due to soil expansion and contraction. When structures are located on expansive soils, foundations have the tendency to rise during the wet season and shrink during the dry season. Movements can vary under the structures, which in turn create new stresses on various sections of the foundation and connected utilities. These variations in ground settlement can lead to structural failure and damage to infrastructure. This is considered a potentially significant impact.

Significance After Mitigation: Implementation of mitigation measure MM 4.3.5 would reduce impacts associated with expansive and unstable soils to less than significant through preparation of a geotechnical report and implementation of recommended measures.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that implementation of mitigation measure MM 4.3.5 would require preparation of a geotechnical report and implementation of recommended measures to reduce Impact 4.3.5 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.3.5 is a feasible mitigation measure to offset the impact and is, therefore, adopted and will be incorporated into the project via the Mitigation Monitoring and Reporting Program.

Reference: Draft EIR page 4.3-29; General Plan Policy SA-26.

2.3 NOISE

2.3.1 Increased Exposure to Groundborne Vibration Levels

Impact 4.5.2 Implementation of the proposed HDR GPA and Rezone proposal would result in increased exposure to groundborne vibration levels. This impact is considered **significant**.

Mitigation Measure:

MM 4.5.2 Residential dwellings on Sites F and H shall not be located within 150 feet of the light-rail track centerline. As an alternative, should more detailed information regarding planned light rail transit activities becomes available, a ground-vibration impact assessment shall be prepared as part of the environmental review of future proposed development

projects to determine appropriate setback distances sufficient to achieve the FTA standard of 72 VdB.

Timing/Implementation: As a condition of project approval

Enforcement/Monitoring: City of Elk Grove Development Services,
Planning and Public Works Department.

Explanation: Groundborne vibration sources in the general vicinity of the proposed HDR GPA and Rezone proposal sites include heavy-rail traffic along the UPRR corridor and, to a lesser extent, vehicle traffic on area roadways. None of the proposed HDR GPA and Rezone proposal sites, including Site I, are located within the projected ground-borne vibration contours of the UPRR, with respect to levels that would cause potential structural damage or excessive human annoyance. The nearest proposed project site, Site L, is located approximately 150 feet from the rail line centerline. Consequently, risks of structural damage associated with development occurring within the proposed HDR GPA and Rezone proposal sites and in proximity to nearby Union Pacific Railroad (UPRR) corridors would be considered less than significant. Site I, however, would not be subject to this impact because it is not located near the UPRR corridors.

A light rail easement extends along the southern portions of Site F and Site H. The easement is located adjacent to Big Horn Boulevard and includes a 40-foot wide light rail easement, in addition to a 25-foot wide landscape corridor requirement. Predicted groundborne vibration levels along existing portions of the Sacramento Regional Transit light-rail corridor typically average less than 72 VdB at 150 feet from the track centerline (Sacramento Regional Transit 1998). The predicted screening distance recommended by the FTA are, therefore, considered a conservative estimation of groundborne vibration levels (Caltrans 1996, FTA 1995). Based on this information, proposed residential development located within approximately 150 feet of the future light-rail corridor could be exposed to groundborne vibration levels in excess of recommended criteria. As a result, this impact is considered potentially significant.

Significance After Mitigation: Implementation of mitigation measure MM 4.5.2 would reduce impacts associated increased exposure to groundborne vibration levels to less than significant by prohibiting placement of residential uses within 150-feet of the centerline of the light-rail track.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that implementation of mitigation measure MM 4.5.2 would prohibit locating residential uses within 150-feet of the light-rail track centerline and thereby reduce Impact 4.5.2 to a less-than-significant level as described in the Draft EIR. As the significant impacts described under Impact 4.5.2 are associated with Sites F and H,

mitigation measure MM 4.5.2 is not necessary for Site I. The City finds that approval of only Site I at this time avoids increased exposure to groundborne vibration levels associated with Impact 4.5.2 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR page 4.5-14 through 4.5-16.

2.3.2 Exposure to Noise Levels in Excess of Standards

Impact 4.5.3 Implementation of the proposed project could potentially result in exposing future residents to noise levels in excess of City noise standards. This impact is considered **potentially significant**.

Mitigation Measure:

MM 4.5.3 Future development proposal for the HDR GPA and Rezone proposal sites shall conform to the following measures:

- All HDR GPA & Rezone project sites: In accordance with General Plan policies NO-2, NO-3, NO-4, NO-6, NO-7, and NO-8 and associated implementation measures, noise impact assessments shall be prepared for development projects. The noise impact assessments shall identify noise-reduction measures, where necessary, to ensure that projected exterior noise levels within outdoor activity areas of proposed residential development would be reduced to comply with applicable City noise standards for transportation and non-transportation noise sources for all sites (refer to Table 4.5-3 and 4.5-4). Available mitigation measures would include, but would not be limited to, the following:
 - The project applicant shall work with an acoustician to design the project to achieve the noise standards. Noise barriers shall be considered a measure of achieving the noise standards only after all other practical design-related noise mitigation measures, including the use of distance from noise sources have been integrated into the project. Where soundwalls or noise barriers are constructed, the City shall strongly encourage and may require the use of a combination of berms and walls to reduce the apparent height of the wall and produce a more aesthetically appealing streetscape.
- All HDR GPA & Rezone project sites: Future development proposals that would locate residential units within projected 60 dBA CNEL noise contours shall be designed to achieve a minimum average-daily interior noise level of 45 dBA CNEL. This requirement shall be addressed in the noise impact assessment prepared for the project site(s).
- Sites A & L: Future development proposals that would locate residential dwellings units within the projected 60 dBA CNEL rail

traffic noise contours of the Union Pacific Railroad corridor shall be designed to achieve a minimum average-daily interior noise level of 45 dBA CNEL. This requirement shall be addressed in the noise impact assessment prepared for those project site(s).

- Sites F & H: If a light rail alignment is proposed adjacent to Big Horn Boulevard, Sites F and H shall be designed to achieve a minimum average-daily interior noise level of 45 dBA CNEL. This requirement shall be addressed in the noise impact assessment prepared for those project site(s).

Timing/Implementation: Noise impact assessment submitted as part of development plan review for subsequent development of the HDR GPA and Rezone proposal sites; any mitigation measures identified in the noise impact assessment shall be made a condition of approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning and Public Works Department.

Explanation: All of the proposed HDR GPA and Rezone proposal sites, or portions thereof, including Site I, are located in areas that would be anticipated to exceed the City's non-transportation and transportation noise criteria for residential land uses. As a result, this impact would be considered significant.

Significance After Mitigation: Implementation of mitigation measure MM 4.5.3 would reduce impacts associated with increased exposure to noise levels in excess of standards to less than significant through incorporation of soundwalls or noise barriers and design features.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the potentially significant impacts described under Impact 4.5.3 are associated with Sites A, L, F and H, mitigation measure MM 4.5.3 is not necessary for Site I. The City finds that approval of only Site I at this time avoids exposure to noise levels in excess of standards associated with Impact 4.5.3 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR page 4.5-16 through 4.5-23; General Plan Noise Element policies NO-2, NO-4, NO-5, NO-6, NO-7, and NO-8, along with associated action items

2.3.3 Cumulative Exposure to Noise Levels in Excess of Standards

Impact 4.5.5 Implementation of the proposed HDR GPA and Rezone proposal could contribute on a cumulative basis to noise levels in excess of City noise standards. This impact is considered **cumulatively considerable**.

Mitigation Measures:

MM 4.5.3 Future development proposal for the HDR GPA and Rezone proposal sites shall conform to the following measures:

- In accordance with General Plan policies NO-2, NO-3, NO-4, NO-6, NO-7, and NO-8 and associated implementation measures, noise impact assessments shall be prepared for development projects. The noise impact assessments shall identify noise-reduction measures, where necessary, to ensure that projected exterior noise levels within outdoor activity areas of proposed residential development would be reduced to comply with applicable City noise standards for transportation and non-transportation noise sources for all sites (refer to Table 4.5-3 and 4.5-4). Available mitigation measures would include, but would not be limited to, the following:

The project applicant shall work with an acoustician to design the project to achieve the noise standards. Noise barriers shall be considered a measure of achieving the noise standards only after all other practical design-related noise mitigation measures, including the use of distance from noise sources have been integrated into the project. Where soundwalls or noise barriers are constructed, the City shall strongly encourage and may require the use of a combination of berms and walls to reduce the apparent height of the wall and produce a more aesthetically appealing streetscape.

- All HDR GPA & Rezone project sites: Future development proposals that would locate residential units within projected 60 dBA CNEL noise contours shall be designed to achieve a minimum average-daily interior noise level of 45 dBA CNEL. This requirement shall be addressed in the noise impact assessment prepared for the project site(s).
- Sites A & L: Future development proposals that would locate residential dwellings units within the projected 60 dBA CNEL rail traffic noise contours of the Union Pacific Railroad corridor shall be designed to achieve a minimum average-daily interior noise level of 45 dBA CNEL. This requirement shall be addressed in the noise impact assessment prepared for those project site(s).
- Sites F & H: If a light rail alignment is proposed adjacent to Big Horn Boulevard, Sites F and H shall be designed to achieve a minimum average-daily interior noise level of 45 dBA CNEL. This requirement shall be addressed in the noise impact assessment prepared for those project site(s).

Timing/Implementation: Noise impact assessment submitted as part of development plan review for subsequent development of the HDR GPA and Rezone proposal sites; any mitigation measures identified in the noise impact assessment shall be made a condition of approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning and Public Works Department.

Explanation: Vehicle traffic on area roadways, trains, and industrial activities affect the ambient noise levels in the areas surrounding the project site. Development of additional non-transportation noise sources, or changes in the operational characteristics of existing noise sources, may also occur which would increase noise on a cumulative level. These changes could adversely affect future residential development occurring on the proposed project site. This impact is considered cumulatively considerable.

Significance After Mitigation: Implementation of mitigation measure MM 4.5.3 would reduce impacts associated with cumulative exposure to noise levels in excess of standards to less than significant through incorporation of soundwalls or noise barriers and design features.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the cumulatively considerable impacts described under Impact 4.5.5 are associated with Sites A, L, F and H, mitigation measure MM 4.5.3 is not necessary for Site I. The City finds that approval of only Site I at this time avoids cumulative exposure to noise levels in excess of standards associated with Impact 4.5.5 and results in a less than cumulatively considerable level as described in the EIR.

Reference: Draft EIR page 4.5-24 through 4.5-25; General Plan Noise Policies NO-2, NO-4, NO-5, NO-6, NO-7, and NO-8 and associated action items.

2.4 AIR QUALITY

2.4.1 Exposure to Toxic Air Contaminants

Impact 4.6.4 Implementation of the proposed project has the potential to locate sensitive land uses near existing or future sources of toxic air contaminants. This impact is considered **potentially significant**.

Mitigation Measure:

MM 4.3.1 No residential development shall be allowed within one half mile of the Suburban Propane Facility as depicted on **Figure 4.3.2**.

Timing/Implementation: As condition of approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: The proposed project would have the potential to locate new residential development near sources of TACs. The property to the southwest of Site M and to the south of Site L is a long established heavy industrial park. The most imposing source of industrial accident in the area is from a mishap at the large propane storage tanks of the Suburban Propane Company, located just north of Grant Line Road and west of the Southern Pacific Railroad. However, of greater concern is the failure of one of the stationary bullet tanks at Suburban Propane. This impact is considered potentially significant. Site I is not located in the immediate vicinity of Suburban Propane and would not contribute to exposure to toxic air contaminants.

Significance After Mitigation: Implementation of mitigation measure MM 4.3.1 would reduce impacts associated increased exposure to toxic air contaminants to less than significant by prohibiting residential development within one-half mile of the Suburban Propane facility.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the potentially significant impacts described under Impact 4.6.4 are associated with Sites L and M, mitigation measure MM 4.3.1 is not necessary for Site I. The City finds that approval of only Site I at this time avoids exposure to toxic air contaminants associated with Impact 4.6.4 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR page 4.6-17 through 4.6-18; Elk Grove General Plan Conservation and Air Quality Element policies CAQ-30 and CAQ-32 and associated action items.

2.4.2 Exposure of Sensitive Receptors to Substantial Levels of Air Pollutant Concentrations

Impact 4.6.6 Implementation of the proposed HDR GPA and Rezone proposal may expose sensitive receptors to substantial levels of air pollutants associated with SR 99. This impact is considered **potentially significant**.

Mitigation Measures:

MM 4.6.6 As part of the design review process for Sites G, J, and K, the project applicant shall submit a site specific air quality study identifying the amount of particulate matter and toxic air contaminants to which users of the site would be exposed. Mitigation measures shall be identified for any potential adverse health effects, and shall be incorporated into project design to bring exposure to particulate matter and toxic air contaminants to acceptable levels.

Timing/Implementation: Prior to approval of development plan review

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: Sites G, J, and K of the proposed project are all located within 500 feet of State Route (SR) 99, on the downwind side of the highway. The western edge of Site J is approximately 75-feet from the SR 99 on-ramp. The western edge of Site K is approximately 100-feet from SR 99 and the westernmost edge of Site G is approximately 300-feet from SR 99. These sites could be subject to substantial levels of air pollutants associated with SR 99. This is considered a potentially significant impact. Site I is not located within 500 feet of SR 99 and would not contribute to exposure of sensitive receptors to substantial levels of air pollutant concentrations.

Significance After Mitigation: Implementation of mitigation measure MM 4.6.6 would reduce impacts associated increased exposure of sensitive receptors to substantial levels of air pollutant concentrations through project design.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the potentially significant impacts described under Impact 4.6.6 are associated with Sites G, J and K, mitigation measure MM 4.6.6 is not necessary for Site I. The City finds that approval of only Site I at this time avoids exposure of sensitive receptors to substantial levels of air pollutant concentrations associated with Impact 4.6.6 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR page 4.6-19 through 4.6-20; Final EIR Response 5-5 and Response 6-2; Elk Grove General Plan Conservation and Air Quality Element policies CAQ-27, CAQ-30, CAQ-32, and CAQ-33 and their associated actions.

2.5 HYDROLOGY AND WATER QUALITY

2.5.1 Drainage and Erosion Impacts

Impact 4.7.1 Implementation of the proposed HDR GPA and Rezone proposal could alter existing drainage patterns which could result in erosion or siltation on- or off-site. This is considered a **potentially significant** impact.

Mitigation Measures:

MM 4.7.1a In conjunction with the project application and prior to approval of design review for each of the HDR GPA and Rezone sites, a drainage plan and hydrology study shall be submitted for the site that meets City requirements and demonstrates the following, consistent with General Plan Policies CAQ-18 and SA-23:

- Post development peak storm water run-off discharge rates and velocities shall be designed to prevent or reduce downstream erosion, and to protect stream habitat.
- Runoff control measures shall be incorporated to minimize peak flows of runoff.
- The project shall assist in its fair-share of financing improvements for or otherwise implementing Comprehensive Drainage Plans.

Timing/Implementation: Prior to approval of design review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.7.1b

Prior to approval of design review for Sites A, D, F, G, H and J, the proposed development plans for the project shall demonstrate compliance with Genera Plan Policy CAQ-21:

- Development adjacent to a natural stream(s) shall provide a "stream buffer zone" along the stream. "Natural streams" shall be generally considered to consist of the following, subject to site-specific review by the City: Deer Creek, Elk Grove Creek, Laguna Creek and its tributaries, Morrison Creek, Strawberry Creek, and White House Creek. The following are examples of desired features for this transition zone; the specific design for each transition zone shall be approved on a case-by-case basis by the City.
- Stream buffer zones should generally measure at least 50 (fifty) feet from the stream centerline (total width of 100) feet or more, depending on the characteristics of the stream, and shall include:
 - 1) Sufficient width for a mowed firebreak (where necessary), access for channel maintenance and flood control, and for planned passive recreation uses.
 - 2) Sufficient width to provide for:
 - a. Quality and quantity of existing and created habitat,
 - b. Presence of species as well as species sensitivity to human disturbance,
 - c. Areas for regeneration of vegetation,
 - d. Vegetative filtration for water quality,
 - e. Corridor for wildlife habitat linkage,

f. Protection from runoff and other impacts of urban uses adjacent to the corridor

g. Trails and greenbelts.

3) The stream buffer zone should not include above ground water quality treatment structures designed to meet pollutant discharge requirements.

Timing/Implementation: Prior to approval of design review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: During construction of the proposed project, the dischargers must eliminate non-storm water discharges to storm water systems; develop and implement a Storm Water Pollution Prevention Plan (SWPPP); and perform monitoring of discharges to storm water systems. Best Management Practices for construction activities are identified in the Erosion and Sediment Control Ordinance, include. Compliance with the requirements of the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance would reduce erosion impacts to less than significant. However, drainage impacts are considered potentially significant.

Significance After Mitigation: Implementation of mitigation measure MM 4.7.1a and MM 4.7.1b would reduce drainage and erosion impacts to less than significant through preparation of a drainage plan and hydrology study.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the potentially significant impacts described under Impact 4.7.1 are associated with Sites Sites A, D, F, G, H and J, mitigation measures MM 4.7.1a and MM 4.7.1b are not necessary for Site I. The City finds that approval of only Site I at this time avoids drainage and erosion associated with Impact 4.7.1 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR page 4.7-17 through 4.7-20; General Plan Conservation and Air Quality Element policies CAQ-5 and CAQ-18 as well as associated action items.

2.5.2 Flood Hazards

Impact 4.7.2 Implementation of the proposed HDR GPA and Rezone proposal would increase impervious surfaces and alter drainage conditions and rates in the City, which could result in potential flooding impacts. This is considered a **potentially significant** impact.

Mitigation Measures:

MM 4.7.2

The drainage plan and hydrology study required under MM 4.7.1a for Sites A, D, F, G, H and J shall also demonstrate the following, consistent with General Plan Policies SA-15 and SA-16:

- Development shall not be permitted on land subject to flooding during a 100-year event, based on the most recent floodplain mapping prepared by the Federal Emergency Management Agency (FEMA) or updated mapping acceptable to the City of Elk Grove. Potential development in areas subject to flooding may be clustered onto portions of a site which are not subject to flooding, consistent with other policies of the General Plan.
- A buildable area outside the 100-year floodplain must be present on every residential lot sufficient to accommodate a residence and associated structures. Fill may be placed to create a buildable area only if approved by the City and in accordance with all other applicable policies and regulations.
- The use of fill in the 100-year floodplain to create buildable area is strongly discouraged, and shall be subject to review to determine potential impacts on wildlife habitat, and flooding on other parcels.
- Fill may not be placed in any 100-year floodplain as delineated by currently effective FEMA Flood Insurance Rate Maps or subsequent comprehensive drainage plans unless specifically approved by the City.

Timing/Implementation: Prior to approval of design review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation:

All of the sites included in the HDR GPA and Rezone proposal, including Site I, have been identified for urban development as part of the General Plan. However, sites A, B, C, D, F and G have the potential to result in a greater amount of impervious surfaces associated with the HDR GPA and Rezone as compared to the existing low density residential and rural residential designations. Increased site runoff could be generated in association with greater densities. As several of the sites are located within a floodplain, the increase in runoff could affect flooding both on and off-site. This is considered a potentially significant impact. As Site I is not located within a floodplain, it would not contribute to flood hazards.

Significance After Mitigation: Implementation of mitigation measure MM 4.7.2 would reduce flood hazard impacts to less than significant by prohibiting development and placement of fill in the 100-year floodplain.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the potentially significant impacts described under Impact 4.7.2 are associated with Sites A, D, F, G, H and J, mitigation measure MM 4.7.2 is not necessary for Site I. The City finds that approval of only Site I at this time avoids flood hazards associated with Impact 4.7.2 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR page 4.7-20 through 4.7-22; Final EIR pages 2.0-9 and 2.0-50; General Plan policies CAQ-18 and CAQ-19 and associated action items, as well as policies SA-13, SA-14, SA-15 and SA-16.

2.5.3 Operational Surface Water Quality Impacts

Impact 4.7.3 Implementation of the proposed project would result in direct and indirect operational water quality impacts at the time of development. This is considered a **potentially significant** impact.

Mitigation Measures:

MM 4.7.3a At the time of design review for each of the HDR GPA and Rezone sites, measures must be identified that comply with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance. The projects shall demonstrate conformance with the following, as well as applicable City Codes, policies, and regulations:

- Specific BMPs shall be identified to ensure that long-term water quality is protected. The BMPs shall be designed, constructed and maintained to meet a performance standard established by the City and shall conform to the provisions of the City's NPDES permit. The project applicant shall retain a qualified specialist to monitor the effectiveness of the BMPs selected. Monitoring activities, along with funding for monitoring, shall be established and shall include, but are not be limited to, initial setup, annual maintenance, and annual monitoring.
- Each individual HDR GPA and Rezone proposal shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. The two main categories of these BMPs are "source control" and "treatment control." Source control BMPs are usually the most effective and economical in preventing pollutants from entering storm and non-storm runoff. Source control BMPs relevant to the proposed HDR GPA and Rezone that shall be implemented include:
 - 1) Public Education/Participation activities. Information shall be provided to new project residents regarding pollution prevention;

- 2) Illegal Dumping controls. The Covenants, Conditions, and Restrictions (C, C, & R's) for the project shall include a prohibition on the dumping of waste products (solid waste/liquid waste and yard trash) into storm drain systems, open space areas, and creeks;
- 3) Stormwater pollution source controls shall be conditioned to provide a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each storm drain inlet. This may be accomplished with a stamped concrete impression (for curbs) or manufactured colored tiles, which are epoxied in place adjacent to the inlet (for parking lots and areas without curbs).
- 4) Street and storm drain maintenance activities. These activities control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped material from storm channels and creeks. (The City of Elk Grove would be responsible for regular storm drain maintenance within the public right-of-way; grease traps and other stormwater quality control devices on private property shall be maintained by the project.)

Timing/Implementation: As part of grading plan review and approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.7.3b

At the time grading plans are submitted for each of the HDR GPA and Rezone sites, measures must be identified that comply with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance. The projects shall demonstrate conformance with the following:

- Grading plans shall be consistent with the City's NPDES permit (#CAS082597) which requires the City to impose water quality and watershed protection measures for all development projects.

Timing/Implementation: As part of grading plan review and approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.7.3c

At the time of design review for each of the HDR GPA and Rezone sites, the development plans for the project site shall demonstrate compliance with the following measures:

- If detention basins are required, the project applicant for each HDR GPA and Rezone site shall consult with the City when designing the

proposed detention basin. Detention basin designs and proposed plantings in and around the detention basin shall be submitted for review and approval by the City. Development of the detention basin shall be subject to BMPs identified in MM 4.7.1.

- Uses in the stream corridors shall be limited to recreation and agricultural uses compatible with resource protection and flood control measures. Roads, parking, and associated fill slopes shall be located outside of the stream corridor, except at stream crossings (General Plan Policy SAQ-23).
- The project applicant for shall consult with the City when designing storm water conveyance facilities. Designs of the areas shall be submitted to these agencies for review and approval prior to approval of the Final Map for each individual HDR GPA and Rezone site. Developers of each HDR GPA and Rezone site shall retain a qualified specialist to assist in designing the features to maximize their effectiveness in removing pollutants. Biofilter swales and vegetated strips shall be placed in the bottom of drainage channels and be designed to provide biofiltration of pollutants during project runoff.

Timing/Implementation: Design shall be submitted and approved by the City prior to HDR GPA and Rezone proposal design review approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning; RWQCB.

In addition, the following mitigation measures would also apply:

MM 4.7.1a

In conjunction with the project application and prior to approval of design review for each of the HDR GPA and Rezone sites, a drainage plan and hydrology study shall be submitted for the site that meets City requirements and demonstrates the following, consistent with General Plan Policies CAQ-18 and SA-23:

- Post development peak storm water run-off discharge rates and velocities shall be designed to prevent or reduce downstream erosion, and to protect stream habitat.
- Runoff control measures shall be incorporated to minimize peak flows of runoff.
- The project shall assist in its fair-share of financing improvements for or otherwise implementing Comprehensive Drainage Plans

Timing/Implementation: Prior to approval of design review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.7.1b

Prior to approval of design review for Sites A, D, F, G, H and J, the proposed development plans for the project shall demonstrate compliance with Genera Plan Policy CAQ-21:

- Development adjacent to a natural stream(s) shall provide a "stream buffer zone" along the stream. "Natural streams" shall be generally considered to consist of the following, subject to site-specific review by the City: Deer Creek, Elk Grove Creek, Laguna Creek and its tributaries, Morrison Creek, Strawberry Creek, and White House Creek. The following are examples of desired features for this transition zone; the specific design for each transition zone shall be approved on a case-by-case basis by the City.

Stream buffer zones should generally measure at least 50 (fifty) feet from the stream centerline (total width of 100) feet or more, depending on the characteristics of the stream, and shall include:

- 1) Sufficient width for a mowed firebreak (where necessary), access for channel maintenance and flood control, and for planned passive recreation uses.
- 2) Sufficient width to provide for:
 - a. Quality and quantity of existing and created habitat,
 - b. Presence of species as well as species sensitivity to human disturbance,
 - c. Areas for regeneration of vegetation,
 - d. Vegetative filtration for water quality,
 - e. Corridor for wildlife habitat linkage,
 - f. Protection from runoff and other impacts of urban uses adjacent to the corridor
 - g. Trails and greenbelts.
- 3) The stream buffer zone should not include above ground water quality treatment structures designed to meet pollutant discharge requirements.

Timing/Implementation: Prior to approval of design review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: Subsequent development under the HDR GPA and Rezone proposal would have the potential to result in surface water quality impacts associated with operational activities. The HDR GPA and Rezone

proposal would increase potential runoff from sites A, B, C, D, F, G and I due to the potential increase in impervious surfaces. High density residential uses could generate pollutants affecting surface water quality through landscape maintenance activities and the use/maintenance of motorized vehicles. While the City jointly participates in the National Pollution Discharge Elimination System with Sacramento County and also requires Best Management Practices, the project would contribute to a potentially significant impact regarding operational surface water quality impacts.

Significance After Mitigation: Implementation of mitigation measures MM 4.7.3a, MM 4.7.3b and MM 4.7.3c in addition to mitigation measures MM 4.7.1a, MM 4.7.1b and MM 4.7.1c during project construction, and compliance with applicable General Plan policies would reduce urban runoff impacts to surface water quality resulting from implementation of the proposed HDR GPA and Rezone proposal **to less than significant**.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that implementation of mitigation measures MM 4.7.3a, MM 4.7.3b and MM 4.7.3c would require use of Best Management Practices, stormwater pollution prevention education and activities, appropriate design of stormwater detention and conveyance facilities, and compliance with City Codes, policies and ordinances, thereby reducing Impact 4.7.3 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measures MM 4.7.3a, MM 4.7.3b and MM 4.7.3c are feasible mitigation measures to offset the impact and are, therefore, adopted and will be incorporated into the project via the Mitigation Monitoring and Reporting Program.

Reference: Draft EIR page 4.7-22 through 4.7-25; General Plan Conservation and Air Quality Element policies CAQ-12 and associated action items, as well as policies CAQ-13, CAQ-14, CAQ-15 and CAQ-16

2.5.4 Cumulative Water Quality Impacts

Impact 4.7.5 Implementation of the proposed project along with the potential development of the surrounding areas, could contribute to cumulative water quality impacts. This is considered a **cumulatively considerable** impact.

Mitigation Measures:

MM 4.7.1a In conjunction with the project application and prior to approval of design review for each of the HDR GPA and Rezone sites, a drainage plan and hydrology study shall be submitted for the site that meets City requirements and demonstrates the following, consistent with General Plan Policies CAQ-18 and SA-23:

- Post development peak storm water run-off discharge rates and velocities shall be designed to prevent or reduce downstream erosion, and to protect stream habitat.
- Runoff control measures shall be incorporated to minimize peak flows of runoff.
- The project shall assist in its fair-share of financing improvements for or otherwise implementing Comprehensive Drainage Plans.

Timing/Implementation: Prior to approval of design review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.7.1b

Prior to approval of design review for Sites A, D, F, G, H and J, the proposed development plans for the project shall demonstrate compliance with General Plan Policy CAQ-21:

- Development adjacent to a natural stream(s) shall provide a "stream buffer zone" along the stream. "Natural streams" shall be generally considered to consist of the following, subject to site-specific review by the City: Deer Creek, Elk Grove Creek, Laguna Creek and its tributaries, Morrison Creek, Strawberry Creek, and White House Creek. The following are examples of desired features for this transition zone; the specific design for each transition zone shall be approved on a case-by-case basis by the City.
- Stream buffer zones should generally measure at least 50 (fifty) feet from the stream centerline (total width of 100) feet or more, depending on the characteristics of the stream, and shall include:
 - 1) Sufficient width for a mowed firebreak (where necessary), access for channel maintenance and flood control, and for planned passive recreation uses.
 - 2) Sufficient width to provide for:
 - a. Quality and quantity of existing and created habitat,
 - b. Presence of species as well as species sensitivity to human disturbance,
 - c. Areas for regeneration of vegetation,
 - d. Vegetative filtration for water quality,
 - e. Corridor for wildlife habitat linkage,
 - f. Protection from runoff and other impacts of urban uses adjacent to the corridor

g. Trails and greenbelts.

- 3) The stream buffer zone should not include above ground water quality treatment structures designed to meet pollutant discharge requirements.

Timing/Implementation: Prior to approval of design review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: As described under Impacts 4.7.1 and 4.7.2, approximately 156 acres of the City are anticipated to be substantially disturbed with high density residential development under the implementation of the proposed HDR GPA and Rezone proposal. The proposed project would contribute to other potential development activities, as well as potential development of the Urban Study Areas under cumulative conditions, depending on the timing and rate of development. Development of any of these areas in combination with projects implemented as part of the proposed project, would result in cumulative water quality impacts, which include impacts on surface water and ground water quality. This is considered a cumulatively considerable impact.

Significance After Mitigation: Implementation of mitigation measure MM 4.7.1a and MM 4.7.1b would project's contributions to cumulative water quality impacts to less than cumulatively considerable through preparation of a drainage plan and hydrology study.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that implementation of mitigation measure MM 4.7.1a and MM 4.7.1b require preparation of a drainage plan and hydrology study and compliance with General Plan Policy CAQ-21 thereby reduce Impact 4.7.5 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measures MM 4.7.1a and MM 4.7.1b are feasible to offset the impact and are, therefore, adopted and will be incorporated into the project via the Mitigation Monitoring and Reporting Program.

Reference: Draft EIR page 4.7-33 through 4.7-34; General Plan Conservation and Air Quality Element General Plan Conservation and Air Quality Element policies CAQ-12, CAQ-13, CAQ-14, and CAQ-15, and their associated action items.

2.5.6 Cumulative Flood Hazards

Impact 4.7.6 Implementation of the proposed HDR GPA and Rezone proposal along with potential development of the Urban Study Areas would increase impervious surfaces and alter drainage conditions and rates in the

Planning Area, which could contribute to cumulative flood conditions in the Sacramento River, Cosumnes River, and inland creeks. This is considered a **cumulatively considerable** impact.

Mitigation Measures:

MM 4.7.2

The drainage plan and hydrology study required under MM 4.7.1a for Sites A, D, F, G, H and J shall also demonstrate the following, consistent with General Plan Policies SA-15 and SA-16:

- Development shall not be permitted on land subject to flooding during a 100-year event, based on the most recent floodplain mapping prepared by the Federal Emergency Management Agency (FEMA) or updated mapping acceptable to the City of Elk Grove. Potential development in areas subject to flooding may be clustered onto portions of a site which are not subject to flooding, consistent with other policies of the General Plan.
- A buildable area outside the 100-year floodplain must be present on every residential lot sufficient to accommodate a residence and associated structures. Fill may be placed to create a buildable area only if approved by the City and in accordance with all other applicable policies and regulations.
- The use of fill in the 100-year floodplain to create buildable area is strongly discouraged, and shall be subject to review to determine potential impacts on wildlife habitat, and flooding on other parcels.
- Fill may not be placed in any 100-year floodplain as delineated by currently effective FEMA Flood Insurance Rate Maps or subsequent comprehensive drainage plans unless specifically approved by the City.

Timing/Implementation: Prior to approval of design review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation:

Subsequent development of individual projects on the proposed HDR GPA and Rezone sites would be required to be located outside of the designated 100-year floodplain. Cumulative development includes the HDR GPA and Rezone proposal as well as potential development within the Urban Studies areas. In addition to the proposed HDR GPA and Rezone proposal, potential development of the Urban Study Areas would also increase impacts to drainage and impervious surface coverage. Potential development in the Urban Study Area east of Grant Line Road could also result in increases to flooding impacts from the Cosumnes River. This is considered a cumulatively considerable impact. Site I is not located in a floodplain and would not contribute to cumulative flood hazards.

Significance After Mitigation: Implementation of mitigation measure MM 4.7.6 would reduce flood hazard impacts to less than significant by prohibiting development and placement of fill in the 100-year floodplain.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the cumulatively considerable impacts described under Impact 4.7.6 are associated with Sites A, D, F, G, H and J, mitigation measure MM 4.7.2 is not necessary for Site I. The City finds that approval of only Site I at this time avoids cumulative flood hazards associated with Impact 4.7.2 and results in a less than cumulatively considerable level as described in the EIR.

Reference: Draft EIR page 4.7-34 through 4.7-35; General Plan Safety Element policies SA-12, SA-13, SA-14, SA-15, SA-16, SA-20 and SA-21 and their associated action items.

2.6 BIOLOGICAL RESOURCES

2.6.1 Potential Adverse Effect on Special Status Plant Species

Impact 4.8.1 Implementation of the proposed project would allow potential future development, which could result in disturbance and loss of special-status plant species. This would be considered a **potentially significant** impact.

Mitigation Measure:

MM 4.8.1 The City shall require as a part of the application for each of the HDR GPA and Rezone proposal sites that the project applicant submit a focused survey for special-status plant species in each project area during a period when likely occurring sensitive plants are known to bloom. The project shall be conducted no earlier than one year prior to the development plan review process. If sensitive plants are located during pre-construction surveys, appropriate avoidance or disturbance minimization measures shall be employed and USFWS and/or DFG shall be notified. Furthermore, construction activities shall be restricted based on USFWS and/or DFG guidance. Restrictions may include establishment of avoidance buffer zones, installation of silt fences, or alteration of the construction schedule to allow time for rescuing and replanting the sensitive species, if appropriate.

Timing/Implementation: Survey provided as part of the development plan application process; avoidance and mitigation measures to be implemented prior to the onset of construction activities or site disturbance.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: All of the sites (Sites A, B, C, D, E, F, G, H, I, J, K, L, M and SPPA) have characteristics, such as suspect wetland features or uncultivated areas, which have the potential to support special status plant species. Three special status plant species have been documented as occurring within one mile of several of the project locations (Sites A, B, C, D, E, G, J, K, L, M and SPPA). Subsequent development accommodated by the proposed project could impact special status plants both directly (through removal or loss of habitat) and indirectly (through increased human activity). Special status plant species are considered to be a sensitive resource by federal and state resource agencies, so substantial reduction of the plants habitat or loss of individuals to the extent that the species is not self-sustaining are considered potentially significant impacts. Site I would contribute to overall potential adverse effects on special status plant species

Significance After Mitigation: Implementation of mitigation measure MM 4.8.1 would reduce potential adverse effects on special status plant species to less than significant through requiring a focused survey to special-status plant species and appropriate avoidance or disturbance minimization measures if sensitive plants are located during pre-construction surveys.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that implementation of mitigation measure MM 4.8.1 would require a focused survey to special-status plant species and require appropriate avoidance or disturbance minimization measures if sensitive plants are located during pre-construction surveys. This measure would reduce Impact 4.8.1 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.8.1 is a feasible mitigation measure to offset the impact and is, therefore, adopted and will be incorporated into the project via the Mitigation Monitoring and Reporting Program.

Reference: Draft EIR page 4.8-24 through 4.8-25; General Plan Conservation and Air Quality Element policies CAQ-7 and CAQ-11 and associated action item.

2.6.2 Impacts to Raptors/Species Protected Under the MBTA

Impact 4.8.2 Implementation of the proposed project could result in temporary and direct disturbance to nesting raptors and migratory birds (such as, burrowing owl and Swainson's hawk). This would be considered a **potentially significant** impact.

Mitigation Measure:

MM 4.8.2 As part of the development plan review process for each of the HDR GPA and Rezone proposal sites, the projects shall be conditioned as follows:

If future proposed construction activities are planned to occur during the nesting seasons for local avian species (typically March 1st through August 31st), the project applicant shall retain a qualified biologist approved by the City of Elk Grove Development Services, Planning to conduct a focused survey for active nests of raptors and migratory birds within and in the vicinity of (no less than 100-feet outside project boundaries, where possible) construction areas no more than 30 days prior to ground disturbance. If an active nest is located during preconstruction surveys, USFWS and/or DFG (as appropriate) shall be notified regarding the status of the nest. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or resource agencies deem the potential for abandonment or loss of individuals to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100-feet around the nest) or alteration of the construction schedule. No action is necessary if construction will occur during the nonbreeding season (generally September 1st through February 28th).

Timing/Implementation: *Conditioned concurrent with any development plan review approval and implemented prior to the onset of construction activities or any site disturbance.*

Enforcement/Monitoring: *City of Elk Grove Development Services, Planning.*

Explanation: Habitat at each of the project sites, including Site I, provides suitable nesting and foraging opportunities for many avian species, including some raptors and migratory birds (i.e. burrowing owl, California thrasher, Cooper's hawk, Swainson's hawk and white-tailed kite). Raptors and raptor nests are considered to be a special resource by federal and state agencies and are protected under the MBTA and California Code of Regulations. All migratory birds are also protected under the MBTA. Future development would impact areas that provide suitable habitat for these avian species. Potential construction activities that require the disturbance of trees and vegetation could cause direct impact to nesting raptors and migratory birds. Take of individuals and abandonment of active nest sites are considered potentially significant impacts. Site I would contribute to overall impacts to raptors/species protected under the MBTA.

Significance After Mitigation: Implementation of mitigation measure MM 4.8.2 would reduce impacts to raptors/species protected under the MBTA to a less than significant level through conditioning the project if construction occurs during the nesting season.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in

the EIR. The City finds that implementation of mitigation measure MM 4.8.2 requires that the project sites be conditioned to be monitored if construction takes place during the nesting season thereby reduce Impact 4.8.2 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.8.2 is a feasible mitigation measure to offset the impact and is, therefore, adopted and will be incorporated into the project via the Mitigation Monitoring and Reporting Program.

Reference: Draft EIR page 4.8-25 through 4.8-26; General Plan Conservation and Air Quality Element policy CAQ-11 and associated action item.

2.6.3 Potential Adverse Effect on a Threatened Species: Giant Garter Snake

Impact 4.8.3 Implementation of the proposed HDR GPA and Rezone proposal would allow potential future development, which could result in temporary and direct disturbance to giant garter snake. This would be considered a **potentially significant** impact.

Mitigation Measure:

MM 4.8.3 As part of the development plan review process for HDR GPA and Rezone proposal Sites A, D, F, G, H, and J, the projects shall be conditioned as follows:

The city shall require as a part of the application that the project applicant submit a focused survey for giant garter snake at each project site to be conducted no earlier than one year prior to the development plan review process. If the survey determines there is no suitability for giant garter snake onsite or directly adjacent to the site and the regulatory agencies agree, then no further action is necessary. However, should giant garter snake habitat occur within or directly adjacent to project boundaries the following measures shall be implemented.

Future project applicants shall retain a qualified biologist approved by the USFWS to coordinate and supervise restoration of giant garter snake habitat following Guidelines for Restoration and/or Replacement of Giant Garter Snake Habitat established by the USFWS in 1997. Measures shall include (as outlined in the guidelines), but are not limited to:

- a) Employing methods to minimize impacts of project activities to existing habitat such as, using silt fencing, designating sensitive areas to be avoided, using protective mats, preventing runoff, using existing roadways to move equipment (when possible), conducting onsite activity only from May 1 to October 1, and providing worker awareness training;
- b) Surveying for garter snake 24-hours prior to the onset of construction activities and again should a lapse in activity two weeks or longer occur;

- c) Removing all construction debris and stockpiled materials upon project completion;
- d) Regrading the area to the preexisting contour or a contour that would improve restoration potential; and
- e) Replanting and hydroseeding the area following USFWS recommendations as found in the 1997 guidelines (USFWS 1997).

In addition, construction activities shall be restricted based on USFWS guidance obtained through consultation initiated by either the applicant or the ACOE permit authorization branch (see discussion for MM 4.8.5). Furthermore, a one-year monitoring report with photo documentation showing pre- and post- project area conditions shall be submitted to the USFWS and DFG exactly one year from implementation of the restoration.

Timing/Implementation: Conditioned concurrent with any development plan review approval and implemented prior to the onset of any site disturbance and subsequent to the completion of construction activities (for revegetation).

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: Potential habitat for giant garter snake exists in the wetlands and roadside ditches (with connectivity to wetlands) at Sites A, D, F, G, H, and J. Consequently, potential subsequent development accommodated by the proposed project could impact giant garter snake both directly (through take or loss of habitat) and indirectly (through increased human activity) on these sites. Special status wildlife species are considered to be a sensitive resource by federal and state resource agencies. Giant garter snake is listed as threatened by both federal and state agencies. Therefore, alteration of project sites resulting in the take of individuals or loss of garter snake habitat is considered a potentially significant impact. As no wetlands are located on Site I, the proposed project would not contribute to potential adverse effects on Giant Garter Snake.

Significance After Mitigation: Implementation of mitigation measure MM 4.8.3 would reduce impacts to giant garter snake to a less than significant level through preparation of a focused survey for giant garter snake and retention of a qualified biologist to coordinate and supervise restoration of giant garter snake habitat.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the potentially significant impacts described under Impact

4.8.3 are associated with Sites A, D, F, G, H and J, mitigation measure MM 4.8.3 is not necessary for Site I. The City finds that approval of only Site I at this time avoids impacts to giant garter snake associated with Impact 4.8.3 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR page 4.8-26 through 4.8-28; General Plan Conservation and Air Quality Element policy CAQ-11 and associated action item.

2.6.4 Potential Adverse Effect on a Special Status Invertebrate

Impact 4.8.4 Implementation of the proposed HDR GPA and Rezone proposal would allow potential future development, which could result in temporary and direct disturbance to vernal pool invertebrates. This would be considered a **potentially significant** impact.

Mitigation Measure:

MM 4.8.4 Following verification of vernal pool invertebrate habitat (i.e., the presence of vernal pools) onsite or within 250 feet of the project boundary (see MM 4.8.5), the following shall be implemented.

As part of the development plan review process for HDR GPA and Rezone proposal Sites D, F, G, H, K, L, and M, project applicants shall retain a biologist approved by the City of Elk Grove to perform protocol level surveys, using methodologies approved by the USFWS, to identify the existence of special status shrimp species at the project locations, OR the project applicant will assume presence of the species in lieu of the surveys. If no species are found to occur following protocol level surveys, the results shall be submitted to the USFWS through consultation with the ACOE. If the surveys are deemed by the agencies to be complete and accurate, no further mitigation would be necessary. If special status shrimp species are found (or assumed) to occur onsite, then the following shall apply.

The project applicant shall mitigate for the loss and disturbance of wetlands (verified by the ACOE) that are potential special status invertebrate (or shrimp) habitat within an individual project area through avoidance, preservation and creation measures as recommended by the USFWS. Measures include, but are not limited to:

- a) Designing the project, to the extent possible, to avoid all impacts (direct and indirect) to shrimp habitat. Direct impact refers to the destruction of a seasonally ponded wetland/pool. Indirect impact refers to activities (i.e., loss of or damage to watershed, human intrusion, and increased pollution) affecting all upland areas and swales. If a limit to the area of impact cannot be easily delineated, then all habitat within 250-feet of the proposed development may be considered to be indirectly affected. If any habitat within a pool complex is destroyed, then all remaining habitat within the complex may potentially be indirectly affected.

Additionally, if any part of a pool is destroyed, then the entire pool is directly affected (USFWS 1996);

- b) Protecting any shrimp habitat remaining (not directly impacted) at the proposed location from possible future adverse impacts resulting from increased human intrusion of the area (i.e., signage and fencing);
- c) Placing fencing and signage around any pools to be avoided during construction to prevent vehicle ingress into the area; and
- d) Prohibiting activities inconsistent with maintaining the suitability of remaining habitat and onsite watershed, such as (1) permanent alteration of topography, (2) placement of structures within a preserved complex, (3) dumping or burning of garbage or waste, (4) installing/using temporary access roads or trails, (5) disturbance or removal of any native vernal pool vegetation, (6) inappropriate placement of stormwater drains, (7) unnecessary fire protection methods, and (8) use of pesticides or toxic chemicals onsite.

Furthermore, future construction activities and potential replacement mitigation ratios (if warranted) shall be reviewed and approved by the USFWS through consultation most likely initiated by the ACOE permit authorization branch. To the greatest extent possible, the project applicant shall follow the recommendations of the USFWS (and ACOE) regarding mitigation for impact to special status shrimp habitat from implementation of the proposed project. The project applicant shall also incorporate agency recommendations into the project design plans, where appropriate.

Timing/Implementation: Survey completed as part of the development plan review process; avoidance or mitigation implemented prior to issuance of permits and during construction activities.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: Potential habitat for vernal pool invertebrates exists in the suspect wetlands (with vernal characteristics) at Sites D, F, G, H, K, L, and M. Consequently, subsequent development accommodated by the proposed project could impact various species of special status invertebrates both directly (through take or loss of habitat) and indirectly (through increased human activity). Special status wildlife species are considered to be a sensitive resource by federal and state resource agencies. Some vernal pool invertebrate species, such as Conservancy fairy shrimp, vernal pool fairy shrimp, and vernal pool tadpole shrimp are listed as threatened or endangered by the USFWS. Therefore, alteration of project sites resulting in the take of individuals or loss of vernal pool habitat is considered a potentially significant impact.



As Site I does not contain vernal pools, implementation of the proposed project would not contribute to impacts to special status invertebrates.

Significance After Mitigation: Implementation of mitigation measure MM 4.8.4 would reduce potential adverse effects on vernal pool invertebrates to a less than significant level through project design and avoidance.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the potentially significant impacts described under Impact 4.8.4 are associated with Sites D, F, G, H, K, L, and M, mitigation measure MM 4.8.4 is not necessary for Site I. The City finds that approval of only Site I at this time avoids impacts to a special status invertebrate associated with Impact 4.8.4 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR page 4.8-28 through 4.8-29; General Plan Conservation and Air Quality Element policy CAQ-11 and associated action item.

2.6.5 Jurisdictional Waters of the U.S.

Impact 4.8.5 Implementation of the proposed HDR GPA and Rezone proposal would allow potential future development, which could result in the disturbance and loss of jurisdictional waters of the US regulated under Section 404 of the CWA. This would be considered a **potentially significant** impact.

Mitigation Measure:

MM 4.8.5 As part of the development plan review process for Sites A, B, C, D, E, F, G, H, J, K, L, M and the South Pointe Policy Area, future project applicants shall finalize a Delineation of Waters of the US, including Wetlands report for an individual project area and submit the report to the ACOE for verification. Subsequent to verification, the applicant shall consult with the ACOE using the wetland delineation and following ACOE guidelines to establish actual acreage of potential impact from project activities. For jurisdictional waters that cannot be avoided, a no net loss of wetlands policy shall be employed and the appropriate permits (i.e., Section 404 and 401 under the Clean Water Act, Section 1602 Streambed Alteration Agreement) shall be obtained prior to issuance of grading permits.

Future project applicants shall comply with all permit conditions and employ best management practices and measures (established by the ACOE) to minimize and compensate for potential impact to any jurisdictional waters. In addition, wetland delineation and mitigation details shall be noted on the design plans for the proposed project.

Timing/Implementation: Delineation completed and verified prior to approval of development plan review; mitigation implemented prior to issuance of grading permits and throughout project construction.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: Roadside ditches at many of the project locations are tributaries of jurisdictional watersheds within the City of Elk Grove sphere of influence. Several of the project sites include a jurisdictional waterway (Sites D and F are crossed by Laguna Creek). Several other sites are situated directly adjacent to a jurisdictional waterway (Site A is adjacent to Strawberry Creek; Site H is adjacent to Laguna Creek; Site J is adjacent to Elk Grove Creek). Potential jurisdictional wetlands are adjacent to Sites B, E, I and the South Pointe Policy Area. As such, the ACOE could have jurisdiction under Section 404 of the CWA over any projects involving these sites should wetland features be directly or indirectly impacted by the proposed actions. Therefore, subsequent development accommodated by the proposed project that would result in a net loss of wetlands is considered a potentially significant impact. As Site I does not contain jurisdictional waters of the U.S., implementation of the proposed project would not contribute to this impact.

Significance After Mitigation: Implementation of mitigation measure MM 4.8.5 would reduce impacts to jurisdictional waters of the US to a less than significant level by requiring future project applicants for each site to finalize a Delineation of Waters of the US and comply with all permit conditions and employ best management practice and measures.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the potentially significant impacts described under Impact 4.8.5 are associated with Sites A, B, C, D, E, F, G, H, J, K, L, M and the South Pointe Policy Area, mitigation measure MM 4.8.5 is not necessary for Site I. The City finds that approval of only Site I at this time avoids impacts to jurisdictional waters of the U.S. associated with Impact 4.8.5 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR page 4.8-30 through 4.8-31; Final EIR Response 4-22; General Plan Conservation and Air Quality Element policies CAQ-7 and CAQ-9 and associated action item.

2.6.6 Potential Conflicts with Local Policies Protecting Biological Resources: Swainson's Hawk

Impact 4.8.6 Implementation of the proposed project would allow potential future development, which could result in temporary and direct disturbance to Swainson's hawk. This would be in conflict the City's Swainson's Hawk Ordinance. This is considered a **potentially significant** impact.

Mitigation Measure:

MM 4.8.6

As part of the development plan review process for each of the HDR GPA and Rezone proposal sites, appropriate mitigation measures shall be determined consistent with the City's Chapter 16.130 - Swainson's Hawk Ordinance based on the size of the project (greater or less than forty acres). At a minimum, future project applicants shall implement the following measures:

- a) Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits, whichever occurs first, the project applicant shall preserve 1.0-acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the DFG and the City of Elk Grove planning department; OR
- b) Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits, whichever occurs first, the project applicant shall submit payment of the 'Swainson's hawk impact mitigation fee' per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove.

Timing/Implementation: As part of the development plan review process for each of the HDR GPA and Rezone sites and prior to the issuance of permits or site disturbance.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation:

Potential nest sites for Swainson's hawk exist in vegetation occurring within and adjacent to all of the project sites. Additionally, grassland present at all of the locations, including Site I, provides foraging habitat (for Swainson's hawk) that would be impacted by implementation of potential future development projects. Therefore, subsequent development accommodated by the proposed project could impact Swainson's hawk both directly (through removal of habitat) and indirectly (through increased human activity). Special status wildlife species are considered to be a sensitive resource by federal and state resource agencies. The City of Elk Grove recognizes that continued expansion of urban areas within their jurisdiction has a potentially negative affect on local Swainson's hawk populations without mitigation and has therefore established Chapter 16.130 - Swainson's Hawk Ordinance. Provisions of the ordinance state that mitigation of loss of suitable Swainson's hawk foraging habitat must occur through direct preservation, in perpetuity, of equally suitable foraging habitat on an acre-per-acre ratio (City of Elk Grove 2004). As a result, conflict with that ordinance from any proposed project that results in the removal or planned removal of Swainson's hawk foraging habitat (including zoning changes) is considered a potentially significant impact. Site I would contribute to overall impacts to Swainson's Hawk.

Significance After Mitigation: Implementation of mitigation measure MM 4.8.6 would negate any conflict with the local Swainson's hawk ordinance resulting in impact reduction to a less than significant level.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that implementation of mitigation measure MM 4.8.6 would preserve Swainson's hawk habitat and require and payment of mitigation fees and thereby reduce Impact 4.8.6 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.8.6 is a feasible mitigation measure to offset the impact and is, therefore, adopted and will be incorporated into the project via the Mitigation Monitoring and Reporting Program.

Reference: Draft EIR page 4.8-31 through 4.8-32; General Plan Conservation and Air Quality Element policy CAQ-11 and associated action items

2.6.7 Potential Conflicts with Local Policies Protecting Biological Resources: Tree Species

Impact 4.8.7 Implementation of the proposed project would allow potential future development, which could result in removal of various tree species. Removal of certain trees would be in conflict with local policy. This is considered a **potentially significant** impact.

Mitigation Measure:

MM 4.8.7 Future project applicants shall, at a minimum, and to the satisfaction of the City of Elk Grove Development Services, Planning, replace the combined diameter at breast height of the total trees removed from Sites A, B, C, D, E, F, G, I, K, M, and SPPA that are considered under the City of Elk Grove Tree Preservation and Protection Ordinance. In addition, a minimum of 50 percent of replacement trees shall be of a similar native species as those removed. Replacement trees may be planted onsite or in other areas to the satisfaction of the City of Elk Grove Planning Department. Such replanting must not result in the over-planting of any individual site.

Timing/Implementation: Prior to project completion.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: The City of Elk Grove Tree Preservation and Protection ordinance requires an inventory and field identification of any single-trunked native oak 6" diameter at breast height (DBH) and larger, or multi-trunked native oak having an aggregate diameter of 10" DBH and larger, as well as any significant trees 19" DBH and larger. Trees possibly protected under the City ordinance were identified on or in the area of most of the project sites during the reconnaissance surveys. Therefore, conflict with

this ordinance from the proposed project is considered a potentially significant impact as Site I would contribute to overall impacts to trees.

Significance After Mitigation: Implementation of mitigation measure MM 4.8.7 would negate any conflict with the local tree preservation and protection ordinance resulting in impact reduction to a less than significant level through replacement of native oak trees.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. Given that Sites I will be required to comply with mitigation measure MM 4.8.7, the City finds that impacts to potential conflicts with local policies protecting biological resources for tree species associated with Impact 4.8.7 results in a less-than-significant level as described in the EIR.

Reference: Draft EIR page 4.8-32; General Plan Conservation and Air Quality Element policy CAQ-8 and associated action items.

2.6.8 Potential Conflict with an Established Mitigation Area

Impact 4.8.8 Implementation of the proposed HDR GPA and Rezone proposal would allow potential future development, which could result in disturbance or loss of previously established mitigation areas. This would be considered a **potentially significant** impact.

Mitigation Measure:

MM 4.8.8 As part of the development plan review process, applicants shall be required to design their projects to avoid any and all intrusion or loss of the mitigation area on Sites F and H. If total avoidance is not possible (i.e., establishing a minimum buffer zone [measurement to be determined in consultation with resource agencies] between development and the mitigation area to be protected in perpetuity from human intrusion and indirect project-related disturbance, such as dust affecting water quality), project applicants shall mitigate for loss of acreage within the mitigation area at the discretion of the resource agencies (i.e., USFWS, DFG, and ACOE). At a minimum mitigation shall occur either through monetary contribution to an appropriate agency-approved habitat restoration program or through onsite habitat revegetation/replacement. A minimum compensatory contribution of one-acre habitat restored to one-acre lost (1:1 ratio) shall be used to calculate mitigation cost. Replacement, if chosen, should be performed at a minimum 1.5-acres of vegetation replaced for every acre lost (1.5:1) to anticipate usual planting success (less than 100 percent). Revegetation shall also include a three-year monitoring program with photo documentation report showing pre- and post-project area conditions to be submitted to the resource agencies exactly one year from implementation of the restoration and every year after for the next three consecutive years. Furthermore, the project

applicant shall implement any additional agency requirements, to the greatest extent possible.

Timing/Implementation: As part of the development plan review process for Sites F and H; mitigation implemented prior to the issuance of permits and subsequent to the completion of construction activities (for revegetation).

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: Sites F and H are adjacent to an established mitigation area for giant garter snake. Subsequent development accommodated by the proposed project could intrude into the mitigation area or result in degradation of the mitigation area due to the proximity of development and human intrusion. Loss or degradation of any previously established mitigation area would directly conflict with the provisions and intent of such an area. This would be applicable to two of the project sites (Sites F and H). Therefore, any project resulting in a land use that is in conflict with the original intent of a mitigation area would result in a potentially significant impact to biological resources. Site I is not located adjacent to an established mitigation area and would therefore not contribute to a potential conflict with such an area.

Significance After Mitigation: Implementation of mitigation measure MM 4.8.8 would negate any conflict with the intent of an established mitigation area resulting in impact reduction to a less than significant level through avoiding any and all intrusion or loss of the mitigation area on Sites F and H.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. As the potentially significant impacts described under Impact 4.8.8 are associated with Sites F and H, mitigation measure MM 4.8.8 is not necessary for Site I. The City finds that approval of only Site I at this time avoids impacts to an established mitigation area associated with Impact 4.8.8 and results in a less-than-significant level as described in the EIR.

Reference: Draft EIR page 4.8-33 and page 4.8-34.

2.7 CULTURAL AND PALEONTOLOGICAL RESOURCES

2.7.1 Impacts to Paleontological, Archaeological, and Historic Resources

Impact 4.9.1 Implementation of the proposed project could result in the disturbance of both known and unknown archaeological, paleontological and

historic resources on the sites identified as part of the project. This is considered a **potentially significant** impact.

Mitigation Measures:

MM 4.9.1a Prior to project construction, paleontological, archaeological and historical investigations shall be conducted on Sites A through K and Site M. These investigations shall be conducted by a professional archaeologist and shall include, but are not limited to: a records search at the North Central Information Center; a sacred lands search conducted by the Native American Heritage Commission; consultation with the Native American community and the Elk Grove Historical Society; pedestrian surface survey of the project sites; and determining the historical significance of buildings/structures more than 50 years old that are present on project sites.

Should any cultural resources be identified during archaeological and historical investigations the project proponent shall be required to implement any mitigation deemed necessary by the professional paleontologist, archaeologist or historian for the protection of cultural resources. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Timing/Implementation: Prior to approval of grading, building or development plans.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.9.1b If any prehistoric or historic artifacts or other indications of archaeological or paleontological resources are found once the project construction is underway, all work in the immediate vicinity must stop and the City shall be immediately notified. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, or paleontologist as appropriate, shall be retained to evaluate the finds and recommend appropriate mitigation measures.

Timing/Implementation: As a condition of project approval, and implemented during construction activities.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.9.1c If human remains are discovered during construction, all work must stop in the immediate vicinity of the find and the County Coroner must be notified, according to Section 7050.5 of California's Health and Safety Code. If the remains are Native American, the coroner shall notify the Native American Heritage Commission, which in turn shall inform a most

likely descendant. The descendant shall then recommend to the landowner appropriate disposition of the remains and any grave goods.

Timing/Implementation: As a condition of project approval, and implemented during construction activities.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: The HDR GPA and Rezone sites, including Site I, are located within the Elk Grove Planning Area. Any future development could potentially affect undiscovered paleontologic resources. These geologic units are mostly located around the Sacramento and Cosumnes Rivers. Most of the project sites have not been surveyed. Seven of the sites (A, B, D, F, G, K and L) are located within archaeologically sensitive areas, especially given the discovery of prehistoric Indian villages. Many of the sites are vacant and have been previously disturbed by grading, discing, etc. Nevertheless, the potential to disturb unknown and known paleontological, archaeological and historic resources is possible.

Site C contains a structure built in 1951. Site D also contains a structure built in 1920. As such, these buildings are older than 45 years of age and may be considered historic. Sites A, B, E, F, G, H, I, J, K, L, and M do not contain structures exceeding 45 years of age. Future development of the project sites could impact both known and unknown paleontological, archaeological and historic resources resulting in a potentially significant impact. Site I has the potential to contribute to overall impacts unknown paleontologic and archaeological resources.

Significance After Mitigation: Implementation of mitigation measures MM 4.9.1a, MM 4.9.1b, and MM 4.9.1c would result in less than significant impacts to paleontological, archaeological, and historic resources through pre-construction surveys and cessation of work, if resources or human remains are discovered during construction.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that implementation of mitigation measures MM 4.9.1a, MM 4.9.1b, and MM 4.9.1c would require paleontological, archaeological and historical investigations on Sites A through K and site M; cessation of work if archaeological or paleontological resources or human remains are found during construction and thereby reduce Impact 4.9.1 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measures MM 4.9.1a, MM 4.9.1b, and MM 4.9.1c are feasible mitigation measures to offset the impact and are, therefore, adopted and will be incorporated into the project via the Mitigation Monitoring and Reporting Program.

Reference: Draft EIR page 4.9-7 through 4.9-9; General Plan Historic Resources Element policy HR-6 and associated action items

2.7.2 Cumulative Impacts to Historic Resources

Impact 4.9.2 Implementation of the proposed HDR GPA and Rezone proposal along with foreseeable development in the region could result in the disturbance of historic resources. This contribution is considered **cumulatively considerable**.

Mitigation Measures: None required

Explanation: While no development proposals are included as part of this HDR GPA and Rezone proposal, future development of the project sites, including Site 1, could impact both known and unknown paleontological, archaeological and historic resources contributing to the loss of these resources. This would be a cumulatively considerable impact.

Resulting Level of Significance Given that Site 1 will be required to comply with mitigation measures MM 4.9.1a, MM 4.9.1b, and MM 4.9.1c, which mitigate potential impacts to paleontological, archaeological, and historic resources historic resources to less than cumulatively considerable through pre-construction surveys and cessation of work, if resources or human remains are discovered during construction, no additional mitigation measures are required and Impact 4.9.2 is considered **less than significant**.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that implementation of mitigation measures MM 4.9.1a, MM 4.9.1b, and MM 4.9.1c which mitigate potential impacts to paleontological, archaeological, and historic resources historic resources to less than cumulatively considerable through pre-construction surveys and cessation of work, if resources or human remains are discovered during construction, no additional mitigation measures are required and Impact 4.9.2 will be reduced to a less-than-significant level as described in the Draft EIR.

Reference: Draft EIR pages 4.9-9 through 4.9-10; General Plan Policy HR-6, Action 1 and 2.

2.8 PUBLIC SERVICES AND UTILITIES

2.8.1 Wastewater Treatment Impacts

Impact 4.10.5.1 Implementation of the proposed project would increase wastewater flows and the demand for additional sanitary sewer infrastructure. This is considered a **less than significant** impact.

Mitigation Measures:

MM 4.10.5.1

At the time of development plan review for each of the HDR GPA and Rezone sites, the project applicant shall provide a wastewater services plan that includes the following as required by CSD-1, consistent with the CSD-1 Minimum Sewer Study Requirements dated April, 2006 or successor:

- An **Environmental/Financial Sewer Study (Level One)** is completed to ensure technical compliance with the CSD-1 Master Plan, and to demonstrate it is possible to provide sewer service to the project. The study focus is on Major Topography, Major Phasing & Timing, Interceptors (and their capacity), Major Trunks (and their capacity), and Sewer Sheds. Schematic lines will cover the remainder of the site and upstream areas. The study NEED NOT include minor trunks, collectors, manholes, reservations and easements, and subdivision layouts.
- A **Specific/Community Master Plan (Level Two)** is completed to establish the backbone trunk system and sheds, locate and size pump/lift stations, and establish depth of pipes and verify cover. The study focus is on Topography, Phasing & Timing, Interceptors (and their capacity), Trunks (and their capacity), and to define Reservations and Shed Shifts needed for approval. Schematic lines will cover the remainder of the site and upstream areas. This level of study is generally not sufficient for trunk design.
- A **Subdivision Sewer Study (Level Three)** is the design analysis of the sewer system for a specific project site, and forms the basis for the improvement plans. The study focus is on everything required for a Level Two study, plus Collector Pipes, Residential Street Layout, Manhole Details, and any Exceptions to Policy. Any request for non-standard facilities must include supporting documentation.

Timing/Implementation: Prior to approval of development plan review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove, Development Services, Planning.

Explanation: The proposed project would contribute to greater impacts to wastewater treatment requirements and capacity than the impacts discussed in the Elk Grove General Plan EIR (SCH #2002062082). The proposed project project would result in increased density, and would increase wastewater demand on the majority of the project sites, including Site I.

Significance After Mitigation: Implementation of mitigation measure MM 4.10.5.1 would mitigate wastewater treatment impacts to less than significant through preparation of a wastewater services plan.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations

have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that implementation of mitigation measure MM 4.10.5.1 would be require the project applicant to provide a wastewater services plan that includes the following as required by CSD-1, consistent with the CSD-1 Minimum Sewer Study Requirements dated April, 2006 or successor and thereby reduce Impact 4.10.5.1 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.10.5.1 is a feasible mitigation measure to offset the impact and is, therefore, adopted and will be incorporated into the project via the Mitigation Monitoring and Reporting Program.

Reference: Draft EIR page 4.10-38 through 4.10-43; General Plan Public Facilities and Finance Element policies PF-1, PF-2, PF-8, PF-9, PF-13, PF-14 and PF-19, along with associated action items.

3. FINDINGS ASSOCIATED WITH SIGNIFICANT AND CUMULATIVELY CONSIDERABLE IMPACTS WHICH CANNOT FEASIBLY BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

Having received, reviewed, and considered the entire record, both written and oral, relating to the project and associated Draft and Final Environmental Impact Report, the City finds that the following environmental effects of the project are significant and unavoidable. However, as explained in the Statement of Overriding Considerations contained in Section 6 below, these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project.

3.1 TRAFFIC AND CIRCULATION

3.1.1 Local Roadway System Impacts

Impact 4.4.1 Implementation of the proposed project would result in increased traffic volumes, v/c ratios, and a decrease in LOS on area roadways during the a.m. and p.m. peak hours. This is considered a **significant** impact.

Mitigation Measures:

MM 4.4.1a The following improvement shall be incorporated into the Circulation Element and Circulation Plan of the General Plan and the City's Roadway Fee Program.

- A fourth southbound lane shall be added to the roadway segment of southbound Bruceville Road from Laguna Boulevard to Elk Grove Boulevard.

Timing/Implementation: Prior to approval of design review for Site F. (NOTE: The timing should be prior to this segment reaching LOS E. Otherwise this site can not develop even though there is capacity available on the segment and this site will have to wait for the City's CIP to construct the additional travel lane.)

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.4.1b

The following improvement shall be incorporated into the Circulation Element and Circulation Plan of the General Plan and the City's Roadway Fee Program.

- A third eastbound lane shall be added along eastbound Sheldon Road from East Stockton Boulevard to Elk Grove-Florin Road.

Timing/Implementation: Prior to approval of design plan review for Site E. (NOTE: The timing should be prior to this segment reaching LOS E. Otherwise this site can not develop even though there is capacity available on the segment and this site will have to wait for the City's CIP to construct the additional travel lane.)

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.4.1c

The following improvement shall be incorporated into the Circulation Element and Circulation Plan of the General Plan and the City's Roadway Fee Program.

- A third westbound lane shall be added along westbound Sheldon Road from East Stockton Boulevard to Elk Grove-Florin Road.

Timing/Implementation: Prior to approval of design plan review for Site E. (NOTE: The timing should be prior to this segment reaching LOS E. Otherwise this site can not develop even though there is capacity available on the segment and this site will have to wait for the City's CIP to construct the additional travel lane.)

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation:

LOS results for HDR GPA and Rezone proposal conditions indicate that three roadway segments create an impact per the City of Elk Grove Traffic Impact Guidelines. The two Sheldon Road segments were identified under base conditions as operating unacceptably. The addition of the project resulted in an increase of the V/C ratio of 0.05 or greater for these two segments. Additionally, the project caused the southbound Bruceville Road segment to fall from LOS D to LOS E. The three segments and their resulting LOS are identified below:

- 1) Southbound Bruceville Road from Laguna Boulevard to Elk Grove Boulevard would operate at LOS E during p.m. Peak hour.

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- 2) Eastbound Sheldon Road from East Stockton Boulevard to Elk Grove-Florin Road would operate at LOS F in the p.m. peak hour.
 - 3) Westbound Sheldon Road from East Stockton Boulevard to Elk Grove-Florin Road would operate at LOS F during the a.m. peak hour and LOS E during the p.m. peak hour.

In each case, the proposed HDR GPA and Rezone proposal would result in a decline in LOS as compared to Current GP (Baseline).

Roadway LOS would be E at 24 segments and F at 13 segments during one or both peak periods under the proposed HDR GPA and Rezone proposal. The segment of Bruceville Road identified above will go from a LOS D to LOS E with implementation of the HDR GPA and Rezone proposal. With the exception of the two Sheldon Road segments identified above, none of the other roadway segments operating at LOS E or F under Current GP (Baseline) conditions experienced volume to capacity ratio increases of 0.05 or greater with implementation of the proposed project and would not be significantly impacted by the proposed project. Therefore, implementation of the proposed HDR GPA and Rezone proposal would result in potentially significant impacts to the segments of Bruceville Road and Sheldon Road identified above. Implementation of Site I would contribute to overall impacts to local roadway systems.

Finding:

Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(3), the City hereby finds that specific economic, legal, social, technological, or other considerations render potential mitigation for impacts to local roadway systems infeasible. Based upon the information contained in the Draft EIR, Final EIR, and the administrative record, the City hereby finds that while implementation of mitigation measures MM 4.4.1a, MM 4.4.1b, and MM 4.4.1c would avoid or substantially lessen significant environmental effects to local roadways, these mitigation measures are not feasible for social, economical and other reasons. Specifically, widening southbound Bruceville Road would impact both residential and commercial land uses. Widening westbound Sheldon Road would impact both residential and approved commercial land uses. Widening eastbound Sheldon Road would impact residential land uses. These improvements would reduce the existing landscaping, placing pedestrians closer to the street, and would also reducing building setback which would place vehicle traffic closer to residential uses and increase noise exposure of those existing uses. For commercial uses, the widening of the roadway would reduce throat depths of driveway and potentially create traffic operations conflicts in regard to traffic accessing (ingress/egress) the commercial uses. The impacts of implementing these mitigation measures are found to render them infeasible. However, this impact is considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project as specified in Section 5, Statement of Overriding Consideration, of this document.

Evidence: As discussed under Impact 4.4.1, there are three roadway segments that would experience significant level of service impacts under the project. Implementation of General Plan policies and action items, including Circulation Element Policy CI-2, would reduce impacts to roadways. As described above, further improvement of these impacted roadways is not feasible as available right-of-way is limited by residential and commercial developments and implementation of the mitigation measures would result in conflicts between ingress and egress points of existing development and traffic on the roadway segments. The City finds that while implementation of General Plan policies and action items will reduce the impact, it will remain **significant and unavoidable** as there are no feasible mitigation measures that might minimize, avoid or reduce this impact to a less than significant level (Draft EIR pages 4.4-20 through 4.4-22.)

3.1.2 Cumulative Impacts to Local Roadway Systems

Impact 4.4.3 Implementation of the proposed HDR GPA and Rezone proposal would result in increased traffic volumes, v/c ratios, and a decrease in LOS on area roadways during the a.m. and p.m. peak hours under cumulative conditions. This impact is considered **cumulatively considerable**.

Mitigation Measures:

MM 4.4.1a The following improvement shall be incorporated into the Circulation Element and Circulation Plan of the General Plan and the City's Roadway Fee Program.

- A fourth southbound lane shall be added to the roadway segment of southbound Bruceville Road from Laguna Boulevard to Elk Grove Boulevard.

Timing/Implementation: Prior to approval of design review for Site F. (NOTE: The timing should be prior to this segment reaching LOS E. Otherwise this site can not develop even though there is capacity available on the segment and this site will have to wait for the City's CIP to construct the additional travel lane.)

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.4.1b The following improvement shall be incorporated into the Circulation Element and Circulation Plan of the General Plan and the City's Roadway Fee Program.

- A third eastbound lane shall be added along eastbound Sheldon Road from East Stockton Boulevard to Elk Grove-Florin Road.

Timing/Implementation: Prior to approval of design plan review for Site E. (NOTE: The timing should be prior to

this segment reaching LOS E. Otherwise this site can not develop even though there is capacity available on the segment and this site will have to wait for the City's CIP to construct the additional travel lane.)

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.4.1c

The following improvement shall be incorporated into the Circulation Element and Circulation Plan of the General Plan and the City's Roadway Fee Program.

- A third westbound lane shall be added along westbound Sheldon Road from East Stockton Boulevard to Elk Grove-Florin Road.

Timing/Implementation: Prior to approval of design plan review for Site E. (NOTE: The timing should be prior to this segment reaching LOS E. Otherwise this site can not develop even though there is capacity available on the segment and this site will have to wait for the City's CIP to construct the additional travel lane.)

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation:

Under cumulative conditions, development in the City of Elk Grove, City of Sacramento, Sacramento County, and other jurisdictions in the region would increase traffic levels throughout the region. Both the City of Sacramento and Sacramento County are in the process of updating their general plans. It is anticipated that revisions to these jurisdictions' General Plans would result in the potential for increased levels of development under cumulative conditions; some of this development would likely utilize roadways within Elk Grove and increase local traffic levels, potentially reducing levels of service on City roadways. Increased traffic levels under cumulative conditions would further exacerbate unacceptable levels of service projected for buildout under the City of Elk Grove General Plan, and may cause additional roadways to drop below acceptable LOS.

Implementation of the proposed HDR GPA and Rezone proposal would result in additional traffic volumes on local roadways, as well. Site 1's contribution project traffic in addition to cumulative traffic levels would result in significant impacts to area roadways.

Finding:

Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(3), the City hereby finds that specific economic, legal, social, technological, or other considerations render potential mitigation for cumulative impacts to local roadway systems

infeasible. Based upon the information contained in the Draft EIR, Final EIR, and the administrative record, the City hereby finds that while implementation of mitigation measures MM 4.4.1a, MM 4.4.1b, and MM 4.4.1c would lessen significant environmental effects to local roadways, the impacts of implementing these mitigation measures are found to render them infeasible. The City finds that while implementation of General Plan policies and action items will reduce the impact, but that it will remain **significant and unavoidable** as there are no feasible mitigation measures that might minimize, avoid or reduce this impact to a less than significant level. However, this impact is considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project as specified in Section 5, Statement of Overriding Considerations, of this document.

Evidence: As discussed above and under Impact 4.4.3, cumulative development conditions would result in significant effects to local roadways. Implementation of General Plan policies and action items, including Circulation Element Policy CI-2, would reduce impacts to roadways. As described above, further improvement of these impacted roadways is not feasible as available right-of-way is limited by residential and commercial developments and implementation of the mitigation measures would result in conflicts between ingress and egress points of existing development and traffic on the roadway segments. The City finds that while implementation of General Plan policies and action items will reduce the impact, it will remain **significant and unavoidable** as there are no feasible mitigation measures that might minimize, avoid or reduce this impact to a less than significant level (Draft EIR pages 4.4-24.)

3.1.3 Cumulative Impacts to State Highways

Impact 4.4.4 Implementation of the proposed HDR GPA and Rezone in combination with cumulative increase in the region would result in increases in traffic, LOS and v/c ratios on SR 99. Therefore, impacts to state highway facilities are considered **cumulatively considerable**.

Mitigation Measures: None feasible.

Explanation: State highway facilities would experience some increases in traffic volumes associated with cumulative conditions. All segments of SR 99 evaluated would operate below LOS D, but within Caltrans' anticipated LOS identified in Caltrans' Concept Report, with the addition of the proposed project. LOS along these segments would be further exacerbated under cumulative conditions when factoring in the project as well as regional development. Therefore, cumulative impacts to state highways are anticipated to be cumulatively considerable. As discussed in the General Plan EIR, jurisdictional limitations regarding improvements to regional state highway facilities the Elk Grove General Plan EIR and the Elk Grove General Plan Findings of Fact and Statement of Overriding Considerations (Resolution 2003-216). Since SR 99 and Interstate 5 are under the jurisdiction of Caltrans, these facilities are outside the City's jurisdiction to implement improvements that would

mitigate cumulative impacts. Thus, the HDR GPA and Rezone proposal's contribution to cumulative impacts would be **cumulatively considerable** and the impact would be **significant and unavoidable**. Site I would contribute to these overall cumulative impacts to state highways.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(3), the City hereby finds that specific economic, legal, social, technological, or other considerations render potential mitigation for cumulative impacts to local highway systems infeasible. Therefore, cumulative effects to state highways would remain **significant and unavoidable**. The City finds that: 1) SR 99 and I 5 are not within the jurisdiction of the City of Elk Grove, 2) planning for necessary improvements to serve SR 99 and I-5 under cumulative conditions, including a) cost estimates, b) projections of development throughout the state that would affect the facilities' operation and identification of regional commuting and travel patterns that would assist in determining the project's fair-share of cumulative impacts, c) identification of a funding mechanism for necessary improvements, and d) identification of timing and implementation of improvements and facilities that would be necessary to mitigate cumulative impacts. The City of Elk Grove accepts these significant and unavoidable impacts because these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project as specified in Section 5, Statement of Overriding Considerations, of this document.

Evidence: As discussed above and under Impact 4.4.4, the project would have significant cumulative impacts to state highways and potential mitigation for these impacts is infeasible. Implementation of General Plan policies and action items, including General Plan Circulation Element Policies CI-10, CI-11, and CI-12, would reduce cumulative impacts to state highways under cumulative conditions (Draft EIR pages 4.4-24 and 4.4-25; Final EIR pages 2.0-16 and 2.0-17.)

3.2 NOISE

3.2.1 Cumulative Traffic Noise Increases

Impact 4.5.4 Implementation of the proposed project would contribute, on a cumulative basis, to traffic noise levels that are projected to exceed the City's noise standards. This is considered a **cumulatively considerable** impact.

Mitigation Measures: None feasible.

Explanation: Implementation of the proposed HDR GPA and Rezone proposal would result in indiscernible increases (i.e., 0.6 dBA, or less) in traffic noise levels along area roadways. Noise levels in the vicinity of roadways in the area of the HDR GPA and Rezone proposal sites, including Site I, are projected to exceed the City's General Plan noise standard of 60 dBA CNEL. Under cumulative conditions, traffic noise levels are assumed to be further exacerbated. Therefore, although implementation of the

proposed HDR GPA and Rezone proposal would not, in and of itself, result in a substantial increase in noise, it would add to cumulative traffic noise levels. As a result, the project's contribution to predicted cumulative noise levels would be considered **cumulatively considerable**. Site I would contribute to these overall cumulative noise levels as well.

Finding: Based upon the information presented in the Draft EIR, Final EIR, and administrative record, the City hereby finds that while implementation of General Plan policies and action items would reduce cumulative noise impacts, there are no feasible changes or alterations that could be required in or incorporated into the project that will lessen this significant adverse effect on the environment to an acceptable level. No mitigation is available to render the effects less than significant. The effects therefore remain **significant and unavoidable**. The City of Elk Grove accepts these impacts because these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project, as described in Section 5, Statement of Overriding Considerations, of this document.

Evidence: As described above and in the Draft EIR, implementation of the proposed project would result in significant traffic noise impacts. While implementation of General Plan Noise Element policies NO-2, NO-5, NO-6, and NO-7, as well as action item NO-7-Action 1 would reduce cumulative traffic noise levels, there are no feasible measures to mitigate cumulatively considerable traffic noise increases. Therefore, this impact remains cumulatively considerable and significant and unavoidable (Draft EIR pages 4.5-23 through 4.5-25.)

3.3 AIR QUALITY

3.3.1 Conflict with the SMAQMD Regional Ozone Attainment Plan

Impact 4.6.1 The implementation of the proposed project would have the potential to increase population for the City of Elk Grove area beyond that assumed in the 1994 SMAQMD Regional Ozone Attainment Plan. This is considered a **potentially significant** impact to air quality.

Mitigation Measures: None available.

Explanation: In the early 1990's the Sacramento area had the fifth worst ozone air quality in the United States. The Federal CAA set new deadlines for attaining the federal ozone standards. In 1994, the Sacramento Metropolitan Air Quality Management District adopted a plan to attain this standard called the Regional Ozone Attainment Plan (also called the State Implementation Plan, or SIP). In February 2006, SMAQMD produced the *Sacramento Regional Nonattainment Area 8-hour Ozone Rate-of Progress Plan*. This Plan is required as a result of the nonattainment status for the Sacramento Region. The document fulfills the federal 8-hour ozone requirements for the 2002-2008 Rate-of-Progress Plan for the Sacramento nonattainment area. By April/May 2007 SMAQMD is scheduled to have completed the Sacramento Regional

Clean Air Plan Update - 8-Hour Ozone Attainment Plan. This update uses SACOG's Sacramento Region Blueprint: Transportation/Land Use Study as a basis for projected growth in the area (per. comm. Borkenhagen). SACOG's Blueprint has projected a growth of 43,122 housing units between 2000 and 2050 in the City. Combining this number with 24,310 housing units existing in the City in 2000, would give a total of 67,432 housing units by 2050¹. The City of Elk Grove General Plan has a buildout capacity of 68,125 housing units (see Section 4.2 for further buildout analysis). The proposed project would add an additional 4,584 housing units not accounted for under General Plan buildout projections. The difference in housing units between these two growth scenarios is substantial resulting in an exceedance of the data used to formulate the Regional Ozone Attainment Plan and its ozone reduction predictions and mitigations. Conflicts with the Regional Ozone Attainment Plan may result in the delayed attainment of air quality standards for the SMAQMD area. This is considered a significant impact. Site I would contribute to the overall conflict with the SMAQMD Regional Ozone Attainment Plan.

Finding: Based upon the information presented in the Draft EIR, Final EIR, and administrative record, the City hereby finds that while implementation of General Plan policies and action items would reduce conflicts with the regional air quality attainment plan, there are no feasible changes or alterations that could be required in or incorporated into the project that will lessen this significant adverse effect on the environment to an acceptable level. No mitigation is available to render the effects less than significant. The effects therefore remain **significant and unavoidable**. The City of Elk Grove accepts these impacts because these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project as described in Section 5, Statement of Overriding Considerations, of this document.

Evidence: As described above and in the Draft EIR, implementation of the project would have a significant effect regarding conflicts with the regional air quality attainment plan. While implementation of General Plan Conservation and Air Quality Element policy CAQ-32 and associated action item would reduce conflicts with the regional air quality attainment plan, there are no feasible mitigation measures that would avoid or substantially lessen this impact. Therefore, this impact remains cumulatively considerable and significant and unavoidable (Draft EIR pages 4.6-13 and 4.6-14.)

3.3.2 Construction Air Pollutants

Impact 4.6.2 Implementation of the proposed project has the potential to result in short-term emissions generated by construction and demolition activities that would affect local air quality and could result in health and nuisance-type impacts in the immediate vicinity of individual

¹ The year 2000 housing unit count was established in the Elk Grove 2003 Housing Element.

construction sites as well as contribute to particulate matter and regional ozone impacts. This is considered to have **potentially significant** impact to air quality.

Mitigation Measures: None available.

Explanation: Construction emissions are generally short term or temporary in duration; however, still have the potential to significantly impact air quality. Emissions from individual development construction sites would be short term and temporary but would occur through buildout of the General Plan. At any given times, several construction projects may be under way, which may result in substantial construction related emissions. The City Council adopted a Statement of Overriding Considerations for significant and unavoidable impacts anticipated with implementation of the Elk Grove General Plan, which included creation of period exhaust emissions and fugitive dust from construction activities that would affect local air quality. While the proposed project does not include the actual construction of dwellings, it does not present any grounds to assume that implementation of the project would reduce construction related air quality impacts over existing land use designations. Implementation of Site I would contribute to the overall construction impacts of the proposed HDR GPA and Rezone proposal.

Finding: Based upon the information presented in the Draft EIR, Final EIR, and administrative record, the City hereby finds that while implementation of General Plan policies and action items would reduce construction air pollutant impacts, there are no feasible changes or alterations that could be required in or incorporated into the project that will lessen this significant adverse effect on the environment to an acceptable level. No mitigation is available to render the effects less than significant. The effects therefore remain **significant and unavoidable**. The City of Elk Grove accepts these impacts because these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project as described in Section 5, Statement of Overriding Considerations, of this document.

Reference: As described above and in the Draft EIR, implementation of the project would have a significant effect regarding construction air quality pollutants. While implementation of General Plan Conservation and Air Quality Element policies CAQ-26, CAQ-27, CAQ-38, CAQ-30, CAQ-31, CAQ-32, and CAQ-33 would reduce air pollutant emissions, there are no feasible mitigation measures that would avoid or substantially lessen this impact. Therefore, this impact remains cumulatively considerable and significant and unavoidable (Draft EIR pages 4.6-14 and 4.6-15.)

3.3.3 Operational Air Pollutants

Impact 4.6.3 Implementation of the proposed project would increase air pollutant emissions from operational activities of land uses within the City. This is considered a **significant** impact.

Mitigation Measures: None available.

Explanation: The proposed HDR GPA and Rezone proposal would change land use designations for 13 sites in the City of Elk Grove, including Site I. Current land use designations for the project include Low Density Residential, Office/Multifamily, Rural Residential, Office, Commercial and Light Industrial. Implementation of the proposed project would potentially increase air pollutant emissions over implementation of the adopted General Plan, which would adversely affect regional air quality. The U.S. Environmental Protection Agency has designated the Greater Sacramento Air Area as an ozone non-attainment area. The principal sources of the ozone precursors (ROG and NOx) are the combustion of fuels and the evaporation of solvents, paints, and fuels. The proposed project would result in an increase in these sources.

Sacramento County is classified a severe non-attainment area for the federal ozone standards. In order to improve air quality and attain the health-based standards, reductions in emissions are necessary within the non-attainment area. The growth in population, vehicle usage and business activity within the non-attainment area, when considered with growth proposed under the General Plan Amendment, would contribute to regional air quality impacts. Implementation of Site I would contribute to overall operational air pollutants.

Finding: Based upon the information presented in the Draft EIR, Final EIR, and administrative record, the City hereby finds that while implementation of General Plan policies and action items would reduce operational air quality pollutant impacts, there are no feasible changes or alterations that could be required in or incorporated into the project that will lessen this significant adverse effect on the environment to an acceptable level. No mitigation is available to render the effects less than significant. The effects therefore remain **significant and unavoidable**. The City of Elk Grove accepts these impacts because these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project as described in Section 5, Statement of Overriding Considerations, of this document.

Reference: As described above and in the Draft EIR, implementation of the project would have a significant effect regarding operational air quality pollutants. While implementation of General Plan Conservation and Air Quality Element policies CAQ-27, CAQ-30, CAQ-31, CAQ-32, and CAQ-33 would reduce air pollutant emissions, there are no feasible mitigation measures that would avoid or substantially lessen this impact. Therefore, this impact remains cumulatively considerable and significant and unavoidable (Draft EIR pages 4.6-14 and 4.6-17.)

3.3.4 Regional Air Plan Impacts

Impact 4.6.7 Implementation of the proposed project in combination with growth throughout the air basin would exacerbate existing regional problems with ozone and particulate matter. This is considered a **cumulatively considerable** impact.

Mitigation Measures: None feasible.

Finding:

Based upon the information presented in the Draft EIR, Final EIR, and administrative record, the City hereby finds that while implementation of General Plan policies and action items would reduce cumulative regional air quality impacts, there are no feasible changes or alterations that could be required in or incorporated into the project that will lessen this significant adverse effect on the environment to an acceptable level. No mitigation is available to render the effects less than significant. The effects therefore remain **significant and unavoidable**. The City of Elk Grove accepts these impacts because these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project as described in Section 5, Statement of Overriding Considerations, of this document.

Explanation:

Implementation of the proposed project would result in new development, increased population, and would adversely affect regional air quality. Sacramento County is classified a severe non-attainment area for the federal ozone standards. In order to improve air quality and attain the health-based standards, reductions in emissions are necessary within the non-attainment area. The growth in population, vehicle usage and business activity within the non-attainment area, when considered with growth proposed under the Elk Grove General Plan, would contribute to cumulative regional air quality impacts. Additionally, implementation of the proposed project would increase the General Plan buildout projections. This, along with other growth in the area, may either delay attainment of the standards or require the adoption of additional controls on existing and future air pollution sources to offset project-related emission increases.

Reference:

Draft EIR pages 4.6-21 and 4.6-22; General Plan Conservation and Air Quality Element policies CAQ-27, CAQ-30, CAQ-32, and CAQ-33 and their associated actions.

3.4 HYDROLOGY AND WATER QUALITY

3.4.1 Environmental Effects of Increased Water Demand

Impact 4.7.4

Implementation of the proposed project could increase demand for water supply to the City requiring increased groundwater production and the use of surface water supplies. This is considered a **significant** impact.

Mitigation Measures:

MM 4.10.4.1

At the time of development plan review for each of the HDR GPA and Rezone proposal sites, the project applicant shall provide a water supply plan, consistent with General Plan Policies CAQ-1, PF-3, and PF-5, that demonstrates:

- Use of water conservation measures to reduce the amount of water used by the development.

- Identification of water supply and delivery systems, including a "will serve" letter from the appropriate indicating there is sufficient water capacity to serve the project, as well as to serve the existing and approved development in the service area.
- Use of reclaimed water for irrigation wherever feasible.
- Sufficient water flow and pressure will be provided to the project at sufficient levels to meet domestic firefighting needs.

Timing/Implementation: Prior to approval of development plan review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove, Development Services, Planning

Explanation: The proposed project would be served by Zone 40 of the Sacramento County Water Agency (SCWA) and Elk Grove Water Service (EGWS). The Zone 40 Water Supply Master Plan was developed assuming land uses consistent with the existing City of Elk Grove General Plan. The majority of new development proposed under the project would be served almost exclusively by Zone 40 facilities. As such, implementation of the proposed General Plan is not expected to adversely impact the SCWA or the EGWS facilities or service areas given that these areas are nearing buildout within the City. EGWS has indicated that they would be able to supply the two sites (Sites J and K) within their jurisdiction. Based on the projected demand of 273,000 AF/yr for the Central Basin, the proposed HDR GPA and Rezone proposal would require less than one percent of the 2030 demand for the Central Basin. Implementation of Site I would contribute to overall environmental effects of increased water demand.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(3), the City hereby finds that specific economic, legal, social, technological, or other considerations render potential mitigation for environmental effects associated with water supply infeasible and the impact is significant and unavoidable. Based upon the information contained in the Draft EIR, Final EIR, and the administrative record, the City hereby finds that while implementation of mitigation measure MM 4.10.4.1 and General Plan policies and action items would reduce the impact, that the impact will remain significant. As SCWA and EGWS are the water purveyors for the area, these agencies are responsible for providing adequate water supply and constructing the necessary facilities to pump, divert, treat, store, and convey the water. There are no feasible mitigation measures that would minimize, avoid or reduce the environmental effects of increasing the water supply to a less than significant level. However, this impact is considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project as specified in Section 5, Statement of Overriding Considerations, of this document.

Evidence: As described above and in the Draft EIR, implementation of the project would have a significant environmental effects regarding increased water demand. While implementation of MM 4.10.4.1 and General Plan Public Facilities and Finance Element Policy PF-5 would reduce the impact, there are no feasible mitigation measures that would avoid or substantially lessen this impact. The City does not provide water service and currently has no jurisdiction over the water service. The City finds that while implementation of General Plan policies and action items will reduce the impact, it will remain **significant and unavoidable** as there are no feasible mitigation measures that might minimize, avoid or reduce this impact to a less than significant level (Draft EIR pages 4.7-25 through 4.7-33.)

3.5 PUBLIC SERVICES AND UTILITIES

3.5.1 Water Supply and Water System Facilities

Impact 4.10.4.1 The proposed HDR GPA and Rezone proposal, including Site I, would increase the annual water demand by an additional 255.43 AF/yr. This impact is considered **significant**.

Mitigation Measures:

MM 4.10.4.1 At the time of development plan review for each of the HDR GPA and Rezone proposal sites, the project applicant shall provide a water supply plan, consistent with General Plan Policies CAQ-1, PF-3, and PF-5, that demonstrates:

- Use of water conservation measures to reduce the amount of water used by the development.
- Identification of water supply and delivery systems, including a "will serve" letter from the appropriate indicating there is sufficient water capacity to serve the project, as well as to serve the existing and approved development in the service area.
- Use of reclaimed water for irrigation wherever feasible.
- Sufficient water flow and pressure will be provided to the project at sufficient levels to meet domestic firefighting needs.

Timing/Implementation: Prior to approval of development plan review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove, Development Services, Planning.

Explanation: Buildout of the proposed HDR GPA and Rezone proposal, including Site I, would require timely expansion of these facilities in order to maintain adequate service. These water supply distribution improvements would result in environmental effects to support General Plan and other

regional growth. The environmental effects of water supply expansion and improvements have been considered in SCWA Zone 40 Water Supply Master Plan EIR and Water Forum Agreement EIR which have identified significant and unavoidable effects of developing water supplies. (Impact 4.7.4 provides a detailed discussion of identified and anticipated environmental effects of water supply development.) As development Site I may be proposed in advance of completion of the water system facilities necessary to serve the project, this impact is potentially significant.

Significance After Mitigation: Mitigation measure MM 4.10.4.1 would assist in reducing water demand impacts. The City does not provide water service and currently has no direct jurisdiction over water supply, water entitlements, or the necessary water service infrastructure; as such, there are no feasible mitigation measures available to the City to avoid significant environmental impacts associated with water supply provisions.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(3), the City hereby finds that specific economic, legal, social, technological, or other considerations render potential mitigation for environmental effects associated with water supply infeasible and the impact is significant and unavoidable. Based upon the information contained in the Draft EIR, Final EIR, and the administrative record, the City hereby finds that while implementation of mitigation measure MM 4.10.4.1 and General Plan policies and action items would reduce the impact, that the impact will remain significant. As SCWA and EGWS are the water purveyors for the area, these agencies are responsible for providing adequate water supply and constructing the necessary facilities to pump, divert, treat, store, and convey the water. There are no feasible mitigation measures that the City may employ to minimize, avoid or reduce the environmental effects of increasing the water supply to a less than significant level. However, this impact is considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project as specified in Section 5, Statement of Overriding Considerations, of this document.

Reference: As described above and in the Draft EIR, implementation of the project would have a significant environmental effects regarding increased water demand. While implementation of MM 4.10.4.1 and General Plan Public Facilities and Finance Element Policies CAQ-1, PF-1, PF-2, PF-3, PF-5, PF-7, PF-19, and PF-21 would reduce the impact, there are no feasible mitigation measures that would avoid or substantially lessen this impact. The City does not provide water service and currently has no jurisdiction over the water service. The City finds that while implementation of General Plan policies and action items will reduce the impact, it will remain **significant and unavoidable** as there are no feasible mitigation measures that might minimize, avoid or reduce this impact to a less than significant level (Draft EIR pages 4.10-29 through 4.10-32.)

3.5.2 Cumulative Water Impacts

Impact 4.10.4.2 The proposed HDR GPA and Rezone proposal, including Site I, when considered with other development projects in the area, would result in a cumulative demand for water supply and water service facilities. This is considered a **significant** impact.

Mitigation Measures:

MM 4.10.4.1 At the time of development plan review for each of the HDR GPA and Rezone proposal sites, the project applicant shall provide a water supply plan, consistent with General Plan Policies CAQ-1, PF-3, and PF-5, that demonstrates:

- Use of water conservation measures to reduce the amount of water used by the development.
- Identification of water supply and delivery systems, including a "will serve" letter from the appropriate indicating there is sufficient water capacity to serve the project, as well as to serve the existing and approved development in the service area.
- Use of reclaimed water for irrigation wherever feasible.
- Sufficient water flow and pressure will be provided to the project at sufficient levels to meet domestic firefighting needs.

Timing/Implementation: Prior to approval of development plan review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove, Development Services, Planning

Explanation: Buildout of the proposed HDR GPA and Rezone proposal, including Site I, would require timely expansion of these facilities in order to maintain adequate service. These water supply distribution improvements would result in environmental effects to support General Plan and other regional growth. The environmental effects of water supply expansion and improvements have been considered in SCWA Zone 40 Water Supply Master Plan EIR and Water Forum Agreement EIR which have identified significant and unavoidable effects of developing water supplies. (Impact 4.7.4 provides a detailed discussion of identified and anticipated environmental effects of water supply development.) As development of Site I may be proposed in advance of completion of the water system facilities necessary to serve the project, this impact is potentially significant.

Significance After Mitigation: Mitigation measure MM 4.10.4.1 would assist in reducing water demand impacts. The City does not provide water service and currently has no direct jurisdiction over water supply, water entitlements, or the necessary water service infrastructure; as such, there are no

feasible mitigation measures available to the City to avoid significant environmental impacts associated with water supply provisions. Therefore, the project is anticipated to have a **cumulatively considerable** effect regarding significant and unavoidable cumulative impacts associated with water supply and water service.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(3), the City hereby finds that specific economic, legal, social, technological, or other considerations render potential mitigation for environmental effects associated with cumulative water supply infeasible and the impact is significant and unavoidable. Based upon the information contained in the Draft EIR, Final EIR, and the administrative record, the City hereby finds that while implementation of mitigation measure MM 4.10.4.1 and General Plan policies and action items would reduce the impact, that the impact will remain significant. As SCWA and EGWS are the water purveyors for the area, these agencies are responsible for providing adequate water supply and constructing the necessary facilities to pump, divert, treat, store, and convey the water. There are no feasible mitigation measures that the City may employ to minimize, avoid or reduce the environmental effects of increasing the water supply to a less than significant level. However, this impact is considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project as specified in Section 5, Statement of Overriding Considerations, of this document.

Evidence: As described above and in the Draft EIR, implementation of the project would have a significant effects regarding cumulative water supply. While implementation of MM 4.10.4.1 and General Plan Public Facilities and Finance Element Policies CAQ-1, PF-1, PF-2, PF-3, PF-5, PF-7, PF-19, and PF-21 would reduce the impact, there are no feasible mitigation measures that would avoid or substantially lessen this impact. The City finds that while implementation of General Plan policies and action items will reduce the impact, it will remain **significant and unavoidable** as there are no feasible mitigation measures that might minimize, avoid or reduce this impact to a less than significant level (Draft EIR page 4.10.32 through 4.10-33.)

3.6 VISUAL RESOURCES/AESTHETICS

3.6.1 Cumulative Impacts to Visual Character

Impact 4.11.2 Implementation of the proposed HDR GPA and Rezone proposal, including Site I, along with potential development of other sites in the vicinity would result in a change to the City's current mix of proposed land uses and their associated visual character. Although all of the sites are currently designated for urban development, the visual character of these sites would be changed in association with the proposed HDR GPA and Rezone.

Mitigation Measure:

MM 4.8.5

As part of the development plan review process for Sites A, B, C, D, E, F, G, H, J, K, L, M and the South Pointe Policy Area, future project applicants shall finalize a Delineation of Waters of the US, including Wetlands report for an individual project area and submit the report to the ACOE for verification. Subsequent to verification, the applicant shall consult with the ACOE using the wetland delineation and following ACOE guidelines to establish actual acreage of potential impact from project activities. For jurisdictional waters that cannot be avoided, a no net loss of wetlands policy shall be employed and the appropriate permits (i.e., Section 404 and 401 under the Clean Water Act, Section 1602 Streambed Alteration Agreement) shall be obtained prior to issuance of grading permits.

Future project applicants shall comply with all permit conditions and employ best management practices and measures (established by the ACOE) to minimize and compensate for potential impact to any jurisdictional waters. In addition, wetland delineation and mitigation details shall be noted on the design plans for the proposed project.

Timing/Implementation: Delineation completed and verified prior to approval of development plan review; mitigation implemented prior to issuance of grading permits and throughout project construction.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.8.7

Future project applicants shall, at a minimum, and to the satisfaction of the City of Elk Grove Development Services, Planning, replace the combined diameter at breast height of the total trees removed from Sites A, B, C, D, E, F, G, I, K, M, and SPPA that are considered under the City of Elk Grove Tree Preservation and Protection Ordinance. In addition, a minimum of 50 percent of replacement trees shall be of a similar native species as those removed. Replacement trees may be planted onsite or in other areas to the satisfaction of the City of Elk Grove Planning Department. Such replanting must not result in the over-planting of any individual site.

Timing/Implementation: Prior to project completion.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.8.8

As part of the development plan review process, applicants shall be required to design their projects to avoid any and all intrusion or loss of the mitigation area on Sites F and H. If total avoidance is not possible (i.e., establishing a minimum buffer zone [measurement to be determined in consultation with resource agencies] between development and the mitigation area to be protected in perpetuity from human intrusion and indirect project-related disturbance, such as dust affecting water quality), project applicants shall mitigate for loss of

acreage within the mitigation area at the discretion of the resource agencies (i.e., USFWS, DFG, and ACOE). At a minimum mitigation shall occur either through monetary contribution to an appropriate agency-approved habitat restoration program or through onsite habitat revegetation/replacement. A minimum compensatory contribution of one-acre habitat restored to one-acre lost (1:1 ratio) shall be used to calculate mitigation cost. Replacement, if chosen, should be performed at a minimum 1.5-acres of vegetation replaced for every acre lost (1.5:1) to anticipate usual planting success (less than 100 percent). Revegetation shall also include a three-year monitoring program with photo documentation report showing pre- and post-project area conditions to be submitted to the resource agencies exactly one year from implementation of the restoration and every year after for the next three consecutive years. Furthermore, the project applicant shall implement any additional agency requirements, to the greatest extent possible.

Timing/Implementation: As part of the development plan review process for Sites F and H; mitigation implemented prior to the issuance of permits and subsequent to the completion of construction activities (for revegetation).

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Explanation: The proposed HDR GPA and Rezone proposal would change the existing scenic resources in the City. All of the proposed HDR GPA and Rezone proposal sites, with the exception of the SPPA, are located in urban areas and would allow urban uses without approval of the proposed project. The Elk Grove General Plan EIR determined that implementation of the proposed General Plan and potential development of the Urban Study Areas would result in further conversion of the region's rural landscape to residential, commercial, and other land uses, resulting in a cumulative significant and unavoidable impact. Findings of Fact and a Statement of Overriding Considerations discussing this significant and unavoidable impact were adopted by the City Council. The HDR GPA and Rezone proposal would result in an increase in intensity on some parcels and a reduction in intensity on others. While the uses on all parcels would result in a conversion from vacant land to urban uses, the changes associated with the proposed HDR GPA and Rezone would in some cases further intensify the conversion of rural to urban when compared to the existing General Plan land use designations. Therefore, cumulatively, visual impacts associated with the land uses proposed with this project are considered **significant and unavoidable**. Implementation of Site I would contribute to the overall cumulative impacts to visual character.

Significance After Mitigation: Mitigation measures MM 4.8.5, MM 4.8.7 and MM 4.8.8 in Section 4.8, Biological and Natural Resources (which protect trees, wetlands and mitigation areas) would partially reduce impacts to

scenic resources within the City, but not completely mitigate the visual impacts of the proposed project. Therefore, cumulative impacts to visual character are considered cumulatively considerable and significant and unavoidable.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a)(3), the City hereby finds that specific economic, legal, social, technological, or other considerations render mitigation for environmental effects associated with cumulative visual impacts infeasible and the resulting impact is significant and unavoidable. Based upon the information contained in the Draft EIR, Final EIR, and the administrative record, the City hereby finds that while implementation of mitigation measures MM 4.8.5, MM 4.8.7 and MM 4.8.8 and General Plan policies and action items would reduce the impact, that the impact would not be completely avoided or substantially reduced and will remain significant. There are no feasible mitigation measures that the City may employ to minimize, avoid or substantially reduce the environmental effects of the cumulative impacts to visual character. However, this impact is considered to be acceptable when balanced against the economic, legal, social, technological, and other benefits of the project as specified in Section 5, Statement of Overriding Considerations, of this document.

Reference: As described above and in the Draft EIR, implementation of the project would have a significant environmental effect regarding cumulative impacts to visual character. While General Plan Conservation and Air Quality Element policies CAQ7, CAQ-38 and Land Use Element Policy LU-35 and associated action items as well as implementation of mitigation measures MM 4.8.5, MM 4.8.7 and MM 4.8.8 in Section 4.8, Biological and Natural Resources (which protect trees, wetlands and mitigation areas) cumulative development would occur and changes to existing scenic resources would be inevitable. There are no feasible mitigation measures that would avoid or substantially lessen this impact. The City does not provide water service and currently has no jurisdiction over the water service. The City finds that while implementation of General Plan policies and action items will reduce the impact, it will remain **significant and unavoidable** as there are no feasible mitigation measures that might minimize, avoid or reduce this impact to a less than significant level (Draft EIR pages 4.11-16 through 4.11-17.)

4. FINDINGS ASSOCIATED WITH PROJECT ALTERNATIVES

CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly obtain the basic objectives of the project..." (CEQA Guidelines 15126.6[a]).

The alternatives analyzed in the HDR GPA and Rezone proposal are as follows:

- Alternative 1 - No Project Alternative
- Alternative 2 – Removal of Sites H and M

-
- Alternative 3 – Removal of Sites E and F

It should be noted that the consideration and approval of Site I separately from the other project sites does not alter the discussion regarding the feasibility of alternatives. The sites included as part of the alternatives are potential future HDR sites that would be brought forward at a later date. Since these sites combine to result in the entire action of increasing high density residential land in the City, the alternatives include all sites considered as part of the HDR GPA and Rezone and are not limited to just Site I.

4.1 ALTERNATIVE 1 – NO PROJECT

Description: CEQA Guidelines Section 15126.6(e)(1) states that a No Project alternative shall be analyzed. The purpose of describing and analyzing a No Project alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. The No Project alternative analysis is not the baseline for determining whether the environmental impacts of a proposed project may be significant, unless the No Project analysis is identical to the environmental setting analysis.

Under this alternative, the proposed HDR GPA and Rezone proposal and its associated actions, including the Land Use Policy Map changes, text amendment to the South Pointe Policy Area, and rezone, would not be adopted and the existing City of Elk Grove General Plan policy document, land use designations and zoning designations would remain in effect. Buildout of the sites proposed for the General Plan under the existing General Plan Land Use Policy Map could result in approximately 1,185 residential dwelling units and an associated population of approximately 3,626 (assuming 3.06 persons per household) and could be developed with low and rural residential land uses with the exception of Sites H (Office), J (Commercial), K (Commercial), L (Light Industry) and M (Light Industry, Commercial, Public Open Space/Recreation). This analysis of the No Project Alternative is consistent with the requirements of CEQA Guidelines 15126.6(e)(3)(A), which specifically identify that when the project under evaluation is the revision of an existing land use or regulatory plan, that the "no project" alternative will be the continuation of the existing plan.

Finding: Pursuant to CEQA Guidelines Section 15091(a)(3), the City finds that the No Project Alternative is less desirable than the project and is infeasible for the following economic, social, and other reasons:

- This alternative would be not as effective at meeting the Regional Housing Needs Allocation (RHNA).
- This alternative would not encourage development of a variety of housing types within the City.
- This alternative would not encourage housing development to suit all income levels within the city.

Facts that support the finding: Draft EIR pages 6.0-2 through 6.0-13 provide an analysis of the No Project Alternative as compared to the proposed HDR GPA and Rezone proposal. Environmental benefits of this alternative over the proposed HDR GPA and Rezone proposal include less exposure of the public to hazards; less impacts to local roadway systems and less cumulative impacts to state highways; less conflict with the SMAQMD Regional Ozone Attainment Plan; fewer operational air pollutants; less exposure of sensitive receptors to substantial levels of air pollutant concentrations; less potential for flood hazard; reduced

environmental effects of increased water demands; less cumulative water supply impacts; and less cumulative water impacts. As noted on Draft EIR page 6.0-40, the No Project Alternative would not be considered the environmentally superior alternative. As shown in Table 3.0-5, the No Project Alternative would yield approximately 832 residential units, the majority of which would be Low Density Residential and Estate Residential. The proposed project would provide sites for approximately 229 residential units with maximum densities of 20 units per acre. This increase in residential units with high density land use designations would provide additional sites appropriate for multifamily housing and are intended to provide additional sites to meet the City's low and very low income housing allocation as discussed in the Housing Element. As the No Project Alternative would yield substantially fewer units, and these units would be provided at lower densities mostly appropriate for above moderate households, the No Project Alternative would not be helpful in meeting the Regional Housing Needs Allocation, nor would it be helpful in providing sites for a broader range of housing types and income levels.

4.2 ALTERNATIVE 2 – REMOVAL OF SITES H AND M

Description: Under this alternative, Sites H and M would be excluded from the HDR GPA and Rezone proposal and would retain their existing General Plan land use designations of Office (Site H) and Light Industry, Commercial, Public Open Space/Recreation (Site M). To replace the units lost through elimination of Sites H and M (825 units), two additional sites would be added and the number of units on sites J and K would be increased by 60. The additional sites would include 15 acres of a 19 acre parcel (APN 115-0150-042) located at the northeast corner of Sheldon Road and Power Inn Road which would receive a general plan amendment to change the designation from C/OF/MF to HDR and a rezone to change the zoning from SPA (C) to RD-30. The GPA and rezone of this parcel would accommodate 450 units. The other parcels that would be added to offset the loss of units on sites H and M are located on Dunisch Road north of Laguna Boulevard. Five contiguous parcels (APN 116-0050-011, -013, -031, -030, and -027) ranging from 0.25 acres to 4.99 acres would provide a total site of 10.29 acres. Parcels APN 116-0050-011 and -013 would require a general plan amendment to change the current land use designation from C/OF/MF to HDR and a rezone from AR-5 to RD-30. Parcels APN 116-0050-027, -030, and -031 would require a general plan amendment from C/OF/MF to HDR and a rezone from SPA (MP/BP) to RD-30. Following the general plan amendment and rezone, this site could accommodate 318 units. With the addition of the parcel on the northeast corner of Sheldon Road and Power Inn Road and the parcels on Dunisch Road north of Laguna Boulevard north of Laguna Boulevard, a total of 818 units could be accommodated, just slightly below the previous 825 proposed for Sites H and M. All other aspects of the HDR GPA and Rezone proposal and its associated Land Use Policy Map would remain as proposed. Site H and M would be eliminated based on constraints that require mitigation in order to construct HDR uses on these sites. In the case of Site H, there would be a potential constraint of the light rail easement on southern portion of the site adjacent to Big Horn Boulevard. Should this alignment be chosen for the light rail, users of the site would potentially be subject to significant impacts associated with noise and ground vibration, and the developable area of Site H would be substantially reduced. Site M is constrained by both the presence of the Western Area Power Administration (WAPA) corridor as well as proximity to the Suburban Propane facility, which results in potentially significant impacts.

Removal of Sites H and M Alternative would support the objectives of the project including providing additional high density residential development opportunities in the City of Elk Grove consistent with General Plan Land Use Policy LU-6. All of the sites proposed as part of this alternative would meet the guidelines identified in Policy LU-6 including being compatible with surrounding land uses; proximity to commercial uses; access to major roadways, etc. Removal of Sites H and M Alternative would also provide adequate opportunities within the City to accommodate the Regional Housing Needs Allocation and provide opportunities for the

development of a variety of housing types in the City of Elk Grove. The acreage provided as part of this alternative would also encourage the development of housing types to suit all income levels within the City.

Finding: Pursuant to CEQA Guidelines Section 15091(a)(3), the City finds that the Removal of Sites H and M Alternative is less desirable than the project and is infeasible for the following economic, social, and other reasons:

- The project approved at this time is limited to Site I and thus does not contribute to the impacts that are reduced under this alternative, as the impacts avoided are associated with Sites H and M.
- There are two current applications in process for commercial developments on two of the parcels located on Dunisch Road north of Laguna Boulevard north of Laguna Boulevard.

Facts that support the finding: Draft EIR pages 6.0-13 through 6.0-26 provide an analysis of the Removal of Sites H and M Alternative as compared to the proposed HDR GPA and Rezone proposal. Environmental benefits of this alternative over the proposed HDR GPA and Rezone proposal include better impacts relative to consistency with relevant land use planning documents as discussed in Section 4.1 (Land Use); less exposure of public to hazards as discussed in Section 4.3 (Hazards and Hazardous Materials); less local roadway system impacts and less cumulative impacts to local roadways as discussed in Section 4.4 (Traffic and Circulation); fewer impacts relative to increased exposure to groundborne vibration levels as discussed in Section 4.5 (Noise); and less exposure to toxic air contaminants as discussed in Section 4.6 (Air Quality).

Alternative 2 is the environmentally superior alternative when compared with the HDR GPA and Rezone proposal, Alternative 1, and Alternative 3. However, only the project approved at this time is limited to Site I and thus avoids the environmental impacts associated with Sites H and M and thus achieves a comparable reduction in impacts as to what would occur under Alternative 2. For these economic, social, and other reasons, the proposed project is deemed superior to Alternative 2.

4.3 ALTERNATIVE 3 – REMOVAL OF SITES E AND F

Description: Under this alternative, Sites E and F would be excluded from the HDR GPA and Rezone proposal and would retain their existing General Plan land use designations of Office/Multi-Family (Site E) and Rural Residential (Site F). To replace the units lost through elimination of these two sites (992 units), two additional sites would be added and the number of units on Site K would be increased by 43 (**Figure 6.0-3**). The additional sites would include the 19 acre parcel (APN 115-0150-042) located at the northeast corner of Sheldon Road and Power Inn Road and nine parcels totaling 16.4 acres located on Dunisch Road north of Laguna Boulevard north of Laguna Boulevard (APN 116-0050-007, -008, -011-, -013, -027, -030, -031, -010, and -034). The 19 acre parcel would require a general plan amendment to change the designation from C/OF/MF to HDR and a rezone to change the existing zoning of AR-5 and SPA (MP/BP) to RD-30 resulting in 492 units on this site. The 16.4 acre site would require a general plan amendment for all of the parcels from C/OF/MF to HDR and a rezone of four parcels (116-0050-007, -008, -011, -013) from AR-5 to RD-15 and a rezone of five parcels (116-0050-027, -030, -031, -010, and -034) from SPA (MP/BP) to RD-25 resulting in 475 units on this site. The addition of these parcels and the increase in units on Site K would result in an overall unit count of 1,010 associated with this alternative, slightly more than proposed as part of the HDR GPA and Rezone proposal. All other aspects of the HDR GPA and Rezone proposal and its associated Land Use Policy Map would

remain as proposed. Site E would be eliminated based on the fact that it triggers an impact on Sheldon Road. Site F would be eliminated based on constraints that require mitigation in order to construct HDR uses on the site including exposure to light rail noise and biological issues.

The Removal of Sites E and F Alternative would support the objectives of the project including providing additional high density residential development opportunities in the City of Elk Grove consistent with General Plan Land Use Policy LU-6. All of the sites proposed as part of this alternative would meet the guidelines identified in Policy LU-6 including being compatible with surrounding land uses; proximity to commercial uses; access to major roadways, etc. The Removal of Sites E and F Alternative would also provide adequate opportunities within the City to accommodate the Regional Housing Needs Allocation and provide opportunities for the development of a variety of housing types in the City of Elk Grove. The acreage provided as part of this alternative would also encourage the development of housing types to suit all income levels within the City.

Finding: The City finds that the Removal of Sites E and F Alternative is less desirable than the project and is infeasible for the following reasons:

- The project approved at this time is limited to Site I and thus does not contribute to the impacts that are reduced under this alternative, as the impacts avoided are associated with Sites E and F.
- There are two current applications in process for commercial developments on two of the parcels located on Dunisch Road north of Laguna Boulevard north of Laguna Boulevard.

Facts that support the finding: Draft EIR pages 6.0-26 through 6.0-38 provide an analysis of the Removal of Sites E and F Alternative as compared to the proposed HDR GPA and Rezone proposal. Environmental benefits of this alternative over the proposed HDR GPA and Rezone proposal include less exposure of public to hazards as discussed in Section 4.3 (Hazards and Hazardous Materials); less local roadway system impacts as discussed in Section 4.4 (Traffic and Circulation); fewer impacts relative to increased exposure to groundborne vibration levels and less exposure noise levels in excess of standards as discussed in Section 4.5 (Noise); less exposure to flood hazards and cumulative flood hazards as discussed in Section 4.7 (Hydrology and Water Quality).

However, only the project approved at this time is limited to Site I and thus avoids the environmental impacts associated with Sites E and F and thus achieves a comparable reduction in impacts as to what would occur under Alternative 3. For these economic, social, and other reasons, the proposed project is deemed superior to Alternative 2.

5. STATEMENT OF OVERRIDING CONSIDERATIONS

In approving Site I, which is evaluated as part of the HDR GPA and Rezone proposal in the Final EIR, the City makes the following Statement of Overriding Considerations in support of its findings on the Final EIR. The City has considered the information contained in the Final EIR (Draft EIR, Response to Comments on the Draft EIR, and Errata) and has fully reviewed and considered the public testimony and record in this proceeding.

The City has carefully balanced the benefits of the project against any adverse impacts identified in the EIR that could not be feasibly mitigated to a level of insignificance. There exist no feasible mitigation measures that would apply the proposed project that would reduce impacts to a level

of insignificance. All mitigation measures identified in the HDR GPA and Rezone EIR except MM 4.4.1a, MM 4.4.1b, and MM 4.4.1c will apply to the proposed project. The City, acting pursuant to Section 15093 of the CEQA Guidelines, hereby determines that the benefits of the project outweigh the adverse environmental impacts and the project should be approved. The EIR describes certain environmental impacts that cannot be avoided if the project is implemented. This Statement of Overriding Considerations applies specifically to those impacts found to be significant and unavoidable as set forth in the EIR and the administrative record.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

Twelve significant and unavoidable impacts have been identified in the EIR. Site 1 would contribute to these impacts being found to be significant and unavoidable.

- 1) Local Roadway System Impacts (Impact 4.4.1);
- 2) Cumulative Impacts to Local Roadway Systems (Impact 4.4.3)
- 3) Cumulative Impacts to State Highways (Impact 4.4.4)
- 4) Cumulative Traffic Noise Increases (Impact 4.5.4)
- 5) Conflict with the SMAQMD Regional Ozone Attainment Plan (Impact 4.6.1)
- 6) Construction Air Pollutants (Impact 4.6.2)
- 7) Operational Air Pollutants (Impact 4.6.3)
- 8) Regional Air Plan Impacts (Impact 4.6.7)
- 9) Environmental Effects of Increased Water Demand (Impact 4.7.7)
- 10) Water Supply and Water System Facilities (Impact 4.10.4.1)
- 11) Cumulative Water Impacts (Impact 4.10.4.2)
- 12) Cumulative Impacts to Visual Character (Impact 4.11.2)

First, implementation of the proposed project would contribute to impacts to local roadway systems including increased traffic volumes, v/c ratios, and a decrease in LOS on southbound Bruceville Road from Laguna Boulevard to Elk Grove Boulevard; on eastbound Sheldon Road from East Stockton Boulevard to Elk Grove-Florin Road and on westbound Sheldon Road from East Stockton Boulevard to Elk Grove-Florin Road. Implementation of the General Plan policies and associated action items would assist in reducing impacts to local roadways. However, there are no feasible mitigation measures available that will lessen this significant adverse effect on the environment to a less than significant level. Therefore, this impact is considered **significant and unavoidable**.

Second, implementation of the proposed project would contribute to cumulative impacts to local roadway systems including increased traffic volumes, v/c ratios, and a decrease in LOS on area roadways during the a.m. and p.m. peak hours under cumulative conditions. Implementation of the General Plan policies and associated action items would assist in reducing impacts to local roadways. However, there are no feasible mitigation measures

available that will lessen this significant adverse effect on the environment to a less than significant level. Therefore, this impact is considered **significant and unavoidable**.

Third, implementation of the proposed project in combination with cumulative increase in the region would contribute to cumulative impacts to state highways including increases in traffic, LOS and v/c ratios on SR 99. Implementation of the General Plan policies and associated action items would assist in reducing impacts to local roadways. As discussed in the General Plan EIR, jurisdictional limitations regarding improvements to regional state highway facilities the Elk Grove General Plan EIR and the Elk Grove General Plan Findings of Fact and Statement of Overriding Considerations (Resolution 2003-216). Since SR 99 and Interstate 5 are under the jurisdiction of Caltrans, these facilities are outside the City's jurisdiction to implement improvements that would mitigate cumulative impacts. As a result, there are no feasible mitigation measures available that will lessen this significant adverse effect on the environment to a less than significant level. Therefore, this impact is considered **cumulatively considerable** and the impact would be **significant and unavoidable**.

Forth, implementation of the proposed project would contribute, on a cumulative basis, to traffic noise levels that are projected to exceed the City's noise standards. Predicted noise levels at existing offsite land uses located along area roadways would exceed the city's noise standards and there are no feasible mitigation measures available that will lessen this significant adverse effect on the environment to a less than significant level. Therefore, this impact is considered **cumulatively considerable** and the impact would be **significant and unavoidable**.

Fifth, implementation of the proposed project would have the potential to contribute to an overall increase population for the City of Elk Grove area beyond that assumed in the 1994 SMAQMD Regional Ozone Attainment Plan. General Plan Conservation and Air Quality Element policy CAQ-32 and associated action item would require the City to coordinate with SMAQMD for the improvement of air quality in the area. However, this policy does not require the City to reduce future land uses to be more in line with the Blueprint projections used in the Attainment Plan update. As such, implementation of this policy would not fully mitigate the conflict between the proposed General Plan buildout projections and those used in the update Attainment Plan and there are no feasible mitigation measures available that will lessen this significant adverse effect on the environment to a less than significant level. Therefore, this impact is considered **significant and unavoidable**.

Sixth, implementation of the proposed project has the potential to contribute to overall short-term emissions generated by construction and demolition activities that would affect local air quality and could result in health and nuisance-type impacts in the immediate vicinity of individual construction sites as well as contribute to particulate matter and regional ozone impacts. Implementation of General Plan Conservation and Air Quality Element policies CAQ-26, CAQ-27, CAQ-38, CAQ-30, CAQ-31, CAQ-32, and CAQ-33 would assist in reducing potential construction air quality impacts, but would not fully mitigate such impacts. Since none of the General Plan policies would be able to fully mitigate construction air quality impacts, and there are no feasible mitigation measures, the proposed project is considered to have a **significant and unavoidable** impact to air quality for construction related emissions.

Seventh, implementation of the proposed project would contribute to an increase air pollutant emissions from operational activities of land uses within the City. Implementation of General Plan Conservation and Air Quality Element policies CAQ-27, CAQ-30, CAQ-32, and CAQ-33 and their associated actions would assist in reducing potential operational air quality impacts, but not fully mitigate such impacts. No General Plan policies are available to completely mitigate operational air quality impacts. In addition, no feasible mitigation measures are available to

mitigate operational air quality impacts. Therefore, this impact is considered **significant and unavoidable**.

Eighth, implementation of the proposed project in combination with growth throughout the air basin would contribute to existing regional problems with ozone and particulate matter. General Plan Conservation and Air Quality Element policies CAQ-27, CAQ-30, CAQ-32, and CAQ-33 and their associated actions would assist in reducing cumulative regional and local air quality impacts, but would not fully mitigate these impacts. General Plan policies and action items would assist in reducing cumulative regional and local air quality impacts. However, no feasible mitigation measures are available to completely mitigate this cumulative impact. Therefore, it remains **significant and unavoidable**.

Ninth, implementation of the proposed project could contribute to increased demand for water supply to the City requiring increased groundwater production and the use of surface water supplies. Implementation of MM 4.10.4.1 would reduce impacts associated with providing water service to individual project sites. However, the City does not provide water service and currently has no direct jurisdiction over water supply, water entitlements, or the necessary water service infrastructure. Implementation of General Plan Conservation and Air Quality Element policies CAQ-1, and Public Facilities and Finance Element policies PF-1, PF-2, PF-3, PF-5, PF-7, PF-19, and PF-23, and associated action items would assist in reducing water demand impacts. However, these policies would not fully mitigate impacts to water supply. As such, there are no feasible mitigation measures available to the City to avoid significant environmental impacts associated with water supply provisions. Therefore, cumulative water supply impacts are **cumulatively considerable and significant and unavoidable**.

Tenth, the proposed project would contribute to increases in annual water demand. While large scale development projects are required to demonstrate water availability as part of the subdivision approval process, the City does not have direct jurisdiction over the water supply or service infrastructure and cannot ensure that adequate water or infrastructure would be in place under cumulative conditions. Implementation of General Plan Conservation and Air Quality Element policy CAQ-1, and Public Facilities and Finance Element policies PF-1, PF-2, PF-3, PF-5, PF-7, PF-19, and PF-21 as well as Mitigation Measure MM 4.10.4.1 would assist in reducing water demand impacts. The City does not provide water service or currently has no direct jurisdiction over water supply, water entitlements, or the necessary water service infrastructure; as such, there are no feasible mitigation measures available to the City to avoid significant environmental impacts associated with water supply provisions. Therefore, this impact is considered **significant and unavoidable**.

Eleventh, the proposed project, when considered with other development projects in the area, would contribute to a cumulative demand for water supply and water service facilities. Implementation of General Plan Conservation and Air Quality Element policy CAQ-1, and Public Facilities and Finance Element policies PF-1, PF-2, PF-3, PF-5, PF-7, PF-19, and PF-21 as well as Mitigation Measure MM 4.10.4.1 would assist in reducing water demand impacts. The City does not provide water service or currently has no direct jurisdiction over water supply, water entitlements, or the necessary water service infrastructure; as such, there are no feasible mitigation measures available to the City to avoid significant environmental impacts associated with water supply provisions. Therefore, the project is anticipated to have a **cumulatively considerable** effect regarding **significant and unavoidable** cumulative impacts associated with water supply and water service.

Twelfth, implementation of the proposed project along with potential development of other sites in the vicinity would contribute to an overall change to the City's current mix of proposed land

uses and their associated visual character. Although Site I is currently designated for urban development, the visual character of the site would be changed in association with the proposed HDR GPA and Rezone. General Plan Policies CAQ-7, CAQ-8 and LU-35 with their corresponding action items would apply to future development on Site I and help reduce the potential for alteration of visual character. In addition, implementation of mitigation measures MM 4.8.5, MM 4.8.7 and MM 4.8.8 in Section 4.8, Biological and Natural Resources (which protect trees, wetlands and mitigation areas) would partially reduce impacts to scenic resources within the City. The Sacramento County General Plan provides policies that reduce impacts to visual resources within portions of the Planning Area. However, these policies and mitigation measures would not be sufficient to fully mitigate this significant adverse effect on the environment to a less than significant level. Therefore, this impact is **cumulatively considerable and significant and unavoidable**.

SPECIFIC FINDINGS

Project Benefits Outweigh Unavoidable Impacts. The City hereby finds that the remaining significant and unavoidable impacts of the project are acceptable in light of the long-term social, environmental, land-use and other considerations set forth herein. Specifically, these detrimental changes are outweighed by the following project benefits.

- 1) **The project would provide opportunities to meet the Regional Housing Needs Allocation (RHNA).** The proposed project would help fulfill the requirements of the RHNA by increasing the City's inventory of vacant land suitable for high density housing. Specifically, the proposed project would increase the amount of sites in the city that are considered adequate to encourage and accommodate affordable housing, such as that for very low and low income households. As described in Section 3.0 of the Draft EIR, the City identified a shortfall of higher density sites and thus determined that additional suitable sites were necessary to accommodate its Regional Housing Needs Allocation.
- 2) **The project would provide opportunities for a variety of housing types.** In addition to fulfilling the RHNA, the proposed project would serve to diversify and expand the City's housing stock by increasing opportunities for higher density residential uses, including apartments, condominiums, townhomes, and high density single family housing.
- 3) **The project would implement the City's Housing Element.** General Plan Housing Element Policy H-1 and associated action item 10 require the City to maintain an adequate supply of housing for all income levels. This requires an annual review of the City's land inventory for housing, and provision of additional sites, if deemed necessary. As discussed in Section 3.0, Project Description, of the Draft EIR, the City identified that its land inventory did not provide sufficient higher density sites. The proposed project would provide additional higher density sites, consistent with the City's Housing Element. Implementation of the Housing Element is consistent with Housing Element Law (Government Code Section 65583(c), which requires that the City identify a five-year program in order to meet its housing needs, including provision of adequate sites.

Balance of Competing Goals. The City hereby finds it is imperative to balance competing goals in approving the project and the environmental documentation of the project. Not every environmental concern has been fully satisfied because of the need to satisfy competing concerns to a certain extent. The City has chosen to accept certain environmental impacts because complete eradication of impacts would unduly compromise some other important community goals.

The City hereby finds and determines that the project proposal and the supporting environmental documentation provide for a positive balance of the competing goals and that the social, environmental, land-use and other benefits to be obtained by the project outweigh any remaining environmental and related potential detriment of the project.

OVERRIDING CONSIDERATIONS

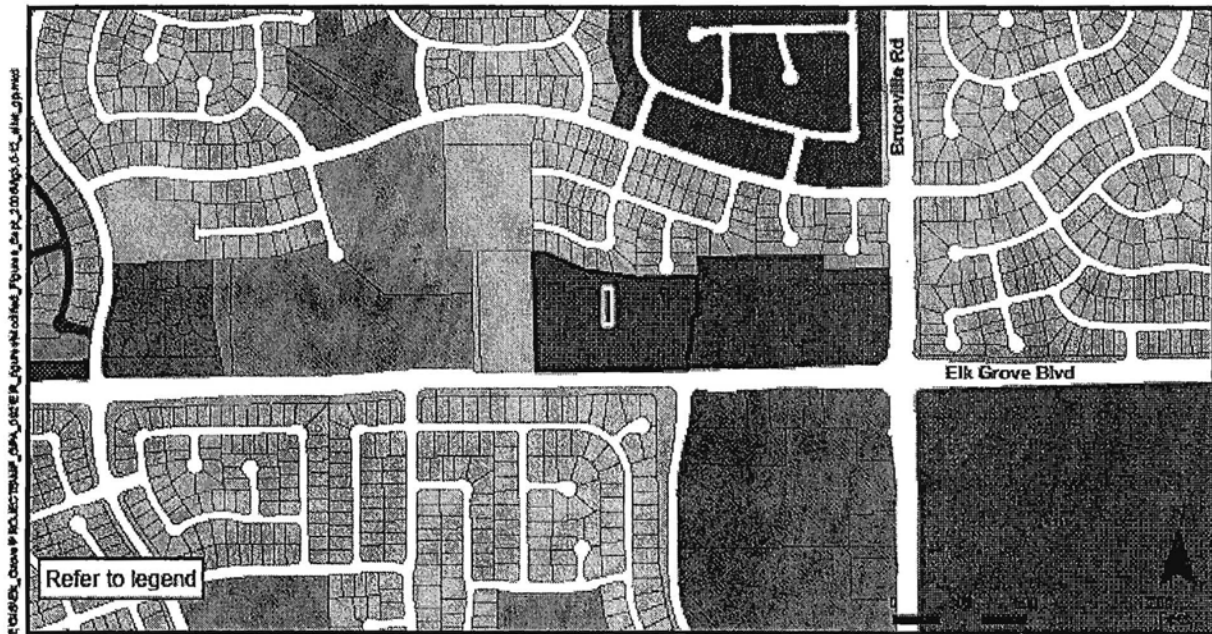
Based upon the objectives identified for the project and through the extensive public participation, the City has determined that the project should be approved and that any remaining unmitigated environmental impacts attributable to the project are outweighed by the specific social, environmental, land-use and other overriding considerations. These include providing adequate opportunities within the City to accommodate the Regional Housing Needs Allocation; providing opportunities for the development of a variety of housing types in the City of Elk Grove; encouraging the development of housing types to suit all income levels within the City; and implementing the City's Housing Element.

The City has determined that any environmental detriment caused by the proposed project has been minimized to the extent feasible through the mitigation measures identified herein, and, where mitigation is not feasible, has been outweighed and counterbalanced by the significant social, environmental, and land-use benefits to be generated to the City.

EXHIBIT B



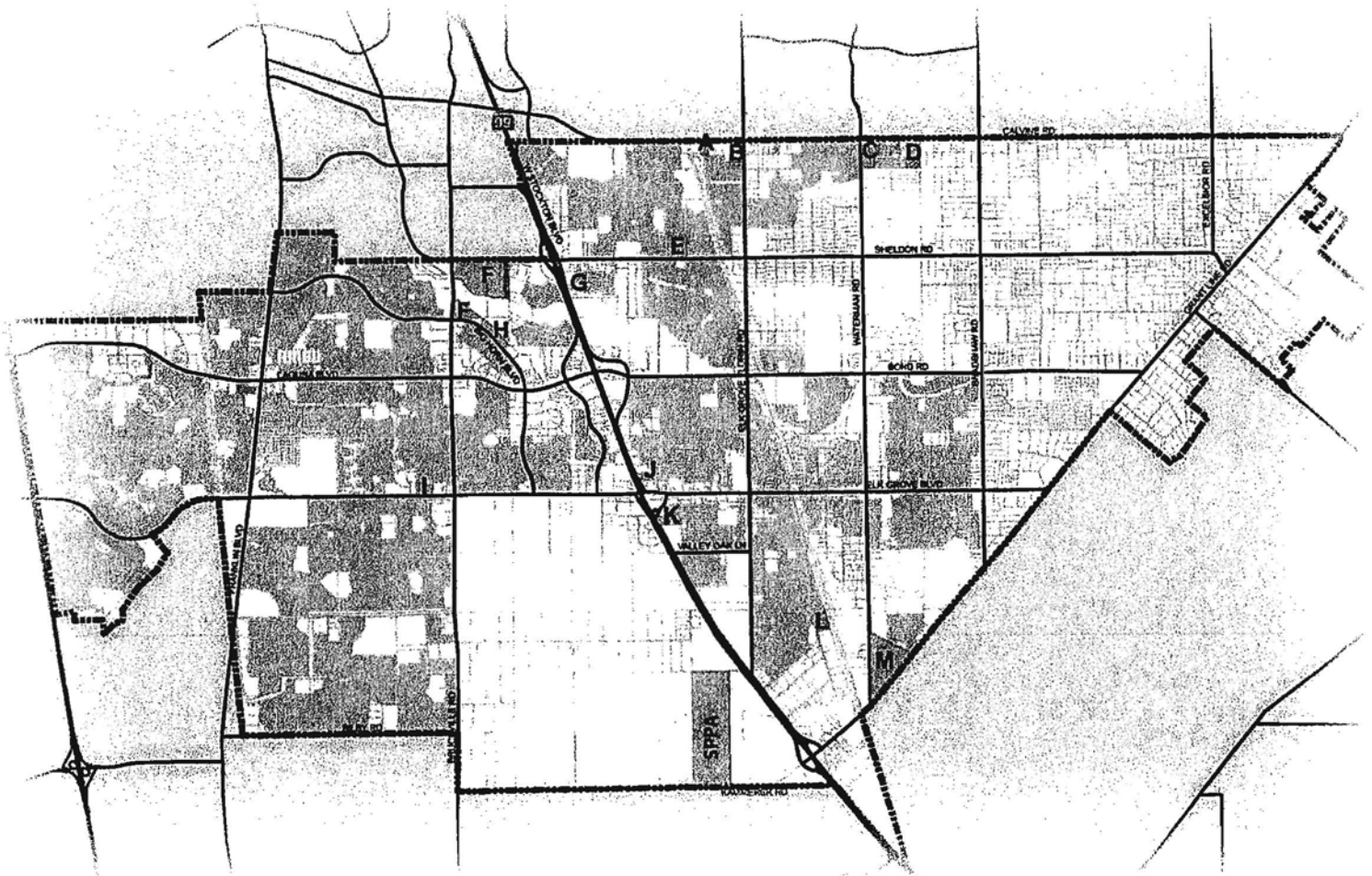
EXISTING LAND USE DESIGNATION: OFFICE/MULTI-FAMILY



PROPOSED LAND USE DESIGNATION: HIGH DENSITY RESIDENTIAL

HIGH DENSITY RESIDENTIAL GENERAL PLAN AMENDMENT AND REZONE

**FINAL ENVIRONMENTAL IMPACT REPORT
SCH# 2005122030**



Prepared For:

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October 2006

FINAL ENVIRONMENTAL IMPACT REPORT
HIGH DENSITY RESIDENTIAL GENERAL PLAN AMENDMENT AND REZONE

SCH #: 2005122030

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OCTOBER 2006

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1.0 – INTRODUCTION

This Final Environmental Impact Report (Final EIR) was prepared in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines (Section 15132). The City of Elk Grove is the lead agency for the environmental review of the Elk Grove High Density Residential (HDR) General Plan Amendment (GPA) and Rezone and has the principal responsibility for approving the project. This Final EIR assesses the expected environmental impacts resulting from adoption and implementation of the HDR GPA and Rezone, and responds to comments received on the Draft EIR.

1.1 BACKGROUND AND PURPOSE OF THE EIR

OVERVIEW OF CEQA REQUIREMENTS FOR PREPARATION OF AN EIR

The City of Elk Grove (City), serving as the Lead Agency, has prepared this EIR to provide the public and responsible and trustee agencies with information about the potential environmental effects of the proposed HDR GPA and Rezone. As set forth in the provisions of CEQA and implementing regulations, public agencies are charged with the duty to consider the environmental impacts of proposed development and to minimize these impacts where feasible while carrying out an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

State CEQA Guidelines Section 15121(a) states that an EIR is an informational document for decision-makers and the general public that analyzes the significant environmental effects of a project, identifies possible ways to minimize significant effects, and describes reasonable alternatives to the project that could reduce or avoid its adverse environmental impacts. Public agencies with discretionary authority are required to consider the information in the EIR, along with any other relevant information, in making decisions on the project.

CEQA requires the preparation of an environmental impact report prior to approving any project, which may have a significant effect on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). With respect to the proposed HDR GPA and Rezone project, the City has determined that the proposed development is a "project" within the definition of CEQA.

BACKGROUND OF ENVIRONMENTAL REVIEW PROCESS OF THE PROJECT

The following is an overview of the environmental review process for the HDR GPA and Rezone Project that has led to the preparation of this Final EIR.

Notice of Preparation and Initial Study

In accordance with Section 15082 of the CEQA Guidelines, the City prepared an Initial Study for the proposed HDR GPA and Rezone project. The conclusions of the Initial Study supported preparation of a Draft EIR for the project. The Initial Study and NOP of a Draft EIR were released for public review on December 7, 2005. The NOP focused the environmental analysis of the Draft EIR to impacts that would occur from the project beyond those addressed in the General Plan EIR. The NOP was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the proposed project. The City was identified as the Lead Agency for the proposed project. A scoping meeting was held on January 5, 2006, to receive additional comments. Subsequently, a revised NOP was circulated March 10, 2006 which included an additional Site, H. Concerns raised in response to the NOP were considered

1.0 INTRODUCTION

during preparation of the Draft EIR. The NOP, Initial Study and responses by interested parties are presented in their entirety in **Appendix A**.

Draft EIR

The Draft EIR (Draft EIR), which consisted of two volumes, was released for public and agency review on August 2, 2006. The comment period closed on September 15, 2006.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review at Elk Grove City Hall and the City's website.

Final EIR

The City received nine comment letters from agencies, interest groups and the public regarding the Draft EIR. In addition, a transcript of oral comments received at the Planning Commission meeting held on September 24, 2006 is also included. This document responds to the written and oral comments received as required by CEQA. This document also contains minor edits to the Draft EIR, which are included in Section 3.0 (Minor Revisions to the Draft EIR). This document constitutes the Final EIR. The Draft EIR as modified is incorporated herein by reference.

Certification of the Final EIR/Project Consideration

The City will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete", the City may certify the Final EIR. The rule of adequacy generally holds that the EIR can be certified if: 1) it shows a good faith effort at full disclosure of environmental information; and 2) provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the City may take action to adopt, revise, or reject the proposed Elk Grove HDR GPA and Rezone. A decision to adopt the HDR GPA and Rezone would be accompanied by written findings in accordance with State CEQA Guidelines Section 15091 and Section 15093. Public Resources Code Section 21081.6 also requires lead agencies to adopt a mitigation monitoring or reporting program to describe measures that have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.

1.2 TYPE OF DOCUMENT

The State CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. According to Section 15168:

~~A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:~~

- ~~(1) Geographically,~~
- ~~(2) As logical parts in the chain of contemplated actions,~~
- ~~(3) In connection with issuance of rules, regulations, plans or other general criteria to govern~~

the conduct of a continuing program, or

- (4) *As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.*

The program-level analysis considers the broad environmental effects of the overall proposed HDR GPA and Rezone. This EIR will be used to evaluate subsequent projects and activities under the proposed HDR GPA and Rezone. Additional environmental review under CEQA will be required and would be generally based on the subsequent project's consistency with the HDR GPA and Rezone and the analysis in this EIR, as required under CEQA. When individual projects or activities under the HDR GPA and Rezone are proposed, the City would be required to examine the projects or activities to determine whether their effects were adequately analyzed in the program EIR (CEQA Guidelines Section 15168). If the projects or activities would have no effects beyond those analyzed in this EIR, no further CEQA compliance would be required.

1.3 INTENDED USES OF THE EIR

This EIR is intended to evaluate the environmental impacts of the project to the greatest extent possible. This EIR should be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with projects in the City that are consistent with the HDR GPA and Rezone. Subsequent actions that may be associated with the proposed HDR GPA and Rezone are identified in Section 3.0 (Project Description) of the Draft EIR.

1.4 ORGANIZATION AND SCOPE OF THE FINAL EIR

This document is organized in the following manner:

SECTION 1.0 - INTRODUCTION

Section 1.0 provides an overview of the EIR process to date and what the Final EIR is required to contain.

SECTION 2.0 - COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Section 3.0 provides a list of commenters, copies of written comments (coded for reference) and the responses to those written comments made on the Draft EIR.

SECTION 3.0 - ERRATA

This section consist of revisions to the Draft EIR that are a result of responses to comments, as well as minor staff edits that do not change the intent or content of the analysis or mitigation measures. Revisions appear in ~~strikethrough~~ and underline.

2.0 – COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

2.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code Section 21000, et seq.) and State CEQA Guidelines (Cal. Code Regs. Section 15000, et seq.). Elk Grove is the lead agency for the environmental review of the proposed Elk Grove HDR GPA and Rezone and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from the adoption and implementation of the proposed HDR GPA and Rezone and responds to comments received on the Draft EIR.

2.2 LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted written comments on the Draft EIR.

Letter	Individual or Signatory	Affiliation	Date
A	Kevin Boles	Public Utilities Commission	August 17, 2006
B	Al Vargas	Department of Water Resources	August 25, 2006
C	Heidi R. Miller	Department of Energy, Western Area Power Administration	September 5, 2006
D	Bruce De Terra	California Department of Transportation	September 19, 2006
1	Ted Benjamin	Resident	August 7, 2006
2	David Edmiston	Resident	August 7, 2006
3	Cheryl Morton	Resident	August 7, 2006
4	Elizabeth M. Moseby	Resident	September 8, 2006
5	George M. Carpenter, Jr.	Winn Communities	September 7, 2006
6	Minutes from Planning Commission Meeting and Public Hearing for the HDR GPA and Rezone Draft EIR	George Carpenter, Vice President Community Planning, Winn Communities Elizabeth Moseby, Resident Aruna Raj, Resident Anthony Moseby, Resident David Hawkins Grace Evangelical Church David Edmiston Grace Evangelical Church Steve Detrick, Elk Grove Coalition Advocating Proper Planning Steve Parent, Resident	September 7, 2006

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

2.3 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

State CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. The written response must address the significant environmental issue raised and must be detailed, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, there must be a good faith and reasoned analysis in the written response. However, lead agencies need only respond to significant environmental issues associated with the project and do not need to provide all the information requested by Commenters, as long as a good faith effort at full disclosure is made in the EIR (State CEQA Guidelines 15204).

Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. State CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence supporting such a conclusion.

State CEQA Guidelines Section 15088 also recommends that where a response to comments results in revisions to the Draft EIR, that those revisions be incorporated as a revision to the Draft EIR, or as a separate section of the Final EIR.

RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Public agency comment letters are coded by letters and each issue raised in the comment letter is assigned a number (e.g., Comment Letter A, comment 1 is referred to as: A-1).
- Individual and interest group comment letters are coded by numbers and each issue raised in the comment letter is assigned a number (e.g., Comment Letter 1, comment 1: 1-1).

Where changes to the Draft EIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (underline for new text, ~~strike-out~~ for deleted text). Comment-initiated text revisions to the Draft EIR and minor staff initiated changes are also provided and are demarcated with revision marks in Section 4.0 (Errata) of this Final EIR.

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter A

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



August 17, 2006

RECEIVED

SEP 05 2006

CITY OF ELK GROVE
PLANNING

Taro Echiburu
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

Dear Mr. Echiburu:

Re: SCH #2005122030; High Density Residential General Plan, etc.

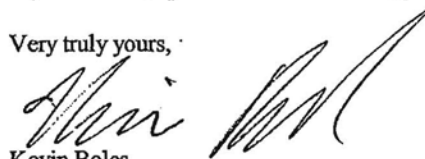
As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,


Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Jim Smith, UP

A-1

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter A

Kevin Boles, Public Utilities Commission

Response A-1: The commenter identifies potential safety impacts associated with locating new development near at-grade highway rail crossings. Railroad safety impacts are discussed as part of Impact 4.3.4 on pages 4.3-27 and 4.3-29 of the Draft EIR. Applicable General Plan Safety Element policies and associated action items are identified as are specific mitigation measures (MM 4.3.4a through MM 4.3.4d) to address railroad safety impacts. These policies and action items were deemed sufficient to reduce this impact to less than significant.

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter B

STATE OF CALIFORNIA — THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791



AUG 30 2006

RECEIVED

SEP 05 2006

CITY OF ELK GROVE
PLANNING

Taro Echiburu
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, California 95758

High Density Residential General Plan Amendment and Rezone
State Clearinghouse (SCH) Number: 2005122030

The project corresponding to the subject SCH identification number has come to our attention. We are unable to ascertain from the limited project description whether the proposed project encroaches on an Adopted Plan of Flood Control. If your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The enclosed Fact Sheet provides further information on how you may determine if your project encroaches on a plan of flood control and explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

B-1

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

Al Vargas
Staff Environmental Scientist
Floodway Protection Section

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Enclosure

Letter B Continued

Fact Sheet

Reclamation Board Encroachment Permit Application Process

Authority

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

Reclamation Board Jurisdiction

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at http://recbd.ca.gov/designated_floodway/ and CCR Title 23 Sections 101 - 107.

Regulatory Process

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board.

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

Application Review Process

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

August 25, 2006

Letter B Continued

Additional information may be requested in support of the technical review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a “responsible agency” within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the “lead agency” [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other

August 25, 2006

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter B Continued

agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

August 25, 2006

Letter B

Al Vargas, Department of Water Resources

Response B-1: The commenter states that the Department of Water Resources is unable to determine if the proposed HDR GPA and Rezone project sites encroach on an Adopted Plan of Flood Control. The location of each of the sites is described in detail on pages 3.0-4 through 3.0-6 of the Draft EIR as well as on pages 4.1-1 through 4.1-4. In addition, aerial photographs of each site showing the assessor's parcel numbers and the cross streets around each site are shown in Figures 4.1-1 through 4.1-5. No development is proposed on any of the sites as part of the HDR GPA and Rezone. However, Impact 4.7.2 on page 4.7-20 of the Draft EIR discusses potential flood hazard impacts and identifies Sites A, D, F, G, H and J as being located within the 100-year floodplain as mapped on the FEMA Flood Insurance Rate Map. In the future, if development is proposed for any of these sites, the project applicant would be required to obtain an encroachment permit from the Reclamation Board prior to initiating any activities.

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter C



Department of Energy
Western Area Power Administration
Sierra Nevada Customer Service Region
114 Parkshore Drive
Folsom, California 95630-4710

SEP 5 2006

City of Elk Grove
Development Services, Planning
ATTN: Taro Echiburu
8401 Laguna Palms Way
Elk Grove, CA 95758

Dear Sir or Madam:

Thank you for the opportunity to comment on the High Density Residential General Plan Amendment and Rezone. The United States Department of Energy, Western Area Power Administration (Western), has two 230-kilovolt transmission lines, Hurley-Tracy No. 1 and No. 2, which cross Site C. Each easement is 125-feet wide. In addition, SMUD and PG&E also have transmission line easements across Site C.

Western is concerned about the proposed High Density Residential units for Site C as a majority of the site is covered with transmission line easements. In accordance with the rights acquired for the transmission lines, structures are not allowed within the transmission line easements. Structures would include, but are not be limited to, buildings, carports, storage tanks, swimming pools, tennis courts, gazebos, sheds, etc. Given the limited building area, the number of high density residential units would be nominal.

Enclosed is a copy of our General Guidelines. Please note that in addition to no structures within the easement, vegetation is limited to 12 feet in height at maturity, lighting to a maximum height of 15 feet, no ground elevation changes within 20 feet of the transmission line structures. Access to the tower must be maintained at all times as well as 30 feet of unobstructed access around the tower.

C-1

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter C Continued

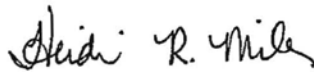
2

If the rezoning is approved for Site C, the proposed development must not interfere with our easement rights and be developed in accordance with our General Guidelines. Any proposed development or improvements within the easement area would need to be reviewed and approved by Western prior to construction. The developer must submit the project specific improvement plans to Western for review and approval prior to construction.

C-1
cont.

If you have any questions, please contact Ms. Susan Sinclair at (916) 353-4600.

Sincerely,



Heidi R. Miller
Realty Officer

Enclosure

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter C Continued

WESTERN AREA POWER ADMINISTRATION GENERAL GUIDELINES CONCERNING THE USE OF ELECTRIC TRANSMISSION LINE RIGHTS-OF-WAY

RE: Hurley-Tracy No. 1 and No. 2 230-kV Transmission Line

Western Area Power Administration (Western) owns two 125-foot easements along the length of the referenced transmission lines. Western's rights within the easement include the right to construct, reconstruct, operate, maintain, and patrol the transmission line.

Rights usually reserved to the landowner include the right to cultivate, occupy, and use the land for any purpose that does not conflict with Western's use of its easement. To avoid potential conflicts, it is Western's policy to review all proposed uses within the transmission line easement. We consider (1) Safety of the public, (2) Safety of our Employees, (3) Restrictions covered in the easement, (4) Western's maintenance requirements, and (5) Protection of the transmission line structures and (6) Road or street crossings.

The outline below lists the considerations covered in the review. Please note that some items may overlap. This outline has been prepared only as a guide; each right-of-way encroachment is evaluated on an individual basis.

1. Safety Of The Public
 - A. Approval depends, to a large extent, on the type and purpose of the development. Western takes our obligation to public safety very seriously. To insure our obligation, any use of the easement that will endanger the public will not be allowed or strongly discouraged (e.g., kite flying is prohibited).
 - B. Metal fences must be grounded in accordance with applicable safety codes.
 - C. Lighting standards shall not exceed a maximum height of 15 feet and not placed directly under the conductors. All lighting standards must be grounded.
 - D. All vegetation on the easement shall not exceed a maximum height of 12 feet at maturity.
 - E. Structures are not allowed on the easement. Structures include, but are not limited to, buildings, sheds, swimming pools, basketball courts, tennis courts, gazebos, etc.
 - F. No ground elevation changes are allowed which would reduce the ground to conductor clearance below 30 feet.

Letter C Continued

2. Safety Of Our Employees

Vegetation and encroachments into our right-of-way requires our crews to take action, which places them at risk. Therefore, any vegetation or encroachments that present a risk to our employees will not be allowed.

3. Restrictions Covered In The Easement

The easement prohibits the following: (1) any use that will interfere with or damage the equipment of the United States, (2) digging or drilling of a well, (3) erecting buildings or structures, (4) placing or piling up material within the easement boundaries. The easement gives Western the right to remove trees, brush or other objects interfering with the safe operation and maintenance of the line.

4. Maintenance Requirements

- A. Berms shall not be placed next to the base of the transmission line tower.
- B. Any proposed improvements to the easement (including grading, parking lot, lighting, landscaping, fences, etc.), must be reviewed by Western to assure that they will not interfere with the safe operation and maintenance of the transmission line.
- C. A 14-foot gate is required in any fences that cut off access along our easement.
- D. Thirty (30) feet of unobstructed access is to be maintained around towers.

5. Protection Of The Transmission Line Structure (Towers, Guy Wires, etc.)

- A. If the proposed use increases the possibility of a motor vehicle hitting the transmission line structure, an appropriate guard rail shall be installed to protect the structure (e.g., parking lots or roads).
- B. Trench digging, which would weaken or damage the structure, is prohibited.
- C. No ground elevation changes are allowed within 20 feet of the structure, and in no case shall the conductor to ground clearance be reduced below code limitation.

6. Roads Or Street Crossings

Western's policy is to have roads or streets cross the easement at right angles, or as nearly at right angles as possible, so that a minimum area of the road or street lies within the transmission line easement.

Requests for permission to use the transmission line right-of-way should be submitted to: Western Area Power Administration, Sierra Nevada Regional Office, Attn: Realty Officer, 114 Parkshore Drive, Folsom, CA 95630.

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter C

Heidi R. Miller, Department of Energy, Western Area Power Administration

Response C-1: Commenter indicates that there are a total of four utility easements on the Site C. In total, the easements occupy 475-feet across the width of the project site and are aligned north/south. The site which is comprised of four parcels (APN 121-0180-003, -004, -015, and -059) is approximately 850 feet wide along the northern boundary adjacent to Calvine Road and approximately 600 feet wide along the southern boundary of the site.

Page 4.3-27 of the Draft EIR acknowledged that "the amount of buildable area on Site C would be limited to the eastern portion of parcel 121-0180-015." Although the analysis in the EIR assumed a worst case scenario that the entire 20.83 acre site would be developed, only approximately 3 acres of the site would actually be available for building. No development is proposed as part of this project, however, future development on the site would be subject to the General Guidelines of the Western Area Power Administration (WAPA). No building would be allowed within the easement (WAPA). While this comment does not address the adequacy of the EIR, the information in the comment is noted herein for Planning Commission and City Council consideration.

Letter D

DEPARTMENT OF TRANSPORTATION
DISTRICT 3 - SACRAMENTO AREA OFFICE
VENTURE OAKS - MS 15
P.O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 274-0614
FAX (916) 274-0648
TTY (530) 741-4509



*Flex your power!
Be energy efficient!*

September 19, 2006

06SAC0129
03-SAC-5/99 PM Various
High Density GPA and Rezone
DEIR
SCH#2005122030

Mr. Taro Echiburu
City of Elk Grove
Development Services - Planning
8401 Laguna Palms Way
Elk Grove, CA. 95758

Dear Mr. Echiburu:

Thank you for the opportunity to review and comment on the above referenced DEIR. Our comments are as follows:

- This project proposes a rezone and increased density of land uses that will increase the overall cumulative trip generation where the multiple development sites and land use changes are planned. The increased cumulative AM and PM peak hour trips will add to the cumulative impacts on State Route (SR) 99, Interstate 5 (I-5), and interchanges in the Elk Grove area. We ask that the City of Elk Grove collect proportional share traffic impact fees for the increased trips and place such funds toward improvement projects on SR99, I-5 and interchanges in Elk Grove, particularly the I-5 HOV project and the SR99/Sheldon Road and White Lock Interchange projects. D-1
- We disagree with the language put forth in Impacts 4.4.2 and 4.4.4 found in the Executive Summary of the DEIR. CEQA requires that projects mitigate their environmental impacts. This project's cumulative trips will contribute to degraded freeway operating conditions. D-2

Please provide further project documents for our review. If you have any questions regarding these comments, please contact Ken Champion at (916) 274-0615.

Sincerely,

Bruce De Terra, Office Chief
Office of Transportation Planning - South

c: Scott Morgan, State Clearing House

"Caltrans Improves mobility across California"

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter D

California Department of Transportation

Response D-1: The commenter notes that the project will increase cumulative a.m. and p.m. peak hour trips and requests that the City collect proportional share traffic impact fees for the increased trips. The commenter also identifies the following projects toward which the funds should be used: improvement projects on SR 99, I-5 and interchanges in Elk Grove, particularly the I-5 HOV project and the SR 99/Sheldon Road and Whitelock Interchange projects.

The commenter does not provide any specifics regarding the traffic fee program, nor does the commenter identify the connection between these fees and the referenced facilities. Page 4.4-25 of the Draft EIR lists the General Plan Circulation Element Policies (CI-10, CI-11, and CI-12) that would reduce impacts to state highways. However, it should be noted that no development is proposed as part of the HDR GPA and Rezone project.

Response D-2: The commenter disagrees with Impact 4.4.2 and 4.4.4 in the Executive Summary of the Draft EIR, but does not explicitly state why. The commenter states that CEQA requires that projects mitigate their environmental impacts, and that this project's cumulative trips will contribute to degraded freeway operations.

The commenter is directed to the analysis provided in Section 4.4, Traffic and Circulation, of the Draft EIR which supports the conclusions identified for Impacts 4.4.2 and 4.4.4 in Section 2.0, Executive Summary, of the Draft EIR.

Impact 4.4.2 addresses impacts to state highways, which were determined to be less than significant. The commenter is directed to **Table 4.4-5** (pages 4.4-14 through 4.4-17) of the Draft EIR which identifies the current baseline conditions for roadway operations, and identifies the operations of those roadways with the addition of project traffic. The commenter is also directed to pages 4.4-22 and 4.4-23 of the Draft EIR which describe impacts to specific state highway segments. As discussed on those pages, the addition of project traffic would not cause any of the highway segments to exceed the concept LOS identified by Caltrans and the impact is determined to be less than significant. As a result, no mitigation is required.

Impact 4.4.4 addresses cumulative impacts to State Highways. The commenter is again directed to **Table 4.4-5** (pages 4.4-14 through 4.4-17) of the Draft EIR. As shown in lines 34 through 39, all segments of SR 99 would operate below LOS D, but within Caltrans' anticipated LOS identified in Caltrans' Concept Report, with the addition of the proposed project. As noted on page 4.4-25 of the Draft EIR, LOS along the segments of SR 99 identified in **Table 4.4-5** would be further exacerbated under cumulative conditions when factoring in the project as well as regional development. Page 4.4-25 of the Draft EIR also lists the General Plan Circulation Element Policies (CI-10, CI-11, and CI-12) that would reduce impacts to state highways. However, no feasible mitigation measures are available to mitigate cumulative traffic impacts resulting from the project due to jurisdictional limitations experienced by the City relative to making improvements to SR 99

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

and I-5, both of which are under the jurisdiction of Caltrans. Therefore, cumulative impacts were determined to be significant and unavoidable. The City of Elk Grove is not able to calculate the fair share portion of funds to mitigate for the project. SR 99 is a state facility extending almost the entire length of California. In order to calculate fair share, it would be necessary to know the existing traffic volume on SR 99 as well as the other approved projects yet to be constructed that will generate traffic. The City does not have adequate information to determine these factors. Further, since SR 99 is a state facility, the City cannot determine which approved projects will generate traffic on the facility or where this traffic will be generated. Lastly, the City has no way of determining the amount of traffic that would end up on SR 99 from projects throughout the state.

In conclusion, Caltrans has not provided any details regarding why Impact 4.4.2 and Impact 4.4.4 would require mitigation (no identification of changes to levels of service, improvements that would mitigate the change, or the project's fair share of the improvements), but has rather stated a general disagreement. In addition, the commenter does not provide any specifics regarding a mitigation program or any shortcomings of the document as required by CEQA Section 15096(d) (Process for a Responsible Agency).

Letter 1

From: Ted Benjamin [groceryted@yahoo.com]
Sent: Monday, August 07, 2006 4:15 PM
To: Taro Echiburu
Subject: Draft EIR re: rezoning
Dear T. Echiburu,

In regards to a draft Environmental Impact Report for rezoning a parcel of land on Elk Grove Blvd. for High Density Multi-family living, I have examined the report on-line and I find that the report adequately provides information for me to support the acceptance of the Environmental Impact Report by both the Planning Commission and the City Council. I strongly encourage both the Planning Commission and the City Council to accept this report at the earliest possible date - to make this a priority.

1-1

Thank you for reading this email and I do not require a response to this email.

Sincerely,

Theodore M. Benjamin
Elk Grove, CA 95757

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 1

Ted Benjamin, Resident

Response 1-1: The commenter states that he finds the analysis in the EIR adequate. Comment noted.

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 2

From: David Edmiston [dedmistrn@surewest.net]

Sent: Monday, August 07, 2006 2:18 PM

To: Taro Echiburu

Subject: Draft Environmental Impact Report

I have not read every word of text contained in the Draft Environmental Impact Report prepared for the proposed High Density Residential General Plan Amendment and Rezone. I have, however, reviewed the report in sufficient detail to believe that the report, with the mitigation measures that are suggested, adequately addresses the potential impacts to the environment that might result from rezoning these thirteen sites to a High Density Residential use. I recommend the report be accepted as drafted and moved forward to the City Council as rapidly as possible.

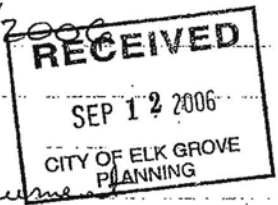
I am especially interested in the property designated as site I which belongs to my church. In my review of the draft report, there seem to be no significant issues of concern for site I. The property is in escrow with a buyer who plans to build high density housing units on the property. Further delays are detrimental to the buyer's plans as well as the plans of the church. If at all possible, it would seem beneficial to the buyer, the church and to the City of Elk Grove to move forward on site I even if problems in the report are identified for some other sites.

David Edmiston

2-1

Letter 4

9/8/2006



Dear Mr. Echiburú,

Please accept this ^{revised} document for my official comment on the DEIR for High Density Residential General Plan Amendment and Rezone.

It replaces the one submitted on Thursday, 7 September 2006 at the Planning Commission Public Hearing.

Thank you.

Elizabeth M. Moseley

Letter 3

Cheryl Morton, Resident

Response 3-1: The commenter states that she finds the analysis in the EIR adequate. Comment noted.

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 3

From: Cheryl Morton [ownedbytheking@yahoo.com]
Sent: Monday, August 07, 2006 4:06 PM
To: Taro Echiburu
Subject: High Density Residential General Plan Amendment and Rezone

Dear Sir or Madam,

I am emailing regarding the draft environmental impact report concerning the rezoning of property on Elk Grove Blvd. just west of Bruceville Road. This property will be rezoned for High Density Residential.

I find that this draft report appears to adequately address all potential impacts on the environment, therefore I support acceptance of the report by the Planning Commission and the City Council at the earliest date possible. I am for the rezoning of the property.

3-1

I do not require a response to this email.

Thank you.

Sincerely,
Cheryl L. Morton
5208 Percheron Drive
Elk Grove, CA 95757

Page 1

Letter 2

David Edmiston, Resident

Response 2-1: The commenter states that he finds the analysis provided in the EIR to be adequate and supports multi-family uses on Site I. These comments are noted.

Letter 4 Continued

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3

Formal Response

4

to the

5

City of Elk Grove

6

High Density Residential General Plan Amendment and Rezone

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Draft Environmental Impact Report

8

Amended - This Document

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To

10

Replace and Supersede Document Submitted to Planning Commission on September 7, 2006

11

12

State Clearing House Project Number: 2005122030

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Elizabeth M Moseby

22

Private Citizen

23

9376 Miko Circle

24

Elk Grove, CA 95624

25

Response to Study for High Density Housing

Letter 4 Continued

2

1

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Amended errors represented by ~~strikethroughs~~, corrections appear in italics.

24

P. 13, line 25; P. 14, line 1; P. 15, lines 14-21 (bullets)

25

Response to Study for High Density Housing

Letter 4 Continued

3

1 ELIZABETH M MOSEBY
2 9376 Miko Circle
3 Elk Grove, CA 95624
4 (916) 682-4583
5

6 To: The City of Elk Grove
7

8 **INTRODUCTION**

9 **I. History of Proceedings**

10 As a private citizen, who resides in the city of Elk Grove, California, I am compelled to
11 share my research with the staff and governing bodies. Although I am of average knowledge and
12 stature, because of my convictions, I have diligently pursued this project. I used public
13 information and access rights to acquire the information contained in this document.

14 In August of 2005, I learned of the High Density Housing study being conducted by the
15 City of Elk Grove in the state of California. I first casually spoke with Jessica Shalamunec in
16 August of 2005 regarding the possibility of high density housing near Waterman and Calvine as
17 well as the flood plain at Calvine Road near Bradshaw. I asked to be emailed and receive written
18 notice for any studies being conducted. I did not receive any.

19 I emailed Jessica Shalamunec in November of 2005 requesting to be on the notification
20 list. I received a return email and was assured I would receive emails and be notified.

21 In January after learning of the Elk Grove Planning Commission website's environmental
22 document links from another project, I found an Initial Notice of Preparation to study High
23 Density Housing had been sent out and the comment period had closed January 6, 2006.
24
25

4-1

Response to Study for High Density Housing

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 4 Continued

4

1 I contacted Jessica Shalamunec by email on January 26, 2006 stating I had not been
2 notified. She responded by saying she would be willing to take my comments past the comment
3 period for the record. Of course, the legality and use of "post comment period" comments is
4 questionable.

4-1
cont.

5 When I learned of the studies beginning to take shape, I contacted Taro Echiburú-project
6 contact for the study-to let him know I would want to be informed of the projects. The sites
7 designated for study, deemed "Site C" and "Site D" had critical flaws for housing of any kind.
8 The flaws are especially dangerous for high-density housing. I was assured I would be kept
9 informed.

4-2

10 Again, there was no direct mailing to me of any information when the notice to adopt the
11 initial study for high-density housing came before the Planning Commission. However, I was
12 able to comment in writing about Site C and mailed this comment by certified mail. It is included
13 in the Draft Environmental Impact Report.

4-3

14 However, I did not include comments in this mailing regarding Site D because the site
15 description stated-and still states as of this date- Site D is "west of Waterman". Although this
16 was not an area with which I was familiar, I decided to check the parcel number provided for the
17 site description. I went to the Sacramento County Assessor's website, and it was then I learned
18 that Site D is actually EAST of Waterman and sits directly on the Laguna Creek at Calvine.

4-4

19 I prepared a written response to this information and the fact the location for Site D was
20 wrong. On April 10, 2006, I walked it into the City Office of the Elk Grove City Government.
21 Amy Diaz, receptionist for the City, had a trainee contact Taro Echiburu by phone and let him
22 know there was a person who wanted to leave a written comment for the High Density Housing
23 Study. They informed me he wasn't available to come just then, but they would take the
24
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4-5

Response to Study for High Density Housing

Letter 4 Continued

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1 document. I left my comments with pictures of the project sites and received a receipt for it.

2 This document was not included in the Draft Environmental Impact Report.

3 I did not receive any further notice until I received an email from Jessica Shalamunec that
4 the notice to adopt the Draft Environmental Impact Report was available for public viewing on
5 egplanning.org/environmental website.

4-5
cont.

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II. Formal Response and Request

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9 This document is a written response to information gained through public agencies and
10 personal research I have conducted since learning of the Study for High Density Housing and the
11 two specific locations in question.

12 With the supporting details I am providing, this is a formal response and request, per the
13 California Environmental Quality Act (CEQA) guidelines, that

- 14 1. Site C be determined "No Project" now and in the future.
- 15 2. Site D because of errors in notification and site description, be completely removed from
16 studies for high density housing now and in the future.
- 17 3. Furthermore, Site D should only be considered to be protected as a natural creek or as
18 part of the parks and trail system.

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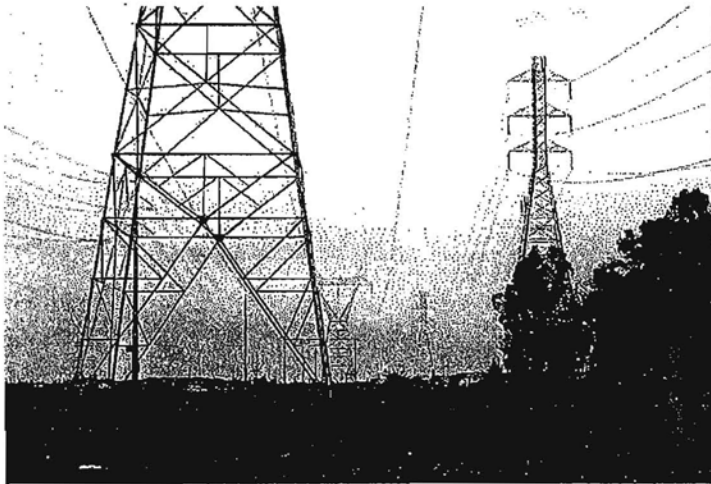
Response to Study for High Density Housing

Letter 4 Continued



Parcels 121-0180-003, 121-0180-004, 121-0180-015, and 121-0180-059 from southeast looking northwest.

Comment: This picture indicates Northwest corner and is private property.



Parcels 121-0180-003, 121-0180-004, 121-0180-015 and 121-0180-059 from south end looking north.

Comment: The right side of the picture indicates eastern boundary of parcels and is private property.

Letter 4 Continued

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PART 1-SITE C PARCELS:

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121-0180-003, 121-0180-004, 121-0180-015, and 121-0180-059

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III. Site C - Lack of Full Disclosure to Interested Parties

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“**Notice to Individuals:** PRC Section 21092.2 *requires* notice of the availability of a draft EIR to be mailed to any person who has filed a written request for notification with the lead agency.”

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Although the law states this is the minimum requirement to be adhered to, ethics dictates that persons who will be directly affected be notified.

11

12

CEQA Statute 15083: states: “Prior to completing the draft EIR, the Lead Agency may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project (that will) arise in more serious forms later in the review process.”

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Furthermore, this project does fall under the National Environmental Protection Act for several reasons, therefore must be used as a source of guidance when CEQA is silent.

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19

National Environmental Protection Act NEPA 1501.7 (a) 1 states lead agencies shall “Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds)” to participate in the process.

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NEPA Section 1506.6 viii states: the lead agency shall conduct “Direct mailing to owners and occupants of nearby or affected property.”

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4-7

4-8

Response to Study for High Density Housing

Letter 4 Continued

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1 All possible individuals who will be affected in the vicinity were not contacted. Only the
2 minimum contact by posting in the newspaper and on the Elk Grove Planning Commission
3 website were used. The people living in the proximity of Site C are new residents to Elk Grove.
4 They are the same people who will be affected by Site C being converted to RD-20 zoning. This
5 was not adequate.

- 6
- 7 1. They should have received personal notification.
- 8 2. The newspaper postings did not specify exact locations of the project therefore
- 9 concerned individuals did not know potential effects.
- 10 3. The General Plan, current zoning of AR-5 and RD-4 Estate Residential, and *trust* in
- 11 the government of the City of Elk Grove have turned into smokescreens for lulling
- 12 new residents in the community into not researching this issue.
- 13
- 14

4-9

15 IV. Site C High Voltage and Electromagnetic Field (EMF) Exposures

16 The study by the California Department of Health and Safety, "**Power Grid and Land Use**
17 **Policy Analysis**" has acknowledged that high voltage and electromagnetic fields (EMF) health
18 risks increase 2.5% for people who live within 50 feet of 2.3 kV Transmission lines.
19 (Information extrapolated from Appendix D, pages 5 and 6). This study does not address *more*
20 *than* 2.3kV Transmission lines. It follows that diseases from exposure to not just four lines, but
21 four sets of these power lines with a more powerful EMF, as exists at Site C, would increase
22 geometrically. Therefore, humans are at an increased risk for developing cancer, leukemia,
23 Alzheimer's and other health-related abnormalities and leading to suffering and death.

4-10

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Response to Study for High Density Housing

Letter 4 Continued

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V. Site C –

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Negative Incidents of Fatalities, Injuries, Collisions, Electrocutions, Fires

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The study by the California Department of Health and Safety, “Power Grid and Land Use Policy Analysis” has documented that there are more dangers for human exposure than just Electro Magnetic Fields. The following represent these:

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1. On page 95 it states that annual fatalities by fire are eleven percent higher near electrical power lines.

8

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2. On pages 95 and 96 it states fatalities by pole collisions increase.

10

11

3. On pages 97 and 98 it states the number of electrocutions increase.

12

4. Property loss from collisions increase thus presenting a threat to the Western Area Power Authorities (WAPA) power grid and the millions of people who are serviced by it.

13

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Therefore, it follows the use of this land is of great risk for the human population.

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VI. Site C – Environmental Justice

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The response in the Draft EIR to my concerns about environmental justice were dismissed as not relevant to the CEQA process. The housing element for the Elk Grove General Plan Housing Element specifically states that multifamily units will be designed for low and low-income persons, regardless of race, gender, etc. It says it will provide lands for this goal.

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The General Plan further specifies these housing units will be by areas that have services for the public. There are no services within miles of this site.

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Response to Study for High Density Housing

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4-12

Letter 4 Continued

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1 U.S. government, but by Cal EPA as well. It is unclear whether these agencies were given
2 priority notices. It is unclear as to the agencies knew of the specific location of Site D. It is
3 unclear as to the agencies knowing the specific geologic make up of Site D.

4-22
cont.

4 Therefore, it is unclear as to the accuracy of any studies on Site D being complete and
5 correct.

6 **XI. Site D-Building at This Site is Not Consistent with Elk Grove General Plan**

7 **Or City Agreements**

8 The City of Elk Grove has entered into a partnership with the Laguna Creek Watershed
9 Council to preserve the area known as Site D in this study as a natural habitat and enhance it for
10 parks and trails. The Upper Laguna Creek Collaborative has had the following participate in the
11 goal of creating a multifunctional parkway and trail system:
12

13 ~~5-~~ 1. Sacramento Regional County Sanitation District

14 ~~6-~~ 2. Laguna Creek Watershed Council

15 ~~7-~~ 3. Southgate Recreation and Park District

16 ~~8-~~ 4. Sacramento Valley Conservancy

4-23

17 ~~9-~~ 5. Elk Grove Community Services District

18 ~~10-~~ 6. City of Elk Grove

19 ~~11-~~ 7. City of Rancho Cordova

20 ~~12-~~ 8. Sacramento County, Departments of:

- 21
- 22 • Water Resources
 - 23 • Regional Parks, Recreation and Open Space
 - 24 • Planning - South Sacramento Habitat Conservation Plan (HCP)
 - 25

Response to Study for High Density Housing

Letter 4 Continued

16

- 1 • Environmental Review and Assessment
- 2 • Transportation

3
4 The General Plan for the City's Parks and Trails Element states in its focused goal 3-4
5 "preservation and enhancement of Elk Grove's natural areas". On page 155 of the General Plan
6 there is a map showing the area for Site D as part of the trail system.

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cont.

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XII. Site D-Upset Current and Future Status Quo

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The building of high density housing and development of the parcel known as Site D would create an inequity and violate health and safety codes, water protection laws and create foreseeable and unforeseeable negative consequences in the direct vicinity as well as down stream for hundreds of thousands of persons.

4-24

Furthermore, building high-density housing would create irreparable harm that will have far reaching consequences that will affect millions projected into the future.

Response to Study for High Density Housing

Letter 4 Continued

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XIII. Conclusion

Therefore, let it be known to the City of Elk Grove and all interested parties, that due to the above reasons, I object to the construction of High Density Housing as proposed in the Draft Environmental Impact Report for the areas known as "Site C" and "Site D".

It is my request that the City of Elk Grove's governing bodies and staff duly consider the information provided and henceforth determine Site C as "No Project" or remove it from consideration.

It is also my request the City of Elk Grove's governing bodies and staff duly consider the information provided and henceforth remove Site D from any further studies-now and in the future-for development other than as a preserved natural creek or as part of the parks and trail system.

4-25

Response to Study for High Density Housing

Letter 4 Continued

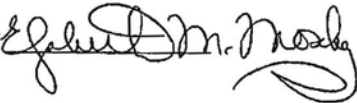
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Signed this day-
7th of September 2006

ELIZABETH M MOSEBY
9376 Miko Circle
Elk Grove, CA 95624

Amended 8th of September 2006



Response to Study for High Density Housing

ter 4

zabeth M. Moseby, Resident

Response 4-1: The commenter provides background regarding knowledge of the project and states that she did not receive a direct mailing regarding the project. The City of Elk Grove apologizes for the oversight of not providing a direct mailing regarding the project to the commenter on the NOP. The City of Elk Grove has complied with the noticing requirements of CEQA pursuant to Section 15372 with regard to preparing a Notice of Completion (NOC) and Notice of Availability (NOA). With the exception of noticing the NOP, the commenter has been provided every notice the City has mailed regarding this project. The Notice of Availability was also published on two occasions in the local newspaper, the *Elk Grove Citizen*. Although the commenter did not receive a direct mailing regarding the NOP, she was not excluded from notification as evidenced by her timely submission of written comments as well as her participation in the Planning Commission hearing for the project which took place on August 24, 2006.

Response 4-2: The commenter states that Sites C and D have critical flaws for housing of any kind. No substantiation for this position is provided here. This comment is noted for the decision-makers.

Response 4-3: The commenter states that she did not receive a direct mailing regarding a "notice to adopt the initial study." No such noticing is associated with the CEQA process as initial studies are not subject to adoption. A Notice of Preparation (NOP) is issued in association with an Initial Study when the Lead Agency intends to prepare an EIR. An NOP was issued on March 10, 2006 to solicit guidance from responsible and trustee agencies consistent with the requirements of CEQA Section 15374. The NOP included a summary of probable effects on the environment associated with implementation of the project. Refer to Response 4-1, above.

Response 4-4: The commenter notes that the location of Site D west of Waterman Road is incorrect. As shown below, the text has been revised accordingly to reflect the site's location on the east side of Waterman Road. All other references and figures in the document, including the description in Table 3.0-4, on page 3.0-7 of the Draft EIR correctly identify the location of Site D as east of Waterman Road. Therefore, it is possible to determine the Site's location from the information contained in the Draft EIR.

Page 3.0-5, second line of the first paragraph has been revised as follows:

"Site D. Site D is made up of one 19.93 acre parcel (121-0180-007) located south of Calvin Road less than one-half mile ~~west~~ east of Waterman Road in the northern portion of Elk Grove (**Figure 3.0-1**). Site D borders the northern City limit. The site is currently designated as Estate Residential (0.6 to 4.0 dwelling units/acre) (refer to **Figure 3.0-4**) and is zoned AR-5 (Agricultural Residential Land Use Zone, minimum 5 acres) (refer to **Figure 3.0-5**)."

Page 4.1-2, first line of third paragraph has been revised as follows:

"Site D

Site D is located south of Calvine Road less than one-half mile ~~west~~ east of Waterman Road in the northern portion of Elk Grove (**Figure 3.0-1**)."

Response 4-5: The commenter states that she submitted a letter to the City on April 10, 2006, the contents of which were not included in the Draft EIR. The commenter's letter, dated April 9, 2006, included statements of opinion identifying Site C and D as a "bad place" for residential housing. As the letter was a comment received in response to the NOP, it should have been included as part of Appendix A. It has been included at the end of Section 3.0, Errata of this Final EIR. The commenter also submitted comments during the NOP period which identified similar issues. These were addressed on page 1.0-9 of the Draft EIR.

The commenter also states that she did not receive notice until she was e-mailed "the notice to adopt the Draft Environmental Impact Report." The Draft EIR is not yet under consideration for adoption. At this point in the CEQA process, the document is available for public review and comment. The issue of notification has been previously discussed. Refer to Response 4-1, above.

Response 4-6: The commenter outlines issues of concern to be discussed in the remainder of the comment letter. These are addressed in Response 4-7 through 4-25, below.

Response 4-7: The commenter raises the issue of noticing the project and references Public Resources Code Section 21092.2 which states that "notices...shall be mailed to every person who has filed a written request for notices with either the clerk of the governing body or, if there is no governing body, the director of the agency." The City of Elk Grove acknowledges the oversight of not providing a written notice to the commenter. However, Section 21092.2 also states that "This section may not be construed in any manner that results in the invalidation of an action because of the failure of a person to receive a requested notice, provided that there has been substantial compliance with the requirements of this section." As noted in Response 4-1, above, the City has complied with the noticing requirements of CEQA pursuant to Section 15372 with regard to preparing a Notice of Completion (NOC) and Notice of Availability (NOA). The Notice of Availability was published on two occasions in the local newspaper, the *Elk Grove Citizen*. As a result of these actions, the commenter was able to participate in the CEQA process. Additionally, the commenter has received notice and has commented on the environmental documents. Refer to Response 4-1, above.

Response 4-8: The commenter asserts that the project falls under the National Environmental Protection Act (NEPA). No specifics are provided by the commenter as to why the project would be subject to NEPA. As stated in Section 15220 of the CEQA Guidelines, NEPA applies to projects which are carried out, financed, or approved in whole or in part by federal agencies. No portion of the project involves or is under federal jurisdiction. The HDR GPA and Rezone project addresses the City's mixed use portion of sites that could fulfill the Regional Housing Needs Allocation. As explained on page 1.0-1 of the Draft EIR, the proposed HDR GPA and Rezone is a project within the definition of CEQA. No further response is necessary.

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Response 4-9: The commenter raises questions regarding notification under NEPA and/or is seeking notice requirements beyond those required by CEQA. As noted in Response 4-8, above, the proposed project is not subject to NEPA. Noticing requirements relative to CEQA are discussed in Response 4-1, above.

Response 4-10: The commenter believes that Site C will be subject to electromagnetic fields (EMFs) which could be detrimental to human health. This assertion is based on the "Power Grid and Land Use Policy Analysis" study prepared by the California Department of Health Services. The presence of EMF's were discussed in the Draft EIR on pages 4.3-13 and 4.3-14 and as part of impact 4.3.3 on page 4.3-27. The analysis determined that impacts associated with electromagnetic fields are considered less than significant. This determination was based on the Phase I Environmental Site Assessment prepared by Ramcon Engineering and Environmental Contracting for a site crossed by the same transmission corridor. The findings of this Assessment indicate that Ramcon is not aware of any conclusive evidence that has been developed to demonstrate a cause-effect relationship between EMFs and illness. Section 15151 of the State CEQA Guidelines identifies the Standards for Adequacy of an EIR, stating:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

The analysis of EMFs in the Draft EIR was based on expert analysis prepared by Ramcon Engineering and Environmental Contracting. As such, the difference in understanding of the issue between Ramcon and the California Department of Health Services would be considered disagreement among experts per Section 15151. This difference does not negate the validity of the analysis in the Draft EIR. No further response is necessary.

Response 4-11: The commenter provides information from the study by the California Department of Health and Safety regarding dangers for human exposure associated with power corridors. The commenter asserts that the use of Site C will be of great risk for the human population based on this information. No substantiation for this position is provided. No major incidents in the City of Elk Grove have occurred relative to fatalities by fire, pole collision, electrocutions, and property loss from collisions to the WAPA power grid facilities. There is no history of these events occurring in the City of Elk Grove nor is there any conclusive evidence that the project would increase the likelihood of such events. The WAPA prohibits various uses and activities in the easement including: (1) any use that will interfere with or damage the equipment of the United States, (2) digging or drilling of a well, (3) erecting buildings or structures, (4) placing or piling up material within the easement boundaries. The easement also gives WAPA the right to remove the trees, brush or other

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

objects interfering with the safe operation and maintenance of the line. This comment is noted for the decision-makers' consideration.

It should be noted that the site is currently designated for residential uses (Estate Residential) indicating the City's intention to allow residential construction on this site. The only difference associated with the proposed HDR GPA and Rezone is that the change in land use designation to High Density Residential would allow a greater number of people on Site C compared to the existing land use designation.

Response 4-12: The commenter states that concerns regarding Environmental Justice were dismissed in the Draft EIR. Page 1.0-9 of the Draft EIR states that "Environmental justice is a concept included in NEPA analysis for projects under federal jurisdiction or sponsorship, which this project is not. However, the additional designation of Site C, among the numerous multi-family sites throughout the city, would not result in 'segregating' low income populations to one area."

The project would provide land that could potentially provide housing for low and low-low income persons. This comment is noted.

The commenter states that there are no services for the public within miles of the site. However, this is not the case. Two drug stores, a grocery store and various other services are located approximately 1.5 miles to the west of the site at the intersection of Calvine Road and Elk-Grove Florin Road and additional shopping options are located approximately 3.5 miles to the southwest at the corner of Bond Road and Elk Grove-Florin Road.

The commenter states that siting multi-family housing at Site C "will deny environmental justice to people who are traditionally not able to find housing outside of low quality and dangerous environments" and goes on to quote NEPA. As previously stated, no portion of this project is under federal jurisdiction or sponsorship. Residential development is currently located immediately to the west of Site C and is currently designated for Estate Residential uses in the General Plan. In addition to Estate Residential uses, Low Density Residential uses are also proposed to the south along the WAPA Corridor. The presence of these uses in the area demonstrate that Site C is not considered low quality, does not present a dangerous environment or embody environmental justice issues such as placing a disproportionate share of negative environmental consequences on a specific racial, ethnic or socioeconomic group. Refer to Response 4-8, above.

The commenter cites CEQA Section 15064(b) (Determining the Significance of the Environmental Effects Caused by a Project) as providing guidance to consider environmental justice. The commenter's concern, while relevant, is not accurately associated with NEPA. Section 15064(b) states:

The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An iron clad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity

which may not be significant in an urban area may be significant in a rural area.

The proposed HDR GPA and Rezone project complies with the intent of this section of CEQA by providing a thorough analysis of all pertinent issues. This section of CEQA is not an environmental justice reference.

CEQA does not address environmental justice explicitly. It does however allow full public participation and disclosure as part of the environmental review process. Disclosure is achieved through solicitation of comments from individuals and agencies and responses to these comments from the lead agency. Availability of the Draft EIR and opportunity to review and comment on discussion of environmental impacts, mitigation measures and alternatives all provide for disclosure as do public hearings.

The proposed HDR GPA and Rezone project does not provide low income housing; it provides land for higher density residential development in keeping with the City's RHNA. The General Plan does not have any policy or requirement that these sites be limited to occupancy by lower income households. This comment is noted for the decision-maker's consideration.

Response 4-13: The commenter states the development of high density housing on Site C will violate the General Plan because the site is designated agricultural and estate residential; is designated open space and trails; and farmlands and agricultural way of life are protected. Site C is designated as Estate Residential on the Elk Grove General Plan, not agricultural. Figure PTO-1: Open Space Policy Map of the Elk Grove General Plan identifies the potential of using the power line corridor for trails and open space, however this is not a designation. The commenter states that farmlands are protected. This is indeed the case as evidenced by General Plan Conservation and Air Quality Policy CAQ-4 and associated action items. The proposed HDR GPA and Rezone proposes a General Plan Amendment to change the existing General Plan designations for the project site. If the GPA is adopted, high density development would then be consistent with the General Plan. Impacts associated with adoption of the GPA are addressed throughout the Draft EIR. Impacts specific to agriculture are discussed on Section 4.1, Land Use (Impact 4.1.2 on pages 4.1-33 through 4.1-37 of the Draft EIR, and Impact 4.1.4 on pages 4.1-39 through 4.1-40 of the Draft EIR). Aesthetic impacts relative to changes in visual character (e.g. open space) are addressed in Section 4.11, Visual Resources (Impact 4.11.1 and 4.11.2 on pages 4.11-12 through 16 of the Draft EIR).

Response 4-14: The commenter refers to Policy H-1, Action 1 which calls for suitable land to be available to accommodate the City's identified housing needs through 2007. Rezone of lands is identified to occur no later than 2004.

The Multi-Family Rezones project was approved in December 2004, fulfilling the rezone requirements specified in Policy H-1, Action 1. Regarding the project's consistency with General Plan policies regarding housing, the commenter is directed to Policy H-1 of the General Plan and associated Action Item 10. The proposed project is being carried out in accordance with the requirements of Policy H-1 and its associated action item 10, which require

that the City maintain an adequate supply of land for housing for all income levels. The policy requires annual review of the city's land inventory for housing, and provision of additional sites if deemed necessary. The reasons for the project and process by which project sites were selected, including a description of how the General Plan criteria for locating high density residential sites were used, is provided in Section 3.0, Project Description, of the Draft EIR.

The commenter is also referred to Table 4.1-2 (pages 4.1-8 and 4.1-11) of the Draft EIR, and to the analysis provided under Impact 4.1.1, Consistency with Relevant Land Use Planning Documents, on pages 4.124 through 4.1-33 of the Draft EIR for additional details regarding project consistency with the General Plan.

- Response 4-15:** The commenter states that there are no services within miles of Site C. Part of the guidelines used in selecting the HDR GPA and Rezone sites was proximity of commercial uses. As previously identified, Site C is located within 3 miles of a shopping center including a grocery store, pharmacy, bank, etc. Refer to Response 4-12, above.
- Response 4-16:** The commenter notes that the parcels for Site C are not included in Table 1-33 (Vacant Multi-Family Sites Characteristics) of the General Plan Housing Element. The sites included in Table 1-33 have been rezoned and accounted for in the inventory. The sites included as part of the proposed HDR GPA and Rezone project are being analyzed to provide additional sites and guarantee the stability of the City's inventory. The Housing Element identifies Policy H-1 and associated Action Item 10 to review and update the inventory as necessary. This project is occurring consistent with those projects. Additionally, the City is taking a proactive approach to the inventory since new Regional Housing Needs Assessment (RHNA) numbers will be issued for the 2008-2015 planning period.
- Response 4-17:** This comment repeats the notification and disclosure comments made in Comment 4-7. Refer to Responses 4-1 and 4-7, above.
- Response 4-18:** The commenter states that the project is subject to NEPA. This issue has been previously addressed and it has been identified that the proposed project is not subject to NEPA. Refer to Response 4-8, above.
- Response 4-19:** The commenter raises concerns regarding noticing of the project and NEPA requirements. This issue has been previously addressed. Refer to Responses 4-1, 4-7 and 4-8, above.
- Response 4-20:** The commenter notes that the description of the Site D's location is incorrectly identified as west of Waterman Road. This comment is noted and the text has been revised accordingly. Site D's location was identified correctly in Table 3.0-4 of the Draft EIR and on the figures that reference the site, including Figures 3.0-1, 3.0-4, 3.0-5, 4.1-1, and 4.1-6. As the figures identifying the site location are correct and the site and nearby roadways are clearly delineated on the site location figures, it is anticipated that a reader of the Draft EIR would have been able to easily determine the location of the project site. Refer to Response 4-4, above.

COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

The Site is designated Estate Residential in the Elk Grove General Plan. The Draft EIR notes on page 4.1-2 that Laguna Creek crosses the northern third of the site.

Response 4-21: The commenter cites San Joaquin Raptor/Wildlife Rescue Center vs. County of Stanislaus as an example of the project that was overturned based on errors. The Draft EIR's description of Site D as west of Waterman Road rather than east of Waterman Road did not affect the analysis contained in the EIR. All impacts relative to the site were analyzed based on its location east of Waterman Road and its proposed General Plan land use designation. The description of the site provided in the EIR clearly identified potential environmental resources on the project site; see the discussion under Impact 4.7.2 (Flood Hazards) on pages 4.7-20 through 4.7-22, and the discussion of biological resources and potential impacts to biological resources in provided in Section 4.8, Biological Resources, of the Draft EIR.

Response 4-22: The commenter states that Laguna Creek which is located on Site D, is a federally protected watershed and entitled to its own evaluation. Site D was evaluated in the Draft EIR relative to all pertinent issue areas as identified in the CEQA Guidelines, Appendix G. As part of the NOP, the project was distributed to appropriate commenting agencies including the Department of Water Resources, Fish and Game, and the Regional Water Quality Control Board. Section 4.7, Hydrology and Water Quality of the Draft EIR addressed Operational Surface Water Quality Impacts. Mitigation Measures (MM 4.7.3a, MM 4.7.3b and MM 4.7.3c) were provided on pages 4.7-23 through 4.7-25 to address this impact and reduce it to less than significant. Impact 4.7.2 addressed Flood Hazards on pages 4.7-20 through 4.7-22 of the Draft EIR. Impacts to jurisdictional waters were discussed under Impact 4.8.5 on pages 4.8-30 and 4.8-31 of the Draft EIR.

Response 4-23: The commenter asserts that building on Site D is not consistent with the Elk Grove General Plan or Laguna Creek Watershed Council plans based on the presence of Laguna Creek. Laguna Creek is the main creek that flows through the City of Elk Grove. The City's General Plan Land Use Policy Map identifies various uses along the Creek but also contains Conservation and Air Quality Element Policy CAQ-21 that requires development adjacent to Laguna Creek to provide a "stream buffer zone" along the creek. A specific development project is not proposed as part of the HDR GPA and Rezone for Site D. However, future development on the site would be required to provide a buffer in compliance with this policy.

The map the commenter refers to on page 155 of the General Plan, is Figure PTO-1: Open Space Policy Map. As noted on the Figure, the "map illustrates trail and open space concepts, but is not intended to show all future open space and trails." Site D is not designated as a trail, rather the portion of the site within the WAPA power line corridor may be used as part of a trails system.

Response 4-24: The commenter asserts that placing high density residential uses on Site D would "create inequity and violate health and safety codes." No evidence is provided to substantiate these statements. However, the comment is noted for the decision-makers' consideration.

Response 4-25: The commenter states opposition to the project. This comment is noted for the decision-makers' consideration.

Letter 5



September 7, 2006

City of Elk Grove
Development Services, Planning
Attn: Taro Echiburú
8401 Laguna Palms Way
Elk Grove, CA 95758

Re: **HIGH DENSITY RESIDENTIAL GENERAL PLAN AMENDMENT AND
REZONE DRAFT ENVIRONMENTAL IMPACT REPORT**

Dear Mr. Echiburú:

This company owns the Property identified in the High Density Residential General Plan Amendment and Rezone Draft Environmental Impact Report ("EIR") as Site G. As the owner and manager of Site G for over the last 15 years, we are opposed to the application of the proposed rezone and general plan amendment to this property. Plus, the EIR for this project is clearly inadequate in that it has inaccurate facts which force inaccurate conclusions.

5-1

1. **Background.** Site G is a 9.69-acre parcel located approximately 650 feet south of Sheldon Road on the east side of State Route 99 (SR 99) in the north central portion of Elk Grove. The parcel is currently designated as C/O/MF (Commercial/Office/Multi-Family) on the Elk Grove General Plan Land Use Policy Map and is zoned SC (MF), Shopping Center (Multi-Family).

2. **Why is this Site Even Considered for Rezone/GPA?** In 2004, the City Council considered Site G (then identified as Site Q) for redesignation to a multi-family land use category. In December 2004, the City Council unanimously determined that the site was most appropriate to be designated as multi-use, and the Council changed the property to the Commercial, Office, Multi-Family (C/OF/MF) designation.

5-2

When the City staff began the most recent round of evaluating sites for redesignation to multi-family as part of this project, Site G was not on the staff's list of 10 sites for evaluation. City staff held community meetings to discuss the 10 sites it was considering for redesignation and sent notices to all affected property owners (i.e. property owners with sites on the list being considered) to attend those meetings and discuss the sites. We did not receive notice of the

1130 IRON POINT ROAD, SUITE 150 • FOLSOM, CA 95630 • PHONE: 916-355-1450 • FAX: 916-355-8614

Letter 5 Continued

City of Elk Grove
Development Services, Planning
September 7, 2006
Page 2

meetings because Site G was not on the list. Those meetings resulted in additional sites coming under consideration. It was not until the Planning Commission meeting in June 2005, that Site G was added to the list by the Planning Commission at a meeting for which we were provided no notice; our site was not on the list prior to the meeting.

You can imagine my surprise to receive a notice of the City Council's meeting on August 10, 2005 where the Council would be considering again the study of Site G for strictly multi-family. We were disappointed that the Planning Commission recommended Site G in June 2005. But we were extremely disappointed that no one from staff ever contacted us. We did not know what happened in June until the notice of the City Council's meeting arrived the beginning of August 2005, just a few days before the hearing.

5-2
cont.

3. **Site G Is Great for Retail.** Site G is unique. It is one of the few remaining vacant sites along Highway 99 that can support retail. It has good visibility and with the completion of the Sheldon Road/Highway 99 Interchange project, the site will have safe, convenient access for future customers. Site G makes no sense for multi-family. There are no services within convenient walking distance and there are no nearby transit centers.

As a retail site, this property is a viable sales tax generator for the City. At its August 9, 2006 meeting, the City Council was provided with a study indicating that Elk Grove is underserved by retail. The City suffers from sales tax leakage into other areas in south Sacramento. In the study, the City did not rank well in areas of taxable sales per capita in general merchandise, eating and drinking and total sales. Site G provides an opportunity to address some of the deficiencies identified in the study.

We were involved with the development of the residential subdivision created immediately east of Site G. Unfortunately, we have been unable to develop Site G for the last ten years. Two significant constraints have limited use of the property. First, the Sheldon Road/SR 99 interchange has been in the planning stages. Its future alignment and the realignment of East Stockton Boulevard have infringed on the boundaries of Site G, leaving us unclear as to what is developable and what is not. The Sheldon Road/SR 99 Interchange Reconstruction project is now underway. It is a \$48 million project that will greatly improve site access. The interchange project is scheduled to be completed in 2007. The second constraint has been the Lower Laguna Creek flooding backing up on to the site. It now appears that the solution for reducing this inundation can be implemented, allowing us to develop the entire site.

5-3

This site has always been planned as a retail site. This property was zoned for retail uses before the City incorporated. This property is now part of a

Letter 5 Continued

City of Elk Grove
Development Services, Planning
September 7, 2006
Page 3

commercial development partnership that is actively moving forward to the approval, development and leasing of the site. We believe that this property, along, with our property we own adjacent to Highway 99 will become an excellent 17-acre retail development. Our analysis is based, in part, upon knowledge that site of this size, visibility and access are unique to Elk Grove. The subject property is critical to the overall success of the larger property because its size and configuration is suitable for an anchor tenant. Without an anchor tenant, the viability of the surrounding property becomes suspect. Accordingly, we submitted an application on August 21, 2006 for a retail project of 86,000 square feet, consisting of a market, fuel center, three retail shop buildings, and two restaurant drive-thru pad buildings. With the market located to the southern portion of the site, and pad & shop buildings backed onto East Stockton Boulevard and Cantwell, the exposure and access into the property is ideal.

5-3
cont.

After struggling for years, this site is now ready to finally develop as a sales tax generator for the City. It is a good retail site and should not be rezoned.

4. **The EIR is Inadequate.** The EIR has a couple of errors that lead to significantly inaccurate conclusions.

a. Site G is inaccurately identified in multiple locations (see section 2.2 and 4.1.2 for just two examples) as having a "Rural Residential" designation in the General Plan, which allows only five (5) dwelling units on the site. Site G is actually designated Commercial/Office/Multi-Family, a designation that permits high density residential development at 30 dwelling units per acre. The EIR fails to recognize that Site G already permits the uses that the City is suggesting to apply to the property. This mistake is not just editorial or an inaccurate reference. This mistake is carried out in a number of areas and leads to inaccurate assessments of impacts, findings and conclusions.

5-4

b. The Air Quality impact assessment fails to adequately address the potential health impacts of locating a multi-family project so close to SR 99. Impact 4.6.6 acknowledges that the project may expose sensitive receptors to substantial levels of air pollutants as a result of being so close to SR 99. Such impacts include increased asthma and reduced lung function in children and the elderly, those most likely to live in multi-family housing.

5-5

As a mitigation measure for this impact, the EIR recommends additional studies after the rezone and during the design review process to determine the amounts of particulate matter and toxic air contaminants to which future residents would be exposed. Then mitigation measures would be created and imposed. This approach simply will not work. What if the particulates or contaminants from the proximity to the freeway cannot be

Letter 5 Continued

City of Elk Grove
Development Services, Planning
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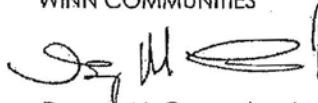
mitigated to a less than significant level? We, as the landowner, would be left with an undevelopable site! Deferral of mitigations is not an acceptable approach under CEQA.

5-5
cont.

Thank you for the opportunity to comment on the EIR. If you have any questions, please do not hesitate to contact me.

Sincerely,

WINN COMMUNITIES



George M. Carpenter, Jr.
Vice President - Community Planning

cc: Jessica Shalamunec, Planning

er 5

orge M. Carpenter, Winn Communities

Response 5-1: The commenter states opposition to the proposed project and asserts that the EIR is inadequate. This comment is noted.

Response 5-2: The commenter provides background on Site G including its size and current land use and zoning designation. The commenter questions why the site was included for GPA and Rezone as one of the multi-family sites and asserts that they were not contacted regarding this action. These comments express an opinion and address procedure. The commenter is referred to Section 3.0, Project Description, of the Draft EIR for a description of the history of the project and the criteria used to determine high density residential sites and to Response 4-1, regarding noticing. These comments do not address the adequacy of the environmental analysis but are noted for the decision-maker's consideration.

Response 5-3: The commenter expresses an opinion regarding Site G's suitability for retail uses and believes such uses would be a more beneficial use of the site.

CEQA Section 15064(e) and Section 15131 very specifically address economic and social issues and the extent to which such issues are to be considered when determining significant environmental effects.

Section 15064(e) states:

Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change (emphasis added) shall be regarded as a significant effect on the environment. Where a physical change caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

Economic and social effects of a project are addressed a second time in CEQA Section 15131 - Economic and Social Effects. This section states:

Economic or social information may be included in an EIR or may be presented in whatever form the agency desires.

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

- (a) *Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain or cause and effect. The focus of the analysis shall be on the physical changes.*
- (b) *Economic or social effect of a project may be used to determine the significance of physical changes caused by the project. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.*
- (c) *Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.*

In order to be considered an impact under the scope of CEQA, a project must result in a physical impact on the environment. The physical changes resulting from the project would include increased traffic, noise and air quality impacts for sites that would be designated and zoned more intensely as a result of the project (e.g. change from an Estate Residential designation to a High Density Residential designation). These physical changes were examined in the Draft EIR.

The fact that Site G has retail potential may be considered an impact on an economic level. However, in order to be considered environmental impacts, a physical impact on the environment must result. The impacts that would occur relative to maintaining the existing land uses for the HDR GPA and Rezone sites were examined as part of the No Project in Section 6.0 Alternatives. This comment does not address the adequacy of the document. However, it does contain useful information that will be submitted to the City Council when they consider the project.

Response 5-4:

The commenter notes that an incorrect General Plan Designation for Site G is referenced in Table 2.0-1. The table has been revised as follows to reflect the correct existing General Plan land use designation on Site G.

Draft EIR, page 2.0-1, Table 2.0-1 text regarding Site G has been revised to reflect the correct General Plan designation, as follows.

COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

TABLE 2.0-1
PROPOSED GENERAL PLAN LAND USE DESIGNATION CHANGES

Size (in acres)	Existing		Proposed	
	GP Designation	Maximum Allowable Units ¹	GP Designation	Maximum Allowable Units
5.35	Low Density Residential (4.1 to 7.0 du/acre)	37	High Density Residential (15.1 to 30 du/acre)	161
4.37	Low Density Residential (4.1 to 7.0 du/acre)	31	High Density Residential (15.1 to 30 du/acre)	131
20.83	<u>Estate Residential (0.6 to 4.0 du/acre)</u> Low Density Residential (4.1 to 7.0 du/acre)	<u>83</u> 146	High Density Residential (15.1 to 30 du/acre)	625
19.93	<u>Estate Residential (0.6 to 4.0 du/acre)</u> Low Density Residential (4.1 to 7.0 du/acre)	<u>80</u> 140	High Density Residential (15.1 to 30 du/acre)	598
18.06	<u>Low Density Residential (4.1 to 7.0 du/acre)</u> Office/Multi-Family (up to 30 du/acre)	<u>127</u> 542	High Density Residential (15.1 to 30 du/acre)	542
110.90 ²	Rural Residential (0.1 to 0.5 du/acre)	55	High Density Residential (15.1 to 30 du/acre)	450
9.69	<u>Commercial/Office/Multi-Family</u> Rural Residential (0.1 to 0.5 du/acre)	<u>30</u> 5	High Density Residential (15.1 to 30 du/acre)	291
12.5	Office	-	High Density Residential (15.1 to 30 du/acre)	375
7.63	Office/Multi-Family (up to 30 du/acre)	229	High Density Residential (15.1 to 30 du/acre)	229
3.35	Commercial	-	High Density Residential (15.1 to 30 du/acre)	101
4.34	Commercial	-	High Density Residential (15.1 to 30 du/acre)	130
9.36	Light Industry	-	High Density Residential (15.1 to 30 du/acre)	281
74 ²	Light Industry Commercial Public Open Space/ Recreation	-	High Density Residential (15.1 to 30 du/acre)	450
200 ⁴	N/A	160	N/A	220

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Site	Size (in acres)	Existing		Proposed	
		GP Designation	Maximum Allowable Units ¹	GP Designation	Maximum Allowable Units
Total			832 1,185		4,584

¹ Maximum allowed units are rounded up and based on existing zoning. 30 units/acre allowed in Office/Multi-Family.

² Maximum portion developed with high density residential capped at 15 acres.

³ General Plan text amendment only to designate a maximum of 15 acres of Site F APN (116-0012-047, -050, -051) as HDR.

⁴ Maximum portion developed with high density residential capped at 5.5% (11 acres).

⁵ Site M is located in the EEGSP.⁶

The maximum number of units that would be allowed on the site in association with the proposed General Plan Amendment is correctly identified as 291. This number of units was used in analyzing the impacts. Therefore, the impacts, findings and conclusions were based on the correct number of units associated with the proposed General Plan Amendment. No further response is required.

Response 5-5: The commenter states that Impact 4.6.6 does not adequately address potential health impacts associated with locating multi-family uses near SR 99 and questions the mitigation provided to address this impact.

Mitigation Measure MM 4.6.6 is a performance based measure that requires specific actions that must be taken and criteria that must be met prior to approval of a project on the site. As the proposed HDR GPA and Rezone does not propose a specific development project on Site G, it would not be appropriate to perform an air quality study at this time. In the future when a specific development project is proposed, MM 4.6.6 requires that a study be prepared and that mitigation measures be identified as part of the study which shall be incorporated into the project design to bring exposure to particulate matter and toxic air contaminants to acceptable levels. Based on the performance standards, the project would be required demonstrate that future development occurring on the site would be designed to expose users of the site to acceptable levels of particulate matter and toxic air contaminants. MM 4.6.6 shall be revised as follows to clarify this requirement.

Draft EIR page 4.6-20, MM 4.6.6 is revised as follows:

"MM 4.6.6 As part of the design review process for Sites G, J, and K, the project applicant shall submit a site specific air quality study identifying the amount of particulate matter and toxic air contaminants to which users of the site would be exposed. Mitigation measures—The project shall be designed to incorporate measures, such as adequate setback, orientation of buildings away from the highway, and buffer areas between outdoor recreation areas, living areas, and the highway, shall be identified for any potential adverse health effects, and shall be incorporated The project applicant shall demonstrate that the incorporation of the measures into project design to will bring exposure to particulate matter and toxic air

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

contaminants to ~~acceptable~~ levels acceptable to regulatory agencies, including SMAQMD."

Letter 6

CITY OF ELK GROVE PLANNING COMMISSION
REGULAR MEETING AND PUBLIC HEARING FOR THE
DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE PROPOSED HIGH-DENSITY RESIDENTIAL GENERAL PLAN
AMENDMENT AND REZONE PROJECT

Location: Elk Grove City Hall, 8400 Laguna Palms Way
Elk Grove, California

Date and Time: Thursday, September 7, 2006 at 6:30 p.m.

ORIGINAL

Reported by:

MANDY M. MEDINA

CSR No. 11649

Job No. 54174

Letter 6 Continued

1	APPEARANCES
2	
3	
4	Tim Murphy, Acting Chairman
5	Frank Maita, Commission Member
6	Joseph Dos Reis, Commission Member
7	Christine Crawford, Planning Director
8	Jonathan P. Hobbs, Attorney
9	Jessica Shalamunec, Project Planner
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2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 6 Continued

1 (The proceedings began at 6:30 p.m.)
2 ACTING CHAIRMAN MURPHY: Good evening, Ladies
3 and Gentlemen. Welcome to the September 7 meeting of
4 the Elk Grove Planning Commission.
5 Jessica, will you please take role?
6 Christine? Somebody?
7 MS. CRAWFORD: Mr. Maita?
8 MR. MAITA: Present.
9 MS. CRAWFORD: Mr. Dos Reis?
10 MR. DOS REIS: Here.
11 MS. CRAWFORD: Acting Chairman Murphy?
12 ACTING CHAIRMAN MURPHY: Here. And, Leo,
13 would you please stand and lead us in the Pledge of
14 Allegiance tonight?
15 (Pledge of Allegiance recited.)
16 ACTING CHAIRMAN MURPHY: Thank you, Leo.
17 Before we get to the matters tonight on the public
18 comment for the high-density residential general plan
19 amendment and rezone, the draft environmental impact
20 report, Cedar Kehoe is going to speak first.
21 MS. KEHOE: Thank you. And I want to first
22 personally apologize that last Thursday when we came to
23 introduce our new system, we weren't quite ready and it
24 didn't quite work. However, we have fixed all of that.
25 So I apologize for both not having the functional system

6-1

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3

Letter 6 Continued

1 and disrupting your meeting while we tried to fix it.

2 But let me introduce the system to you. The
3 system was to remove the aisle spaced cameras and put
4 remote cameras in such that they were monitored and
5 managed in a spare AV room around the corner on the
6 other side of this wall. What you'll need to know is
7 that the microphone at the podium needs no touching or
8 movement. It is always on. However, your microphones
9 need to be activated. You simply touch the button, the
10 green light goes on, and that would mean it was
11 activated. And you will need to not lean forward and
12 speak into it. It is actually set so you can just sit
13 in your normal position and speak to it. And then
14 simply touch it again, and it will go off. We would
15 appreciate that you keep the microphones off when not
16 being used, otherwise, you'll have these bouncing sounds
17 in the room.

18 The next thing that I would like to talk about
19 is the room arrangement. We have specifically set up
20 these three desks to accommodate overflow. So if we had
21 a very busy night, which sometimes happens with City
22 Council meetings, the next to speak would be set up in
23 these areas so they have a desk to set their papers up
24 if they need to think about something.

25 The additional comments that we've made is

6-1
cont.

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2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 6 Continued

1 there are now two large Panasonics in the front lobby as
2 you walk into this building. They will actually be
3 viewing the presentation tonight, which you would see on
4 this screen here. You can now watch that from the lobby
5 as well. And that will occur during Planning Commission
6 meetings.

7 The other features to the room that are new is
8 we made this room available for emergency response
9 purposes. Each one of the work stations has with it a
10 power supply, and a computer, as well as a pop-up phone.

11 With my last comment being I would like to
12 point out some safety features. There is an orange cone
13 here, one in front, and one over there, and I would like
14 to make sure the general public does not trip over them.

15 Are there any questions regarding the system?

16 ACTING CHAIRMAN MURPHY: Thank you. We look
17 forward to a flawless performance tonight.

18 MS. KEHOE: It will be flawless tonight.

19 ACTING CHAIRMAN MURPHY: Thank you. Jon, do I
20 need to open up public comment for matters not agendized
21 tonight?

22 MR. HOBBS: Yeah, you may as well go ahead and
23 do that.

24 ACTING CHAIRMAN MURPHY: I'll open up public
25 comment. This is for items that are not on the agenda.

6-1
cont.

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5

Letter 6 Continued

1 We just have the one item tonight. Is there anyone that
2 wishes to speak to a matter other than the draft
3 environmental impact report?

4 Seeing none, I'll close public comment and we
5 will move on to the presentation. Before Jessica
6 starts, I just would like to point out to the crowd is
7 that we have a court reporter present who will be
8 recording the proceedings. Please be sure that you
9 identify yourself by name when you come to the
10 microphone as usual, and please be sure that you're not
11 speaking so fast that she can't keep up, although I'm
12 sure she can keep up with the best of us.

13 So with that, Jessica, if you'll please begin
14 with your presentation.

15 MS. SHALAMUNEC: Good evening, Commissioners.
16 Tonight is the comment -- public comment for the draft
17 EIR on the high-density residential. Just real brief,
18 the project description includes consideration of a land
19 use change for 13 sites located throughout the city, as
20 well as text amendments to increase the amount of
21 high-density residential property in the South Pointe
22 policy area as well as a general plan text amendment to
23 reflect the cap that was put on two of the sites that
24 are under consideration for the land use change to be
25 improved.

6-1
Cont.

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Letter 6 Continued

1 The project objectives really are to provide
2 additional opportunities for high-density residential in
3 the city, which is consistent with land use policy six,
4 and also provide an adequate inventory of sites for our
5 regional housing needs. And additional high-density
6 land use designations would encourage a variety of
7 housing product types in the city that are suitable for
8 all income levels.

9 Tonight's objective is solely to receive
10 public comment on the draft environmental impact report.
11 Just for scheduling sake for the folks in the audience,
12 the public review period doesn't end until next Friday,
13 so there is still another week and half to submit
14 comments, and those additional comments can be submitted
15 at the address on the bottom of the slide.

16 Jon Hobbs would also like to add something,
17 but other than that, I'm done with my presentation, if
18 you have any questions.

19 ACTING CHAIRMAN MURPHY: Questions for
20 Jessica?

21 MR. DOS REIS: No.

22 MR. MAITA: No.

23 ACTING CHAIRMAN MURPHY: Thank you, Jessica.
24 Mr. Hobbs.

25 MR. HOBBS: Thank you. I just want to remind

6-1
cont.

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7

Letter 6 Continued

1 the Commission and the audience, the purpose of
2 tonight's meeting is to take public comment on the draft
3 environmental impact report for the project described by
4 Jessica. It is not to discuss the merits of the
5 project, per se, itself, just to talk about -- or
6 receive public input on the draft environmental impact
7 report.

8 As you can see, we have a court reporter here
9 tonight who is taking down the comments. We will not be
10 responding to comments directly tonight. The transcript
11 will be prepared after the Court Reporter takes down the
12 information, and that will be part of the final
13 environmental impact report, and the City will respond
14 to those comments in writing, as appropriate, in the
15 draft report -- or in the final report rather.

16 If you have a comment, please approach the
17 microphone, state your name clearly and speak clearly so
18 that we can get a clear record. Thanks.

19 ACTING CHAIRMAN MURPHY: Thank you. Okay. At
20 this time, I'll begin calling out the folks who have
21 already submitted a blue slip to speak. If you would
22 like to speak to this matter, there are these blue slips
23 in the back of the room. Please fill one out and bring
24 it forward to Christine, and we'll call you in order.

25 So with that, the first speaker is

6-1
cont.

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2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 6 Continued

1 George Carpenter followed by Elizabeth Moseby.

6-1
cont.

2 PUBLIC SPEAKER: Good evening. Thank you,
3 Chairman. My name is George Carpenter, 1130 Iron Point
4 Road, Folsom, California. I'm vice president of the
5 Community Planning with Winn Communities, and we own
6 Site G, which is under consideration in the project.
7 And my comments tonight, I have two comments in
8 particular regarding the adequacy of the EIR.

9 One of the them, first, is the air quality
10 evaluation is inadequate. The mitigation measures are
11 deferred and, essentially, require evaluations post
12 project approval, which would -- which -- the results
13 which could render the uses that we proposed infeasible.
14 So you have a site that's just not usable if the
15 mitigation measures have been deferred.

6-2

16 The other -- the other more important issue
17 that I want to just talk about is the economic impact of
18 the rezone as proposed. The site, Site G, that we
19 currently control is on Highway 99, south of Sheldon
20 Road. And it's one of the few remaining 10-acre sites
21 that is within the City that could -- that has good
22 freeway access, and the site is -- once the Sheldon Road
23 interchange project is completed, this site would be a
24 really good retail property. From an economic
25 standpoint, the City has -- or the Council heard

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9

Letter 6 Continued

1 In its site description, it says it's west of Waterman
 2 when it is actually east of Waterman. Site D is a
 3 federally protected watershed. Site D is -- building is
 4 not consistent with the Elk Grove general plan. And if
 5 you build on Site D, which happens to be the Laguna
 6 Creek itself -- it isn't just a piece of property, it is
 7 the creek -- it would upset the current and future
 8 status quo. And then I give a conclusion in my
 9 document.

10 So, anyways, thank you for your time in
 11 allowing me to make this presentation this evening.

12 ACTING CHAIRMAN MURPHY: Thank you,
 13 Ms. Moseby.

14 PUBLIC SPEAKER: Should I submit this at this
 15 time?

16 ACTING CHAIRMAN MURPHY: If you'll please hand
 17 it over to the Planning Director.

18 Aruna Raj followed by Anthony Moseby. I hope
 19 I pronounced your name right.

20 PUBLIC SPEAKER: Yes. Good evening. My name
 21 is Aruna Raj, and I live at 9364 Miko Circle, Elk Grove,
 22 and I'm Elizabeth's neighbor. I have a petition here
 23 with 77 signatures out of 100 residential homes. And
 24 we're opposing to the 400 -- 400-unit that's going to be
 25 built east of Waterman. And one of my concerns is that

6-3
cont.

6-4

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2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 6 Continued

1 none of my neighbors received a notice in the mail
2 regarding this project. That's all I have to say.

3 ACTING CHAIRMAN MURPHY: Okay. Can you hand
4 the petition to Mr. Hobbs? Thank you very much.
5 Anthony Moseby followed by David Hawkins.

6 PUBLIC SPEAKER: Good evening. Thank you,
7 Misters. My name is Anthony Moseby. I live at 9376
8 Miko Circle. And I'm here to ask the Commission to
9 remove Site C from the draft EIR. This is the southeast
10 corner of Waterman and Calvine under a high power line,
11 which is planned for high-density housing.

12 As my wife just spoke earlier, this particular
13 part of the draft EIR has not been fully disclosed to
14 all parties. The high voltage and electronic magnetic
15 fields are matters of environmental justice. The
16 building of high-density homes under high power lines at
17 this part -- at this site will upset the current status
18 quo.

19 I have a petition as well that I went around
20 and signed. We have approximately 100 neighbors who
21 signed. And we do not want apartments underneath --
22 high-density housing on the southeast corner of Waterman
23 and Calvine. Thank you for your time.

24 ACTING CHAIRMAN MURPHY: Thank you. You can
25 hand your documents to Mr. Hobbs. Just a reminder, if

6-4
cont.

6-5

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13

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 6 Continued

1 you have a cell phone in the audience, if you can please
2 silence them during these proceedings.

6-5
cont.

3 David Hawkins followed by David Edmiston.

4 PUBLIC SPEAKER: Good evening, Commission
5 Members. My name is David Hawkins, 3623 Glacier
6 Parkway, Elk Grove. I represent Grace EV Church who is
7 currently the owner of the Parcel I, Elk Grove
8 Boulevard, I believe, and Bruceville,
9 seven-and-a-half-acre parcel.

10 My commentary to the Commission this evening
11 is I have -- I've had an opportunity to review the draft
12 EIR report, and I applaud the Commission's efforts to
13 put together a comprehensive document. And in our
14 opinion, in my opinion, as related to Site I, the EIR is
15 very -- is very adequate and fully addresses any
16 concerns with mitigation. So as far as our church and
17 our -- as owners of that parcel, we recommend that that
18 continue to move forward for the zoning as indicated to
19 the RD-20. Thank you.

6-6

20 ACTING CHAIRMAN MURPHY: Great. Thank you,
21 Mr. Hawkins. Mr. Edmiston followed by Steve Detrick.

22 PUBLIC SPEAKER: Good evening. My name is
23 David Edmiston. I live at 9376 Rancho Drive in Elk
24 Grove. I've lived in the area for almost 40 years,
25 within the City of Elk Grove for almost five, within a

6-7

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Letter 6 Continued

1 few days. I, too, represent Grace Evangelical Church.
2 I'll try to talk a little slower and a little louder.
3 We are known simply as Grace Church. We are the owner
4 of the parcel that's designated as Site I. Originally,
5 you may remember, some of you, that we opposed the
6 rezone, because we still had hopes of building a church
7 facility on that -- on that site.

8 It became evident we were not going to be able
9 to build for a number of reasons, so we decided to sell,
10 and at that time, we changed our position to support of
11 the rezone. This process seems to us that it has become
12 unnecessarily long. The City's position on rezone of
13 that parcel cost us one sale. The delay is threatening
14 to cost a second sale.

15 Verbally, we were told throughout the process
16 that we could expect completion first, I think it was,
17 March, then June, then July, August. Well, now it looks
18 like we might make it in October. I hope it does.

19 Now, I've not read the entire 800 some page
20 document. I have read the summary, and I've searched
21 through it for comment on Site I. I found nothing
22 significant on Site I which was a negative impact other
23 than those that are endemic to probably every site in
24 California -- in Elk Grove.

25 For that reason, we are in support of the

6-7
cont.

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2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 6 Continued

1 draft environmental impact report as written. We see it
2 as adequate and we see it as a well-written document.
3 We would ask if you accept the document at the earliest
4 possible date so we can move on. Thank you.

5 ACTING CHAIRMAN MURPHY: Thank you. I hope
6 you get through the rest of the documents. It's a real
7 page-turner.

8 The last speaker that we have is
9 Steve Detrick. Steve, we won't take any time as you
10 hobble up to the front. If you do wish to speak to this
11 matter, please fill out a blue slip in the back and
12 bring it forward.

13 PUBLIC SPEAKER: I'm Steve Detrick. I
14 represent the Elk Grove Coalition Advocating Proper
15 Planning. And I know when these sites were chosen there
16 was public hearings on most of them. And then there
17 was -- Jessica would have an exact number -- but there
18 were a couple of sites that were added in that didn't go
19 through the public process to have hearings on those
20 sites, and the notification has been extremely poor.
21 And on Site E, which is off of -- north of Sheldon on --
22 I believe the pronunciation is Vytina -- and I think
23 before anything is done with that site, there needs to
24 be the opportunity for public input.

25 And one of the things that I've been before

6-7
cont.

6-8

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16

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 6 Continued

1 you before on is -- it's a very sensitive issue is, I
2 know it's infield, but going into the middle of existing
3 neighborhoods to me is a bait and switch. And I know
4 this -- I know that the high-density housing is an
5 important issue and a mandated issue, but I think we
6 can -- there's other ways to approach it rather than
7 infield and 100 percent build-out with high-density
8 housing. Thank you.

9 ACTING CHAIRMAN MURPHY: Thank you, Steve.
10 The last slip I have is Steve Parent.

11 PUBLIC SPEAKER: Good evening, Commission and
12 City staff. I'm Steve Parent. I live at 9396 Miko
13 Circle. One reader made comments concerning the creek,
14 creek issues on Site D and power line issues on Site C.
15 I understand the City's overriding goal here is to
16 provide more affordable housing for a wider variety of
17 residents in the city. I understand the City's goals
18 and appreciate those goals, however, these two sites
19 are, in my opinion, not suitable for this type of
20 development.

21 Often, in this type of development, you want
22 to locate -- in my humble opinion, you want to locate
23 high-density residential development near some
24 commercial centers where our people can walk. There's
25 nothing like that in this area.

6-8
cont.

6-9

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17

Letter 6 Continued

1 In fact, many of the residents in my
2 particular neighborhood moved to this area because it
3 has a more rural feel to it than the eastern Elk Grove
4 neighborhood. So the effect of these general plan
5 amendments and rezones as proposed would be to increase
6 the number of units in that area from 300 single family
7 homes to 800 high-density residential apartments.

8 And I would submit that there are more
9 suitable parcels to the south on Waterman and more --
10 more -- in areas that are more commercially centered
11 with regards to retail development in the surrounding
12 areas. So I would like to express my opposition to the
13 inclusion of Site C and D in this draft EIR. Thank you.

14 ACTING CHAIRMAN MURPHY: Thank you,
15 Mr. Parent. Mr. Parent's was the last slip. Does
16 anybody else wish to speak to this matter?

17 Okay. Seeing none, public comment for this
18 item is closed. That concludes our agendized items for
19 tonight.

20 Is there Planning Director comment?

21 MS. CRAWFORD: No.

22 ACTING CHAIRMAN MURPHY: Commissioner
23 comment?

24 MR. MAITA: No.

25 MR. DOS REIS: No.

6-9
Cont.

6-10

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2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 6 Continued

1 ACTING CHAIRMAN MURPHY: Seeing none, is there
2 a motion to adjourn?

3 MR. MAITA: I'll move to adjourn.

4 MR. DOS REIS: Second.

5 ACTING CHAIRMAN MURPHY: All those in favor of
6 adjournment, say aye.

7 (All in favor of adjournment.)

8 (The proceedings adjourned at 6:52 p.m.)

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Letter 6 Continued

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I, MANDY M. MEDINA, a Certified Shorthand Reporter in and for the State of California, do hereby certify that the above and foregoing contain a true and correct transcription of all proceedings, all of which occurred and were reported by me.

Date: Sept. 14, 2006



MANDY M. MEDINA
Certified Shorthand Reporter
For the State of California

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Letter 6

Minutes from Planning Commission Meeting – September 7, 2006

Response 6-1: Introductory comments at the start of the Planning Commission meeting. These comments do not address the adequacy of the EIR and no response is necessary.

Response 6-2: Commenter, George Carpenter, Vice President of Community Planning with Winn Communities states that Winn Communities owns Site G.

Air Quality Impacts. The commenter believes the mitigation measures in the air quality section are deferred. The only mitigation that is considered potentially significant is Exposure of Sensitive Receptors to Substantial Levels of Air Pollutant Concentrations (Impact 4.6.6 on page 4.6-19 of the Draft EIR). This issue has been previously addressed. Refer to Response 5-5, above.

Economic Impacts. The commenter addresses the economic impact of the proposed rezone. This issue has been previously addressed. Refer to Response 5-3, above.

Response 6-3: Commenter Elizabeth Moseby states that she is submitting formal response in opposition to Sites C and D. The term "No Project" is typically used to refer to no development occurring and the existing General Plan designation and zoning remaining unchanged. As such, the commenter's request for Site C to be "determined a no project" is unclear. The commenter also requests removing Site D from the study. These comments are noted for the decision maker's consideration.

The commenter identifies issues of concern. These have been addressed as part of Response to Comment Letter 4, above.

The commenter notes that Site D is located east of Waterman Road. This correction has been made to the text. Refer to Response 4-4, above.

The commenter asserts that Site D "happens to be Laguna Creek itself." Laguna Creek is located on Site D. However, the commenter's characterization of the creek is not accurate. Laguna Creek traverses the project site; the project site has vacant, developable areas north of Laguna Creek and south of Laguna Creek. This issue has been previously addressed. Refer to Response 4-20, 4-22 and 4-23.

Response 6-4: Commenter Aruna Raj states that a petition has been circulated by residents opposing 400 units to be built east of Waterman Road. This comment does not address the adequacy of the environmental analysis but is noted for the decision-makers' consideration.

The commenter also notes that none of the neighbors in the area were noticed in the mail regarding the project. This issue has been previously addressed. Refer to Response 4-1, above.

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Response 6-5: Commenter Anthony Moseby expresses concern regarding Site C's location near the WAPA corridor and requests that Site C be removed as a site under consideration as part of the HDR GPA and Rezone based on its location under a high power line. The commenter states that a petition has been signed by neighbors in support of this position. (Petitions were received for Sites C and D and are attached at the end of this Section.) This issue has been previously addressed. Refer to Responses 6-4 and 4-10.

Response 6-6: Commenter David Hawkins represents Grace Evangelical Church, current owner of Site I. The commenter expresses support for Site I and states that the EIR is adequate. The comment is noted.

Response 6-7: Commenter David Edmiston, representing Grace Evangelical Church indicates support of proposed rezone of Site I. The commenter states that the EIR is adequate. The comment is noted.

Response 6-8: Commenter Steve Detrick representing Elk Grove Coalition Advocating Proper Planning. The commenter requests that an opportunity be made for public input. The Draft EIR was available for public review from August 2, 2006 to September 15, 2006. The public review period as mandated by CEQA Section 15087 is intended to allow the public to comment on the Draft EIR. The submission of comments during this period is an opportunity for the public to provide input. The City also held a public hearing (which is encouraged, but not required under CEQA) on September 7, 2006, when these comments were made, which presented another opportunity for the public to participate in the CEQA process. In addition to the opportunities for the public to comment on the EIR and CEQA process, the Planning Commission conducted a public hearing on June 2, 2005 to discuss potential sites for high density residential housing to be addressed in the EIR. As part of the process for considering the project for approval, the proposed project will be heard by the Planning Commission and the City Council and the public will be afforded additional opportunities to comment at these Planning Commission and City Council meetings.

Response 6-9: Commenter Steve Parent, Elk Grove resident. The commenter states an opinion that Sites C and D are not appropriate for development based on the presence of the power lines on Site C and Laguna Creek on Site D. These issues have been previously addressed. Refer to Response 4-10, 4-22 and 4-23.

The commenter also states that high density residential should be located near commercial centers. As noted on page 3.0-1 of the Draft EIR, "Proximity to commercial uses" is one of the criteria used in determining whether to consider a site for development with high density residential. This issue has been previously addressed. Refer to Response 5-12.

The commenter states that the project would increase the density of development in the area. The Draft EIR addresses environmental effects associated with increased density, including impacts to visual resources, public utilities, traffic, air quality, and noise, in Sections 4.1 through 4.11 of the Draft EIR. This comment does not address the adequacy of the environmental analysis but is noted for the decision-makers' consideration.

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

The commenter believes that more suitable parcels for high density residential uses are located south on Waterman Road. However, no specific sites are identified. The commenter also expresses opposition to the inclusion of Sites C and D in the EIR. These comments do not address the adequacy of the Draft EIR, but are noted for the decision-makers' consideration.

Response 6-10: Closing comments to the Planning Commission Meeting/Public Hearing for the Draft HDR GPA and Rezone Project. No response is necessary.

PETITION TO REMOVE THE FOUR PARCELS KNOWN AS "SITE C":

121-0180-003, 121-0180-004, 121-0180-015, and 121-0180-059,

FROM THE STUDY FOR HIGH DENSITY HOUSING

We, the undersigned, as citizens of this community and within our rights to petition the government for redress of GRIEVANCES, do hereby enjoin the City of Elk Grove and all interested parties to cease and desist in the consideration and planning of PARCELS 121-0180-003, 121-0180-004, 121-0180-015, and 121-0180-059-TO BE KNOWN HENCE AS "Site C"-from the study for High Density Housing for the following reasons:

1. There has not been full disclosure to all interested parties.
2. The high voltage and EMF are matters of Environmental Justice Violations
3. The building of housing in this area would be a violation of California Health and Safety practices for power line proximities to residential dwellings. (Guidelines for building power lines next to residences conversely apply to residences being built by power lines)
4. The building of high density housing at this site will upset the current status quo for over five hundred persons directly in the vicinity.
5. Negative incidents of fatalities, injuries, collisions, electrocutions and fires could adversely affect the Power Grid of the Western United States' population.
6. Site C for High Density Housing is a direct violation of the city of Elk Grove's General Plan for Open Space, Trails, and maximum RD-4 zoning designations.

Therefore, the undersigned make this declaration to the City of Elk Grove and all interested parties that they irrevocably remove the above parcel(s) and future parcels in the physical space known as "Site C" from studies and use for high density housing now and in the future.

Name	Signature	Address	Phone Number
1. Elizabeth Moseby	<i>Elizabeth Moseby</i>	9376 Miko 95624	916 682-4583
2. Mary Washington	<i>Mary Washington</i>	9376 Miko 95624	916 682-4583
3. ARBAR HIRANI	<i>Arbar HIRANI</i>	9365 MIKO 95624	916-682-6223
4. MONA HIRANI	<i>Mona HIRANI</i>	9365 Miko Cir	916 690-4747
5. Kevin Whitfield	<i>Kevin Whitfield</i>	9364 Miko Cir	682-8118
6. Norris Washington	<i>Norris Washington</i>	9364 Miko Cir	682-8118
7. ES BERNANDEZ	<i>Es Bernandez</i>	9408 Diderwill	682-2356
8. Vinial Singh	<i>V. Singh</i>	8435 Jordan Ranch	682-0805
9. Alicia Chatman	<i>Alicia Chatman</i>	9405 Carter, Covelo	682-9529
10. Verae Chatman	<i>Verae Chatman</i>	" " "	" " "
11. Rajmala Khud	<i>Rajmala Khud</i>	8429 Jordan Ranch	689-2250
12. JIM	<i>JIM</i>	9377 MIKO CIRCLE	916-688-9509
13. Tracy Vain	<i>Tracy Vain</i>	9589 Miko Circle	916-524-4187
14. Barbara Smyl	<i>Barbara Smyl</i>	8435 Jordan Ranch	916 601-2132
15. Maggie Kholde	<i>Maggie Kholde</i>	9340 Miko	916 681-4784
16. Jim Hoong	<i>Jim Hoong</i>	9404 Diderwill Ct	682-3769
17. Pamy Do	<i>Pamy Do</i>	9373 Miko Cir	682-0750
18. Tony Le	<i>Tony Le</i>	9373 JORDAN RANCH	688-7653
19. EDGAR ROBERTS	<i>Edgar Roberts</i>	9373 MIKO CIR	916 681-9053
20. JEAN PAUL ABELAS	<i>Jean Paul Abelas</i>	9373 MIKO CIR	(916) 219-2063

PETITION TO REMOVE THE FOUR PARCELS KNOWN AS "SITE C":

121-0180-003, 121-0180-004, 121-0180-015, and 121-0180-059

FROM THE STUDY FOR HIGH DENSITY HOUSING

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1. There has not been full disclosure to all interested parties.
2. The high voltage and EMF are matters of Environmental Justice Violations
3. The building of housing in this area would be a violation of California Health and Safety practices for power line proximities to residential dwellings. (Guidelines for building power lines next to residences conversely apply to residences being built by power lines)
4. The building of high density housing at this site will upset the current status quo for over five hundred persons directly in the vicinity.
5. Negative incidents of fatalities, injuries, collisions, electrocutions and fires could adversely affect the Power Grid of the Western United States' population.
6. Site C for High Density Housing is a direct violation of the city of Elk Grove's General Plan for Open Space, Trails, and maximum RD-4 zoning designations.

Therefore, the undersigned make this declaration to the City of Elk Grove and all interested parties that they irrevocably remove the above parcel(s) and future parcels in the physical space known as "Site C" from studies and use for high density housing now and in the future.

Name	Signature	Address	Phone Number
21. LARRY RIMANDO	<i>[Signature]</i>	8419 JEFFERSON CT.	(916) 233-2097
22. KENNETH RIMANDO	<i>[Signature]</i>	"	(916) 233-2097
23. ROSITA PERULAYAN	<i>[Signature]</i>	"	"
24. EDUAR BLUE	<i>[Signature]</i>	8418 " "	730-8062
25. DORIS RONDA SYNECH	<i>[Signature]</i>	7366 MENDOZA LN.	684-7937
26. ERIC BRAVO	<i>[Signature]</i>	"	684-9781
27. EVA BRAVO	<i>[Signature]</i>	9365 MENDRA LN	684-9781
28. DORIS RONDA SYNECH	<i>[Signature]</i>	7366 MENDOZA LN	684-7937
29. JEFFREY NOOL	<i>[Signature]</i>	8417 NOUSA LANE	916-682-7348
30. ED RUFINO	<i>[Signature]</i>	8116 ARVINE ST	510 326 8985
31. WALTER DEGALES	<i>[Signature]</i>	8418 JEFFERSON LN	916-688-8747
32. CHRISTOPHER PAMPA	<i>[Signature]</i>	9317 MIKO CIR	916-670-887
33. SAMAN SINGH	<i>[Signature]</i>	9369 WADDLE LEAN	916-682-5511
34. ARVIND SINGH	<i>[Signature]</i>	9369 WADDLE LN	682-5511
35. ASHOK SINGH	<i>[Signature]</i>	9369 WADDLE LN	682-5511
36. VIDYA SINGH	<i>[Signature]</i>	9369 Waddel Ln	682-5511
37. EARLY FLORES	<i>[Signature]</i>	9329 MIKO	670-5418
38. LARRY SARGENT	<i>[Signature]</i>	9341 MIKO CIR	684-9837
39. BONNIE SAMSON	<i>[Signature]</i>	9341 MIKO CIR	682-9182
40. HEIDI ALMIMIANA	<i>[Signature]</i>	9341 MIKO CIR	525-2113

PETITION TO PRESERVE THE LAGUNA CREEK FROM
HIGH DENSITY HOUSING

77
Signatures

We, the undersigned, as citizens of this community and within our rights to petition the government for redress of GRIEVANCES, do hereby enjoin the City of Elk Grove and all its interested parties to cease and desist in the consideration and planning of

Parcel Number 121-0180-007, also known as Site D

Aruna

for High Density Housing for the following reasons:

1. There has not been full disclosure of the project to all interested parties.
2. The description of the site is ambiguous and misleading, not allowing for accurate study, therefore a violation of CEQA.
3. The site is the Laguna Creek and a federally protected watershed.
4. Building on this site is not consistent with the City of Elk Grove's General Plan.
5. The building of high density housing at this site will upset the current status quo for over five hundred persons directly in the vicinity and over one hundred thousand individuals downstream-as well as millions projected into the future.

Therefore, the undersigned make this declaration to the City of Elk Grove and all interested parties that they irrevocably remove the above parcel known as "Site D" from studies for high density housing now and in the future. We further obligate the Government of the City of Elk Grove and all its factions to remain consistent with current plans in preserving this wild creek as a natural habitat and protect it as a part of the parks and trails systems as designated in the City of Elk Grove's General Plan.

Compiled by Residents, Homeowners and
Taxpayers in the City of Elk Grove,
California - United States of America
August 30 through September 7, 2006

This is a copy. The original is being held in case it is needed as evidence in court.

PETITION TO PRESERVE THE LAGUNA CREEK FROM
HIGH DENSITY HOUSING

We, the undersigned, as citizens of this community and within our rights to petition the government for redress of GRIEVANCES, do hereby enjoin the City of Elk Grove and all its interested parties to cease and desist in the consideration and planning of

Parcel Number 121-0180-007, also known as Site D

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Name	Signature	Address	Phone Number
1. Elizabeth Maskey	<i>[Signature]</i>	9376 Miko Cir	916-682-4583
2. Mary Washington	<i>[Signature]</i>	9376 Miko Cir	916-682-4683
3. Heidi Alminiano	<i>[Signature]</i>	9376 Miko Cir	916-25-2113
4. Misty Xiong	<i>[Signature]</i>	9361 Miko Cir	(916) 682-8474
5. SANANTHARA	<i>[Signature]</i>	9373 Miko Cir	(916) 682-0750
6. (NAA) DO	<i>[Signature]</i>	9373 Miko Cir	682-0750
7. Serunel Terbish	<i>[Signature]</i>	9377 Miko Cir	916-688-9164
8. ELI DIGAP	<i>[Signature]</i>	9381 Miko Cir	916-682-5849
9. ALISA CURTIS	<i>[Signature]</i>	9388 Miko Cir	916-416-9582
10. ROBERT ALKASON	<i>[Signature]</i>	9388 Miko Cir	-
11. FULTON DAVIS	<i>[Signature]</i>	9389 Miko Cir	916-689-6762
12. BARBARA ALTHOFF	<i>[Signature]</i>	9395 Miko Cir	916-405-6787
13. STEVE PARENT	<i>[Signature]</i>	9396 Miko Cir	916-919-7262
14. MEGAN PARENT	<i>[Signature]</i>	9396 Miko Cir	"
15. ERLINDA ALCON	<i>[Signature]</i>	9404 Daniels Ct	916-81-8747
16. WILFRED ALCON JR	<i>[Signature]</i>	9404 DANIELS CT	681-8747
17. WILFRED ALCON SR	<i>[Signature]</i>	9404 DANIELS CT	681-8747
18. BENJAMIN BRUCE	<i>[Signature]</i>	9413 Daniels Ct	689-8280
19. ADAM PHAN	<i>[Signature]</i>	9406 Daniels Ct	925-6301
20. DANA TEARE	<i>[Signature]</i>	9405 Daniels Ct	681-9398
21. MICHELLE DICKSON	<i>[Signature]</i>	9400 Daniels Ct	606-2444
22. RICKY CHU	<i>[Signature]</i>	9400 Dillardville	717-1992
23. GABRIEL (G)	<i>[Signature]</i>	9400 Dillardville	916-682-0608
24. TIEN HAUH	<i>[Signature]</i>	9404 Dillardville	(916) 682-376
25. GUY TANG	<i>[Signature]</i>	9416 Daniels Ct	

Compiled by Residents, Homeowners, and Taxpayers in the
City of Elk Grove, California

United States of America - August 30 through September 7, 2006

PETITION TO PRESERVE THE LAGUNA CREEK FROM
HIGH DENSITY HOUSING

We, the undersigned, as citizens of this community and within our rights to petition the government for redress of GRIEVANCES, do hereby enjoin the City of Elk Grove and all its interested parties to cease and desist in the consideration and planning of

Parcel Number 121-0180-007, also known as Site D

for High Density Housing for the following reasons:

1. There has not been full disclosure of the project to all interested parties.
2. The description of the site is ambiguous and misleading, not allowing for accurate study, therefore a violation of CEQA.
3. The site is the Laguna Creek and a federally protected watershed.
4. Building on this site is not consistent with the City of Elk Grove's General Plan.
5. The building of high density housing at this site will upset the current status quo for over five hundred persons directly in the vicinity and over one hundred thousand individuals downstream-as well as millions projected into the future.

Therefore, the undersigned make this declaration to the City of Elk Grove and all interested parties that they irrevocably remove the above parcel known as "Site D" from studies for high density housing now and in the future. We further obligate the Government of the City of Elk Grove and all its factions to remain consistent with current plans in preserving this wild creek as a natural habitat and protect it as a part of the parks and trails systems as designated in the City of Elk Grove's General Plan.

Name	Signature	Address	Phone Number
26. Tony Chung Wn	Tony Chung Wn	9412 didorwill ct	916-599-3589
27. Shilin Mai	Shilin Mai	9412 didorwill ct	916-331-8223
28. Jim Hwa Lin	Jim Hwa Lin	9412 didorwill, ct	916-708-8998
29. Phil Ortiz	Phil Ortiz	9116 Di. J. ORTIZ CT	916-882-6946
30. Kevin Whitefield	Kevin Whitefield	9321 Miko Cir.	916 682-8118
31. Aruna Raj	Aruna Raj	9364 Miko Cir	682-8118
32. ANTHONY Moseby	Anthony Moseby	9376 Miko Cir	684-4583
33. Norris Washington	Norris Washington	9364 Miko Cir	682-8118
34. ES HERNANDEZ	Esther Hernandez	9408 Didorwill	682-2356
35. Vinod Singh	V. Singh	8435 Jordan Ranch	682-0805
36. Alicia Chaitman	Alicia Chaitman	9405 Curlew Lane	682-9599
37. Jorge Chavez	Jorge Chavez	"	"
38. R. A. WILBERT	Ramon Wilbert	8427 Jordan Ranch	689-2250
39. Pransy Vang	Pransy Vang	9389 Miko Circle	916-524-4187
40. Maggie Abalos	Maggie Abalos	9390 Miko Circle	916-881-4784
41. Balbino Smith	Balbino Smith	8435 Jordan Ranch	681-2132
42. Jim Hoang	Jim Hoang	9404 Didorwill Ct	682-3769
43. Danny Do	Danny Do	9373 Miko Cir.	682-0750
44. Tony Lo	Tony Lo	8423 JORDAN RANCH RD	688-7653
45. DEAR ANGEL	Dear Angel	9340 Miko Cir	916-881-8053
46. J. ANTONIO ABALOS	J. Antonio Abalos	9405 Miko	(916) 719-8106
47. J. NICHOLSON	J. Nicholson	9114 Justawee Ct	916-882-2057
48. Joann Lo	Joann Lo	8444 Justawee Ct	(916) 682-2057
49. G. P. PELL	G. P. Pell	8430 Justawee	916 811-1335
50. Khushkamat	Khushkamat	8434 Justawee Ct.	916-370-6500

**PETITION TO PRESERVE THE LAGUNA CREEK FROM
HIGH DENSITY HOUSING**

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Therefore, the undersigned make this declaration to the City of Elk Grove and all interested parties that they irrevocably remove the above parcel known as "Site D" from studies for high density housing now and in the future. We further obligate the Government of the City of Elk Grove and all its factions to remain consistent with current plans in preserving this wild creek as a natural habitat and protect it as a part of the parks and trails systems as designated in the City of Elk Grove's General Plan.

Name	Signature	Address	Phone Number
51. LARRY RIMARDO	<i>[Signature]</i>	8419 WADDLE LN	916 833-2097
52. KENNETH RIMARDO	<i>[Signature]</i>	"	916 622-2250
53. ROSITA PACUARA	<i>[Signature]</i>	"	
54. EDGAR DIAZ	<i>[Signature]</i>	"	730-8064
55. JAY BRAVO	<i>[Signature]</i>	9265 MENDOSA LN	689-9781
56. JAY BRAVO	<i>[Signature]</i>	"	689-9781
57. GERMAINENA DIAZ	<i>[Signature]</i>	"	619 4751
58. JEFFREY POOK	<i>[Signature]</i>	8412 WADDLE LN.	682-3708
59. ERIC FERRIS	<i>[Signature]</i>	8422 WADDLE LN	916 526 0528
60. WALTER SARKIS	<i>[Signature]</i>	8218 MIKO LN	916 688-9707
61. DENNIS BAMBAY	<i>[Signature]</i>	9317 MIKO CR	916 690-1882
62. SAMMA SINGH	<i>[Signature]</i>	9369 WADDLE LN	916-682-5511
63. AVRIL SINGH	<i>[Signature]</i>	9369 WADDLE LN.	682-5511
64. BIBIK SINGH	<i>[Signature]</i>	9369 WADDLE LN	682 5511
65. VIDYA SINGH	<i>[Signature]</i>	9369 WADDLE LN	682 5511
66. CAROL FLORES	<i>[Signature]</i>	9329 MIKO	670-54-18
67. BONNIE SAMSON	<i>[Signature]</i>	9341 MIKO CIR	682-9829
68. CAROL SAMSON	<i>[Signature]</i>	9341 MIKO CIR	638 9337
69. HEIDI AMINIANO	<i>[Signature]</i>	9351 MIKO CIR	525-2113
70. PAULINE CAPITLY	<i>[Signature]</i>	9351 MIKO CIR	525-2113
71. CHAO DO	<i>[Signature]</i>	9379 MIKO CIR	682-0750
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73.			
74.			
75.			

PETITION TO PRESERVE THE LAGUNA CREEK FROM
HIGH DENSITY HOUSING

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Name	Signature	Address	Phone Number
76. AKBAR KHAN	<i>[Signature]</i>	9265 MIDLER	916-682-6223
77. Mona Dejeni	<i>[Signature]</i>	9365 Midler Cr	916 690-4777
78. k			
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**PETITION TO PRESERVE THE LAGUNA CREEK FROM
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Name	Signature	Address	Phone Number
101. Bhupinder	<i>Bhupinder</i>	8434 Justice Ct	410-6668
102. Mohinder Singh	<i>Mohinder Singh</i>	8134 Justice Ct	681-7860
103. Jagjeet Selwa	<i>Jagjeet Selwa</i>	8434 Justice Ct	681-7860
104.			
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3.0 – ERRATA

3.1 INTRODUCTION

This section includes minor edits to the Draft EIR as a result of public and staff review of the Draft EIR.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strike-out~~ for deleted text), and are organized by section of the Draft EIR.

3.2 CHANGES AND EDITS TO THE DRAFT EIR

SECTION 1.0, EXECUTIVE SUMMARY

Page 1.0-1, first paragraph and bullet items following 1.2 Trustee and Known Responsible Agencies has been revised as follows:

"1.2 TRUSTEE AND KNOWN RESPONSIBLE AGENCIES

For the purposes of CEQA, a "Trustee" agency has jurisdiction by law over natural resources that are held in trust for the people of the State of California (CEQA Guidelines Section 15386). The California Department of Fish and Game is a trustee agency with regard to the fish and wildlife of the state and designated rare or endangered native plants. The term "Responsible Agency" includes all public agencies other than the Lead Agency that have discretionary approval power over the project or an aspect of the project (CEQA Guidelines Section 15381). The following agencies are identified as potential Responsible Agencies and/or were consulted during preparation of this EIR:

- California Air Resources Board
- California Regional Water Quality Control Board
- California Waste Management Board
- City of Sacramento Planning
- City of Galt Planning
- Department of Fish and Game
- Sacramento County Department of Environmental Review and Assistance
- Sacramento County Department of Water Resources
- Sacramento Metropolitan Air Quality Management District
- Sacramento County Water Agency
- Sacramento County DERA
- County Sanitation District – 1
- Elk Grove Unified School District
- Elk Grove Fire Department
- Native American Heritage Commission
- Office of Historic Preservation
- Caltrans
- Public Utilities Commission
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service"

3.0 ERRATA

SECTION 2.0, EXECUTIVE SUMMARY

Page 2.0-1, Table 2.0-1. Text has been revised to reflect the correct General Plan designation for Sites C, D, E and G. The maximum allowable unit total has also been revised for the Existing General Plan Designation. This revision does not affect the analysis contained in the Draft EIR which is based on the maximum units that could be developed under the proposed General Plan designation. Revisions to Table 2.0-1 are as follows:

"TABLE 2.0-1
EXISTING AND PROPOSED GENERAL PLAN LAND USE DESIGNATION CHANGES

Site	Size (in acres)	Existing		Proposed	
		GP Designation	Maximum Allowable Units ¹	GP Designation	Maximum Allowable Units
A	5.35	Low Density Residential (4.1 to 7.0 du/acre)	37	High Density Residential (15.1 to 30 du/acre)	161
B	4.37	Low Density Residential (4.1 to 7.0 du/acre)	31	High Density Residential (15.1 to 30 du/acre)	131
C	20.83	Low Density Residential (4.1 to 7.0 du/acre) Estate Residential (0.6 to 4.0 du/acre)	146 83	High Density Residential (15.1 to 30 du/acre)	625
D	19.93	Low Density Residential (4.1 to 7.0 du/acre) Estate Residential (0.6 to 4.0 du/acre)	140 80	High Density Residential (15.1 to 30 du/acre)	598
E	18.06	Office/Multi-Family (up to 30 du/acre) Low Density Residential (4.1 to 7.0 du/acre)	542 127	High Density Residential (15.1 to 30 du/acre)	542
F ³	110.90 ²	Rural Residential (0.1 to 0.5 du/acre)	55	High Density Residential (15.1 to 30 du/acre)	450
G	9.69	Rural Residential (0.1 to 0.5 du/acre) Commercial/Office/Multi- Family	5 30	High Density Residential (15.1 to 30 du/acre)	291
H	12.5	Office	-	High Density Residential (15.1 to 30 du/acre)	375
I	7.63	Office/Multi-Family (up to 30 du/acre)	229	High Density Residential (15.1 to 30 du/acre)	229
J	3.35	Commercial	-	High Density Residential (15.1 to 30 du/acre)	101
K	4.34	Commercial	-	High Density Residential (15.1 to 30 du/acre)	130
L	9.36	Light Industry	-	High Density Residential (15.1 to 30 du/acre)	281

Site	Size (in acres)	Existing		Proposed	
		GP Designation	Maximum Allowable Units	GP Designation	Maximum Allowable Units
M ⁵	74 ²	Light Industry Commercial Public Open Space/ Recreation	-	High Density Residential (15.1 to 30 du/acre)	450
South Pointe Policy Area	200 ⁴	N/A	160	N/A	220
Total			<u>832</u> 1,185		4,584

¹ Maximum allowed units are rounded up and based on existing zoning. 30 units/acre allowed in Office/Multi-Family.

² Maximum portion developed with high density residential capped at 15 acres.

³ General Plan text amendment only to designate a maximum of 15 acres of Site F APN (116-0012-047, -050, -051) as HDR.

⁴ Maximum portion developed with high density residential capped at 5.5% (11 acres).

⁵ Site M is located in the EEGSP."

Page 2.0-2 and 2.0-3, Table 2.0-2 has been revised as follows:

TABLE 2.0-2
EXISTING AND PROPOSED ZONING CHANGES

Site ⁵	Size (in acres)	Existing		Proposed	
		Zoning	Maximum Units Allowed	Zoning	Maximum Units Allowed ¹
A	5.35	AR-5	1	RD-20	107
B	4.37	AR-5	1	RD-30	131
C	20.83	AR-5/SPA (RD-4), SPA (AR-5), SPA(O)	4	RD-20	417
D	19.93	AR-5	4	RD-20	399
E	18.06	AR-5	3	RD-20	361
G	9.69	SC (MF)	194	RD-20	194
H	12.5	SPA (MP)	-	RD-20 ³	250
I	7.63	BP	305	RD-20	153
J	3.35	LC	67	RD-30	101
K	4.34	LC	87	RD-20	87
L	9.36	M-1	-	RD-20	187
M	74 ¹	AG-20	-	RD-20	300
South Pointe Policy Area ²	200	N/A	-	N/A	-
Total Units			666		2,667

3.0 ERRATA

Note: Maximum allowed units are rounded up and based on proposed RD-20 zoning for all sites except B & J which are assumed at RD-30.

¹ *Maximum portion developed with high density residential capped at 15 acres. Fifteen 15 acres of Site M would be rezoned to RD-20 as part of this project.*

² *General Plan text amendment only.*

³ *Future development on Site H would require an amendment to the SPA to allow HDR densities within areas approved for the HDR GPA designation.*

⁴ *Chapter 23.50 of the Elk Grove Zoning Code (Density Bonus and Other Development Incentives) permits a "density bonus" which allows for a minimum density increase of at least twenty percent (20%) over the otherwise Maximum Residential Density. Through other provisions of the Code, the density bonus may be increased to thirty-five percent (35%) on a case-by-case basis. Therefore, maximum units allowed under a density bonus could be up to 35% higher than those shown in this column.*

⁵ *Site F is not included in this table because it involves a General Plan text amendment only to designate a maximum of 15 acres of Site F APN (116-0012-047, -050, -051) as HDR."*

Page 2.0-3, first paragraph under "2.3 Areas of Controversy" has been revised as follows:

"The City of Elk Grove is the Lead Agency for the proposed project. In accordance with Section 15082 of the CEQA Guidelines, the City of Elk Grove prepared and distributed a Notice of Preparation (NOP) for the Elk Grove HDR GPA and Rezone General Plan that was circulated for public review on March 10, 2006. The NOP included a summary of probable effects on the environment from the implementation of the project. Written comments received on the NOP were considered in the preparation of the Draft EIR. A summary of NOP comments is included in Section 1.0 (Introduction) and the actual NOP comments are included in Appendix 1."

Page 2.0-45 and 2.0-46, Impact 4.10.4.1 in Table 2.0-3 has been revised as follows:

"Water Supply and Water System Facilities

Impact 4.10.4.1 The proposed HDR GPA and Rezone project would increase the annual water demand by an additional ~~196.67~~ 255.43 AF/yr. This impact is considered **significant.**"

SECTION 3.0, PROJECT DESCRIPTION

Page 3.0-5, second line of the first paragraph has been revised as follows:

"**Site D.** Site D is made up of one 19.93 acre parcel (121-0180-007) located south of Calvine Road less than one-half mile ~~west~~ east of Waterman Road in the northern portion of Elk Grove (**Figure 3.0-1**). Site D borders the northern City limit. The site is currently designated as Estate Residential (0.6 to 4.0 dwelling units/acre) (refer to **Figure 3.0-4**) and is zoned AR-5 (Agricultural Residential Land Use Zone, minimum 5 acres) (refer to **Figure 3.0-5**)."

Page 3.0-5, the following sentence has been added to the end of the third paragraph regarding Site F.

"Site F involves a General Plan text amendment only to designate a maximum of 15 acres of Site F APN (116-0012-047, -050, -051) as HDR."

Page 3.0-9 and 3.0-10, Table 3.0-5. Text regarding Site G has been revised as follows to reflect the correct General Plan Designation:

**"TABLE 3.0-5
EXISTING AND PROPOSED GENERAL PLAN LAND USE DESIGNATION CHANGES**

Site	Size (in acres)	Existing		Proposed	
		GP Designation	Maximum Allowable Units	GP Designation	Maximum Allowable Units
A	5.35	Low Density Residential	37	High Density Residential	161
B	4.37	Low Density Residential	31	High Density Residential	131
C	20.83	Estate Residential Low Density	83 146	High Density Residential	625
D	19.93	Estate Residential Low Density	80 140	High Density Residential	598
E	18.06	Low Density Residential Office/Multi-family	127 542	High Density Residential	542
F ⁵	110.90 ²	Rural Residential	55	High Density Residential	450
G	9.69	Commercial/Office/Multi-Family Rural Residential	30 5	High Density Residential	291
H	12.5	Office	–	High Density Residential	375
I	7.63 ²	Office/Multi-Family	229	High Density Residential	229
J	3.35	Commercial	–	High Density Residential	101
K	4.34	Commercial	–	High Density Residential	130
L	9.36	Light Industry	–	High Density Residential	281
M ⁶	74 ²	Light Industry Commercial Public Open Space/Recreation	–	High Density Residential	450
South Pointe Policy Area ³	200 ⁴	N/A	160	N/A	220
Total			832 1,345		4,584

¹ Maximum allowed units are rounded up and based on existing zoning. 30 units/acre allowed in Office/Multi-Family.

² Maximum portion developed with high density residential capped at 15 acres.

³ General Plan text amendment only.

⁴ Maximum portion developed with high density residential capped at 5.5% (11 acres).

⁵ Site F will only receive a General Plan text amendment as part of this project.

⁶ Site M is located in the EEGSP."

Page 3.0-9, first paragraph under "General Plan Land Use Policy Map" has been revised as follows:

"This project consists of changes to the General Plan Land Use Policy Map which would result in the addition of high density residential lands to the City's inventory. The changes include increasing the density of three Low Density Residential sites, two Estate Residential sites, one Rural Residential Site, one Commercial/Office/Multi-family site, one Office site, one Office/Multi-family site, two Commercial sites and ~~two~~ one site that is a combination of Light Industry, Commercial,

3.0 ERRATA

Public Open Space/Recreation sites. **Table 3.0-5** summarizes the size, existing General Plan designation, proposed General Plan designation and maximum allowable units for the proposed sites. The High Density Residential (15.1 to 30 du/acre) land use designation accommodates any housing product types including, but not limited to, apartments, condominiums, townhomes, or clustered single-family residential development."

Page 3.0-11, Table 3.0-6 has been revised as follows:

**"TABLE 3.0-6
EXISTING AND PROPOSED ZONING CHANGES**

Site ⁵	Size (In acres)	Existing		Proposed	
		Zoning	Maximum Units Allowed	Zoning	Maximum Units Allowed ¹
A	5.35	AR-5	1	RD-20	107
B	4.37	AR-5	1	RD-30	131
C	20.83	AR-5/SPA (RD-4), SPA (AR-5), SPA(O)	4	RD-20	417
D	19.93	AR-5	4	RD-20	399
E	18.06	AR-5	3	RD-20	361
G	9.69	SC (MF)	194	RD-20	194
H	12.5	SPA (MP)	--	RD-20 ³	250
I	7.63	BP	305	RD-20	153
J	3.35	LC	67	RD-30	101
K	4.34	LC	87	RD-20	87
L	9.36	M-1	--	RD-20	187
M	74 ¹	AG-20	--	RD-20	300
South Pointe Policy Area ²	200	N/A	--	N/A	--
Total Units			666		2,667

Note: Maximum allowed units are rounded up and based on proposed RD-20 zoning for all sites except B & J which are assumed at RD-30.

¹ Maximum portion developed with high density residential capped at 15 acres. Fifteen 15 acres of Site M would be rezoned to RD-20 as part of this project.

² General Plan text amendment only.

³ Future development on Site H would require an amendment to the SPA to allow HDR densities within areas approved for the HDR GPA designation.

⁴ Chapter 23.50 of the Elk Grove Zoning Code (Density Bonus and Other Development Incentives) permits a "density bonus" which allows for a minimum density increase of at least twenty percent (20%) over the otherwise Maximum Residential Density. Through other provisions of the Code, the density bonus may be increased to thirty-five percent (35%) on a case-by-case basis. Therefore, maximum units allowed under a density bonus could be up to 35% higher than those shown in this column.

⁵ Site F is not included in this table because it involves a General Plan text amendment only to designate a maximum of 15 acres of Site F APN (116-0012-047, -050, -051) as HDR."

SECTION 4.0, ASSUMPTIONS

Page 4.0-3, second paragraph, first sentence, has been revised as follows:

"These changes would result in an additional ~~3,239~~ 3,752 dwelling units (based on the increase in units per **Table 3.0-5**), ~~9,944~~ 11,519 residents (~~3,329~~ 3,752 x 3.07 persons per unit), and the potential loss of jobs compared to those which would occur under the adopted General Plan as a result of converting employment generating land uses to residential land uses. The amount of jobs lost as a result of the conversion is unknown and difficult to determine since the acreage is divided among several parcels."

SECTION 4.1, LAND USE

Page 4.1-5, Table 4.1-1 on pages 4.1-4 through 4.1-6 has been revised as follows:

**"TABLE 4.1-1
LAND USE DESIGNATIONS SURROUNDING THE PROPOSED HIGH DENSITY RESIDENTIAL SITES**

Site	Existing General Plan Designation	Surrounding General Plan Land Use Designations	Figure
A	Low Density Residential (LDR)	North: Sacramento County (Low Density Residential) South: Low Density Residential (4.1 to 7.0 du/acre) and Public Open Space/Recreation East: Low Density Residential (4.1 to 7.0 du/acre) West: Commercial	Figure 3.0-2
B	Low Density Residential (LDR)	North: Low Density Residential (4.1 to 7.0 du/acre) South: Low Density Residential (4.1 to 7.0 du/acre) and Public Parks East: Low Density Residential (4.1 to 7.0 du/acre) West: Commercial	Figure 3.0-2
C	<u>Estate</u> Low Density Residential (ER)	North: Sacramento County (Recreation) South: Estate Residential (0.6 to 4.0 du/acre) East: Estate Residential (0.6 to 4.0 du/acre) West: Low Density Residential (4.1 to 7.0 du/acre)	Figure 3.0-4
D	<u>Estate</u> Low Density Residential (ER)	North: Sacramento County (Recreation) South: Estate Residential (0.6 to 4.0 du/acre) East: Estate Residential (0.6 to 4.0 du/acre) West: Estate Residential (0.6 to 4.0 du/acre)	Figure 3.0-4
E	<u>Low Density Residential (LDR)</u> Office/Multi-Family (O/MF)	North: City of Sacramento Low Density Residential (4 – 15 du/net acre), Community/Neighborhood Commercial and Office Uses South: Low Density Residential (4.1 to 7.0 du/acre) and Private Open Space/Recreation East: Low Density Residential (4.1 to 7.0 du/acre) West: Low Density Residential (4.1 to 7.0 du/acre)	Figure 3.0-6
F	Rural Residential (RR)	North: Sacramento County and Rural Residential (0.1 to 0.5 du/acre) South: Commercial, Office, Rural Residential (0.1 to 0.5 du/acre) East: Commercial, High Density Residential (15.1 to 30.0 du/acre), Public Open Space/Recreation, Rural Residential (0.1 to 0.5 du/acre) West: High Density Residential (15.1 to 30.0 du/acre), Public Open Space/Recreation, Rural Residential (0.1 to 0.5 du/acre)	Figure 3.0-8

3.0 ERRATA

Site	Existing General Plan Designation	Surrounding General Plan Land Use Designations	Figure
G	Commercial/ Office/Multi-Family (C/O/MF) Rural Residential (RR)	North: Commercial South: Low Density Residential (4.1 to 7.0 du/acre), Public Open Space/Recreation East: Low Density Residential (4.1 to 7.0 du/acre) West: Commercial	Figure 3.0-10
H	Office (O)	North: Rural Residential (0.1 to 0.5 du/ac) and Public Open Space/Recreation South: Medium Density Residential (7.1 – 15 du/ac) and Parks East: Rural Residential (0.1 to 0.5 du/ac) and Public Open Space West: Medium Density Residential (7.1 – 15 du/ac) and Public Open Space/Recreation	Figure 3.0-8
I	Office/Multi-Family (O/MF)	North: Low Density Residential (4.1 to 7.0 du/acre) South: Low Density Residential (4.1 to 7.0 du/acre) East: Commercial West: Low Density Residential (4.1 to 7.0 du/acre)	Figure 3.0-12
J	Commercial (C)	North: Commercial South: Commercial East: Low Density Residential (4.1 to 7.0 du/acre) West: SR 99/Commercial	Figure 3.0-14
K	Commercial (C)	North: Commercial, Low Density Residential (4.1 to 7.0 du/acre) South: Commercial, Rural Residential (0.1 to 0.5 du/acre) East: Low Density Residential (4.1 to 7.0 du/acre) West: SR 99/Commercial	Figure 3.0-14
L	Light Industry (LI)	North: Low Density Residential (4.1 to 7.0 du/acre) South: Light Industry East: Heavy Industry West: Public Parks, Low Density Residential (4.1 to 7.0 du/acre)	Figure 3.0-16
M	Light Industry Public Open Space/Recreation (POS/R) Commercial	North: Public Open Space/Recreation, Light Industry, Public Parks, Low Density Residential (4.1 to 7.0 du/acre) South: Sacramento County (General Agriculture 20) East: Sacramento County (General Agriculture 20) West: Heavy Industry	Figure 3.0-16
South Pointe Policy Area	South Pointe Policy Area (SPPA)	North: Southeast Policy Area South: Agricultural Crop Land (Sacramento County) East: High Density Residential, Commercial/Office/Multi-Family, Commercial West: Southeast Policy Area	Figure 3.0-18

¹ Refer to Figure 3.0-19, Legends.”

Page 4.1-2, first line of third paragraph has been revised as follows:

“Site D

Site D is located south of Calvine Road less than one-half mile ~~west~~ east of Waterman Road in the northern portion of Elk Grove (Figure 3.0-1).”

SECTION 4.2, POPULATION, EMPLOYMENT AND HOUSING

Page 4.2-7, Impact 4.2-1 and associated text and Table 4.2-6 has been revised as follows:

"Population and Housing Increases

Impact 4.2.1 Implementation of the proposed HDR GPA and Rezone project would result in a ~~4.7~~ 5.5 percent increase in population and housing units over the City of Elk Grove 2003 General Plan projections for 2025. This is a **less than significant** impact.

The adopted City of Elk Grove General Plan Land Use Policy Map results in a holding capacity of approximately 68,125 housing units and 209,144 persons. **Table 4.2-6** depicts the population and number of housing units for each site under their current land use designation and proposed land use designation, as well as the difference between the two. The proposed HDR GPA and Rezone project could add an additional ~~3,239~~ 3,752 housing units and a population of ~~9,944~~ 11,514 over the levels anticipated in the General Plan.

TABLE 4.2-6
HOUSING UNITS AND POPULATION

Site	Acres	Housing Units			Population ²		
		Current Land Use	Proposed Land Use	Difference	Current Land Use	Proposed Land Use	Difference
A	5.35	37	161	124	114	494	380
B	4.37	31	131	100	95	402	307
C	20.83	83 146	625	542 479	255 448	1,918	1,663 1,470
D	19.93	80 140	598	518 458	246 430	1,835	1,589 1,405
E	18.06	127 542	542	415 0	390 1,664	1,664	1,274 0
F ³	110.90	55	450	395 442	169	1,381	1,212 1,356
G	9.69	30 5	291	261 286	92 15	893	801 878
H	12.5	-	375	375	0	1,151	1,151
I	7.63	229	229	0	703	703	0
J	3.35	-	101	101	-	310	310
K	4.34	-	130	130	-	399	399
L	9.36	-	281	281	-	863	863
M ⁴	74	-	450	450	-	1,381	1,381
South Pointe Policy Area	11	160	220	60	491	675	184

3.0 ERRATA

Site	Acres	Housing Units			Population ²		
		Current Land Use	Proposed Land Use	Difference	Current Land Use	Proposed Land Use	Difference
Total	156.41	832	4,584	3,752	2,555	14,069	11,514
		4,345		3,239	4,129		9,940

Notes: ¹ The number of housing units was calculated using the densities established in Table 4.2-1.

² Population was calculated using 3.07 persons per household as established in the Elk Grove Housing Element.

³ Text amendment to designate 15 acres of Site F (116-0012-051, 116-0012-050, 116-0012-047) as HDR.

⁴ Site limited to 15 acres of HDR uses."

Page 4.2-8, the first paragraph has been revised as follows:

"The HDR GPA and Rezone project would change ~~four~~ three sites from LDR to HDR; two sites would change from ER to HDR; ~~two~~ one sites would change from RR to HDR; one site would change from C/O/MRF to HDR; ~~two~~ one sites from O/MF to HDR; two sites would change from C to HDR; one site would change from O to HDR; two sites would change from LI to HDR and one would change form a combination of LI/C/POS and R to HDR. All of the proposed sites, with the exception of Site I, would result in population gains ranging from 307 (Site A) to 1,470 (Site C). Site I would have no gain or loss in units. The proposed rezone would change the zoning on Sites A, C, D, E, G, H, I, K, and L to RD-20. Sites B and J would be rezoned to RD-30. Site M would be limited to rezoning 15 acres to RD-20. A rezone is not proposed for Site F as part of this project."

Page 4.2-8, the third paragraph has been revised as follows:

"The Elk Grove General Plan EIR determined that implementation of the General Plan would result in less than significant impacts regarding population and housing increases. Similarly, the proposed HDR GPA and Rezone is not anticipated to result in significant impacts because the additional housing units (3,752/68,125) and population (11,514/209,144) represent only a ~~4.7~~ 5.5 percent increase in units compared to the existing holding capacity of the City. All of the ~~sties~~ sites identified as part of the HDR GPA and Rezone project were chosen based on the following criteria: 1) the site was currently vacant or underutilized; 2) the site had available infrastructure; and 3) the site is in close proximity to goods and services. Therefore, impacts to population and housing are considered **less than significant**."

Page 4.2-9, the second paragraph has been revised as follows:

"Implementation of the proposed HDR GPA and Rezone project would change approximately ~~45.88~~ 44.55 acres of commercial (7.69 acres), office (12.5 acres), light industry (24.36 acres: 15 acres on Site M plus 9.36 acres on Site L) uses and ~~25.69~~ 7.63 acres of office/multi-family uses to high density residential uses. This would reduce the amount of acreage available for job-generating uses while increasing the potential for housing within the City, including low and very low income housing opportunities."

Page 4.2-9, Table 4.2-7 has been revised as follows:

"TABLE 4.2-7
LOSS OF JOBS BY LAND USE DESIGNATION

Land Use	Current			Proposed		
	Acres	Employees	Jobs/Acre	Acres Lost	Acres	Jobs Lost
Commercial	1,152	29,318	25.44	7.69	1,144	195

Land Use	Current			Proposed		
	Acres	Employees	Jobs/Acre	Acres Lost	Acres	Jobs Lost
Office	334	10,720	32.09	12.5	321	401
Office/Multi-Family ¹	186	6,409	24.5	17.32 25.69	169 160	424 886
Light Industry	657	8,082	12.30	24.36	633	300
Total	2,329	54,529		61.87 70.24	2,267 2,258	1,320 1,782

Source: City of Elk Grove staff calculation, 2006.

Note: These figures include Laguna West, annexed December 15, 2003.

¹ Includes 9.69 acres of C/O/MF."

Page 4.2-9, the paragraph following Table 4.2-7 has been revised as follows:

"As shown in the **Table 4.2-7**, the proposed HDR GPA and Rezone project would result in the loss of approximately ~~1,782~~ 1,320 jobs. Adding the additional units and subtracting the jobs lost, the project would result in a jobs per housing unit ratio of ~~0.81~~ 0.82 at buildout ($60,720 - \del{1,782} \underline{1,320} = 58,938$ $\underline{59,400}/68,125 + 4,584 = 72,709$). The resulting ~~0.81~~ 0.82 jobs per housing unit ratio is slightly below the 0.89 ratio which is based on the adopted General Plan land uses."

Page 4.2-11, the first paragraph has been revised as follows:

"Development of the proposed HDR GPA and Rezone project sites would increase the population and number of housing units within Elk Grove. The proposed project would intensify residential uses on ~~75.17~~ 83.54 acres currently designated Low Density Residential 27.78 acres, and Rural Residential 15 acres, and Estate Residential 40.76 acres and convert approximately ~~70.24~~ 49.37 acres of non-residential uses (9.69 acres of C/O/MF, 7.63 acres of O/MF, 7.69 acres of C and 24.36 acres of LI comprised of 9.36 acres on Site L and 15 acres on Site M) to HDR uses. The proposed HDR GPA and Rezone project may add an additional 4,584 housing units and a population of 14,073, over the holding capacity associated with the adopted General Plan."

SECTION 4.10, PUBLIC SERVICES AND UTILITIES

Page 4.10-29, Impact 4.10.4.1 and the discussion following the impact have been revised as follows:

"Water Supply and Water System Facilities

Impact 4.10.4.1 The proposed HDR GPA and Rezone project would increase the annual water demand by an additional ~~196.67~~ 255.43 AF/yr. This impact is considered **significant**.

Water Supply

The land uses associated with the adopted General Plan resulted in an approximate water demand of 51,487 AF/yr (Elk Grove General Plan EIR (SCH #2002062082)). The City of Elk General Plan EIR indicated that impacts associated with water supply were significant and unavoidable. The proposed project would increase annual water demand by an additional ~~196.67~~ 255.43 AF/yr. **Table 4.10.4-4** below demonstrates the existing and proposed water demands for the project site."

3.0 ERRATA

Page 4.10-29 and 4.10-30, Table 4.10.4-4 has been revised as follows:

4.10.4-4

WATER DEMAND - EXISTING AND PROPOSED LAND USE DESIGNATIONS FOR THE PROJECT SITE

Site	Size (Acres)	Existing			Proposed			Difference AF/Y
		GP Designation	Unit Water Demand Factors (AF/AC/Y)	Water Demand AF/Y	GP Designation	Unit Water Demand Factors (AF/AC/Y)	Water Demand AF/Y	
A	5.35	Low Density Residential	2.89	15.46	High Density Residential	4.12	22.04	6.58
B	4.37	Low Density Residential	2.89	12.63	High Density Residential	4.12	18	<u>5.37</u> 5.38
C	20.83	<u>Estate</u> Low Density Residential	<u>1.33</u> 2.89	<u>27.70</u> 60.20	High Density Residential	4.12	85.82	<u>58.12</u> 25.62
D	19.93	<u>Estate</u> Low Density Residential	<u>1.33</u> 2.89	<u>26.50</u> 57.60	High Density Residential	4.12	82.11	<u>55.61</u> 24.51
E	18.06	<u>Low Density Residential</u> Office/Multi-family	<u>2.89</u> 4.12	<u>52.19</u> 74.41	High Density Residential	4.12	74.41	<u>22.22</u> 0
F	110.90 ²	Rural Residential	1.33	19.95	High Density Residential	4.12	61.80	41.85
G	9.69	<u>Commercial/Office Multi-Family</u> Rural Residential	<u>4.12</u> 1.33	<u>39.92</u> 12.89	High Density Residential	4.12	39.92	<u>0</u> 27.04
H	12.5	Office	2.75	34.38	High Density Residential	4.12	51.50	<u>17.12</u> 17.13
I	7.63 ²	Office/Multi-Family	4.12	31.44	High Density Residential	4.12	31.44	0
J	3.35	Commercial	2.75	9.21	High Density Residential	4.12	13.8	4.59
K	4.34	Commercial	2.75	11.94	High Density Residential	4.12	17.88	<u>5.94</u> 5.95
L	9.36	Light Industry	2.71	25.37	High Density Residential	4.12	38.56	<u>13.19</u> 13.20
M	69.46 ²	Light Industry	2.71	40.65	High Density Residential	4.12	61.80	21.15
South Pointe Policy Area ³	8	Multi Family Residential	4.12	32.96	High Density Residential	4.12	45.32	3.69
	3	Low Density Residential	2.89	8.67				

Site	Size (Acres)	Existing			Proposed			Difference AF/Y
		GP Designation	Unit Water Demand Factors (AF/AC/Y)	Water Demand AF/Y	GP Designation	Unit Water Demand Factors (AF/AC/Y)	Water Demand AF/Y	
Total			156.41	<u>388.97</u> 406.11			<u>644.40</u> 599.09	<u>255.43</u> 196.67

¹ Maximum allowed units are rounded up and based on existing zoning. 30 units/acre allowed in Office/Multi-Family.

² Site F (APN 116-0012-047, -050, -051) will receive a General Plan text amendment only to designate a maximum of 15 acres as HDR.

³ General Plan text amendment only.

Page 4.10-38 and 4.10-39, Table 4.10.5-2 and associated text before and after the table have been revised as follows:

"As shown in **Table 4.10.5-2**, the proposed project would result in an increase of ~~2,952~~ 2,386 units over the ~~1,632~~ 1,099 unit equivalent (based on potential for ~~1,537~~ 1,004 units and 95 ESDs that could be generated by existing land uses.) This increase

TABLE 4.10.5-2
EXISTING AND PROPOSED UNITS/ESDs BY SITE

Site	Size (in acres)	Existing		Proposed		Increase in Units/ESDs
		GP Designation	Maximum Allowable Units/ESDs	GP Designation	Maximum Allowable Units	
A	5.35	LDR	37 units	High Density Residential	161 units	124
B	4.37	LDR	31 units	High Density Residential	131 units	100
C	20.83	ER LDR	<u>83</u> 146 units	High Density Residential	625 units	<u>542</u> 479
D	19.93	ER LDR	<u>80</u> 140 units	High Density Residential	598 units	<u>518</u> 458
E	18.06	LDR O/MF	<u>127</u> 542 units	High Density Residential	542 units	<u>415</u> 0
F	110.90 ²	RR	55 units	High Density Residential	450 units	395
G	9.69	C/O/MF RR	<u>291</u> 5 units	High Density Residential	291 units	<u>261</u> 286
H	12.5	O	75 ESDs	High Density Residential	375 units	300
I	7.632	O/MF	229 units	High Density Residential	229 units ⁹	0
J	3.35	C	20 ESDs	High Density Residential	101 units	81

3.0 ERRATA

Site	Size (in acres)	Existing		Proposed		Increase in Units/ESDs
		GP Designation	Maximum Allowable Units/ESDs	GP Designation	Maximum Allowable Units	
K	4.34	C	26 units	High Density Residential	130 units	104
L	9.36	LI	56 units	High Density Residential	281 units	225
M	$\frac{74}{69.46^2}$	LI, C, POS/R	90 units	High Density Residential	450 units	360
South Pointe Policy Area ⁴	200	SPPA	160 180 units	SPPA	220 units	60 40
Total			1,537 1,004 units and 95 ESDs/ 1,632 1,099 unit equivalent		4,584 units	2,952 3,485 units

- ¹ Maximum allowed units are rounded up and based on existing zoning. 30 units/acre allowed in Office/Multi-Family. ESDs are provided for non-residential land use designations.
- ² Maximum portion developed with high density residential capped at 15 acres. Note: Site F involves a General Plan text amendment only to designate a maximum of 15 acres of APN (116-0012-047, -050, -051) as HDR.
- ³ General Plan text amendment to increase high density residential component from 4.5% to 5.5%.
- ⁴ Based on 6 ESDs/acre for agricultural and non-residential designations as identified in the Sewer Facilities Expansion Master Plan (CSD-1, 2002).

The estimated increase in average daily wastewater flows from the project is shown in **Table 4.10.5-3**. The project would increase projected wastewater flows at buildout of the General Plan by ~~0.69~~ 1.06 million gallons per day. This increase in wastewater flow would potentially exceed RWQCB wastewater treatment requirements, and would also require expansion of existing facilities and infrastructure to serve the project sites."

Page 4.10-40, Table 4.10.5-3 has been revised as follows:

**"TABLE 4.10.5-3
PROJECTED INCREASE WASTEWATER FLOWS**

	Equivalent Single-Family Dwellings (ESD)	Gallons per Day (GPD) per ESD	Increased Wastewater Flows Flow (MGD) ²
Proposed Project	$\frac{2,614}{3,485}$ 2,214 (2,952) dwelling units x 0.75 multifamily dwelling/ESD)	310	0.69 <u>0.81</u>

Source: City of Elk Grove; Sewer Facilities Expansion Master Plan (CSD-1, 2002).

Page 4.10-40, the last sentence of the first paragraph has been revised as follows:

"The projected increase in wastewater at buildout would be ~~0.69~~ 0.81 mgd."

Page 4.10-41, the last sentence of the sixth paragraph has been revised as follows:

"The addition of ~~0.69~~ 0.81 mgd would increase average daily dry weather flows at the plant to approximately ~~165.69~~ 165.81 mgd, which is less than the plant's permitted design capacity of 181 mgd."

Page 4.10-51 and 4.10-52, Table 4.10.7-2, has been revised as follows:

**"TABLE 4.10.7-2
QUIMBY AND PARKLAND ACREAGE REQUIREMENTS**

Site	Existing General Plan Units	Proposed General Plan Units	Change	Density	Population Change	Quimby Parkland Acres Required
A	37	161	124	3.07	381	1.90
B	31	131	100	3.07	307 304	1.54
C	83 146	625	542 479	3.07	1,664 1,481	8.32 7.35
D	80 140	598	518 458	3.07	1,590 1,406	7.95 7.03
E	127 542	542	415 (5)	3.07	1,274 (15)	6.37 (0.02)
F	55 8	450	395	3.07	1,213	6.07 6.06
G	30 5	291	261 286	3.07	801 878	4.00 4.39
H	0	250	250 375	3.07	768	3.84 3.87
I	229	229	0	3.07	0	0.00
J	0	101	101	3.07	310	1.55
K	0	130	130	3.07	399	2.00
L	0	281	281	3.07	863	4.31
M	0	450	450	3.07	1,382	6.91
SPPP	200	N/A	200	3.07	614	3.07
Totals	832 1,138	4,584 4,364	3,767 3,174		11,566 9,360	57.83 46.88

Source: Elk Grove Community Services District. EGCSO Standards, 2006 and City of Elk Grove.

Page 4.10-55, the third sentence has been revised as follows:

"Utilizing the EGCSO standard of 5.0 acres per 1,000 persons, the corresponding increase in demand for parkland would be approximately ~~46.88~~ 57.83 total acres."

3.0 ERRATA

SECTION 6.0, ALTERNATIVES

Page 6.0-8, fourth paragraph, second sentence has been revised as follows:

"The proposed HDR GPA and Rezone project would increase demand for water by approximately ~~196.6~~ 255.43 acre-feet per year above what would be required if the No Project Alternative were implemented."

Page 6.0-9, second paragraph, third sentence has been revised as follows:

"However, the proposed HDR GPA and Rezone project would require approximately ~~196.6~~ 255.43 acre-feet per year more than would be required in association with the No Project Alternative."

Page 6.0-1, first full paragraph, first sentence has been revised as follows:

"Impact 4.10.4.1 identified that the proposed HDR GPA and Rezone project would result in an annual water demand of an additional ~~196.6~~ 255.43 acre feet per year."

Page 6.0-20, third paragraph, second sentence has been revised as follows:

"The proposed HDR GPA and Rezone project would increase demand for water by approximately ~~196.6~~ 255.43 acre-feet per year."

Page 6.0-21, second full paragraph, third sentence has been revised as follows:

"The proposed HDR GPA and Rezone project would require a water supply of approximately ~~196.6~~ 255.43 acre-feet per year."

Page 6.0-24, last paragraph, first sentence has been revised as follows:

"Impact 4.10.4.1 identified that the proposed HDR GPA and Rezone project would result in an annual water demand of an additional ~~196.6~~ 255.43 acre feet per year."

Page 6.0-32, last paragraph, second sentence has been revised as follows:

"The proposed HDR GPA and Rezone project would increase demand for water by approximately ~~196.6~~ 255.43 acre-feet per year."

Page 6.0-33, third full paragraph, third sentence has been revised as follows:

"The proposed HDR GPA and Rezone project would require a water supply of approximately ~~196.6~~ 255.43 acre-feet per year."

Page 6.0-37, second paragraph, first sentence has been revised as follows:

"Impact 4.10.4.1 identified that the proposed HDR GPA and Rezone project would result in an annual water demand of an additional ~~196.6~~ 255.43 acre feet per year."

SECTION 7.0, LONG-TERM IMPLICATIONS

Page 7.0-8, Impact 4.10.4.1 has been revised as follows:

"Water Supply and Water System Facilities

Impact 4.10.4.1 The proposed HDR GPA and Rezone project would increase the annual water demand by an additional ~~196.67~~ 255.43 AF/yr. This impact is considered **significant.**"

APPENDIX A – NOTICE OF PREPARATION/INITIAL STUDY AND RESPONSE TO THE NOTICE OF PREPARATION

The following letter has been added to Appendix A:

Anthony and Elizabeth Moseby Letter – April 9, 2006

CITY OF ELK GROVE

APR 10 2006

RECEIVED RECEPTIONIST

**TO: City of Elk Grove
Contact: Taro Echiburú
8400 Laguna Palms Way
Elk Grove, CA 95758**

**From: Anthony and Elizabeth Moseby
9376 Miko Circle
Elk Grove, CA 95624
916-682-4583**

April 9, 2006.

**In response to: Environmental Impact Report for the City of Elk Grove High
Density Residential General Plan Amendment and Rezone**

The following locations of Sites C and D are the wrong sites for residential housing of any type. They are especially dangerous for High Density Housing as proposed in the initial study by Elk Grove Planning.

Site C

Site C is located at the southeast corner of Waterman Road and Calvine Road adjacent to the northern City limit. The site is made up of four parcels totaling 20.83 acres:

- 121-0180-003 (2.25 acres)
- 121-0180-004 (2.47 acres)
- 121-0180-015 (7.30 acres)
- 121-0180-059 (8.81 acres)

Reasons: High-voltage power lines.

*See attached photographs.

Site D

Site D is made up of one 19.93 acre parcel:

- (121-0180-007)

located south of Calvine Road less than one-half mile west of Waterman Road in the northern portion of Elk Grove. Site D borders the northern City limit.

Site D is a bad place for residential housing. It has the environmentally protected creek, Laguna Creek, flowing through it. During the flooding on December 31, 2005, the water was overflowing its boundaries and horses in adjacent pastures were knee-deep in water.

Also note, it is a scenic vista-even though it is not on a "registered list".

*See attached photos.



8401 LAGUNA PALMS WAY • ELK GROVE, CALIFORNIA 95758
TEL: 916.683.7111 • FAX: 916.691.6411 • www.elkgrovecity.org

DEVELOPMENT SERVICES

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PLANNING	(916) 478-2265
PUBLIC WORKS	(916) 478-2263
SOLID WASTE	(916) 478-3634
TRANSIT	(916) 687-3030

NOTICE OF PREPARATION

DATE: March 10, 2006

TO: Responsible Agencies, Organizations and Interested Parties

LEAD AGENCY: City of Elk Grove
Contact: Taro Echiburú
8400 Laguna Palms Way
Elk Grove, CA 95758

SUBJECT: Environmental Impact Report for the City of Elk Grove High Density Residential General Plan Amendment and Rezone

In discharging its duties under Section 15021 of the California Environmental Quality Act (CEQA) Guidelines, the City of Elk Grove (as Lead Agency) intends to prepare an Environmental Impact Report for the City of Elk Grove General Plan (EGGP). In accordance with Section 15082 of the CEQA Guidelines, the City of Elk Grove has prepared this Notice of Preparation to provide Responsible Agencies and other interested parties with sufficient information describing the proposal and its potential environmental effects.

The determination to prepare an Environmental Impact Report was made by the City of Elk Grove. An Initial Study has been prepared pursuant to CEQA Section 15063, which identifies the anticipated environmental effects of the project.

As specified by the CEQA Guidelines, the Notice of Preparation will be circulated for a 30-day review period. The City of Elk Grove welcomes agency and public input during this review. In the event that no response or request for additional time is received by any Responsible Agency by the end of the review period, the Lead Agency may presume that the Responsible Agency has no response. This notice was previously circulated on December 7, 2005 and is being recirculated to allow additional review.

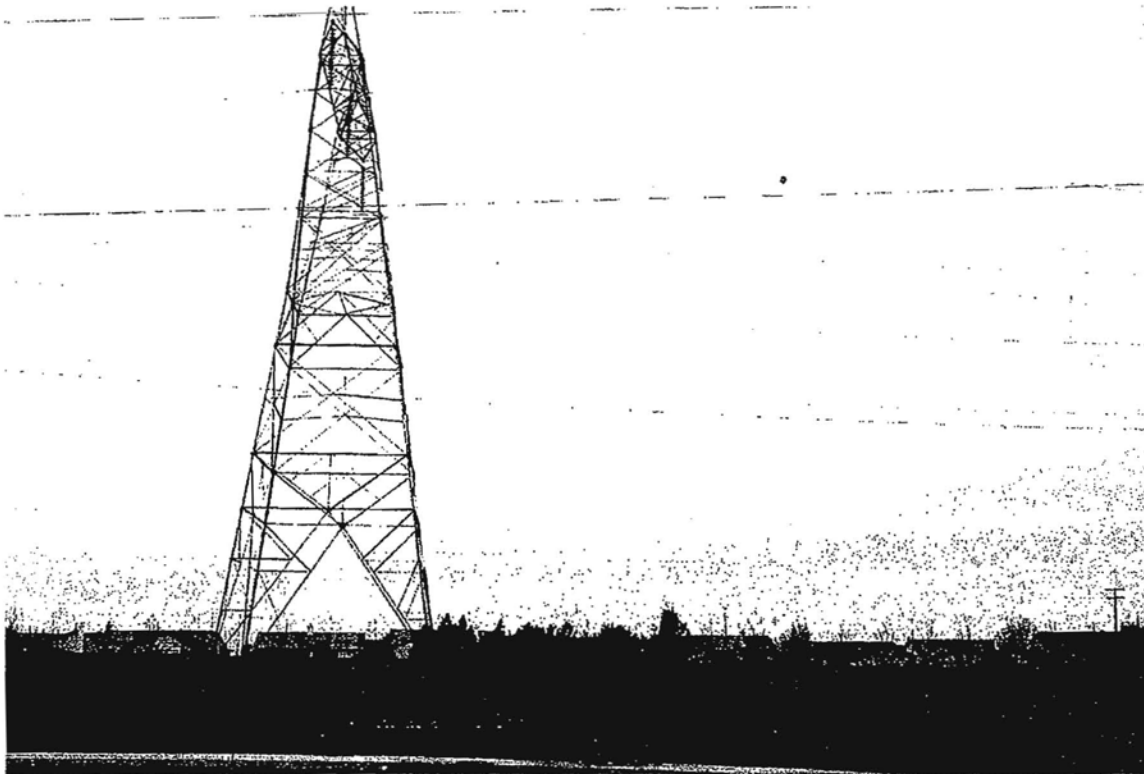
The City held a duly noticed scoping hearing on January 5, 2006. Additional scoping hearings, if any, will be noticed at a future date. Copies of the Notice of Preparation and Initial Study are available at Elk Grove City Hall located at 8400 Laguna Palms Way, Elk Grove, CA.

Comments may be submitted in writing during the review period and addressed to:

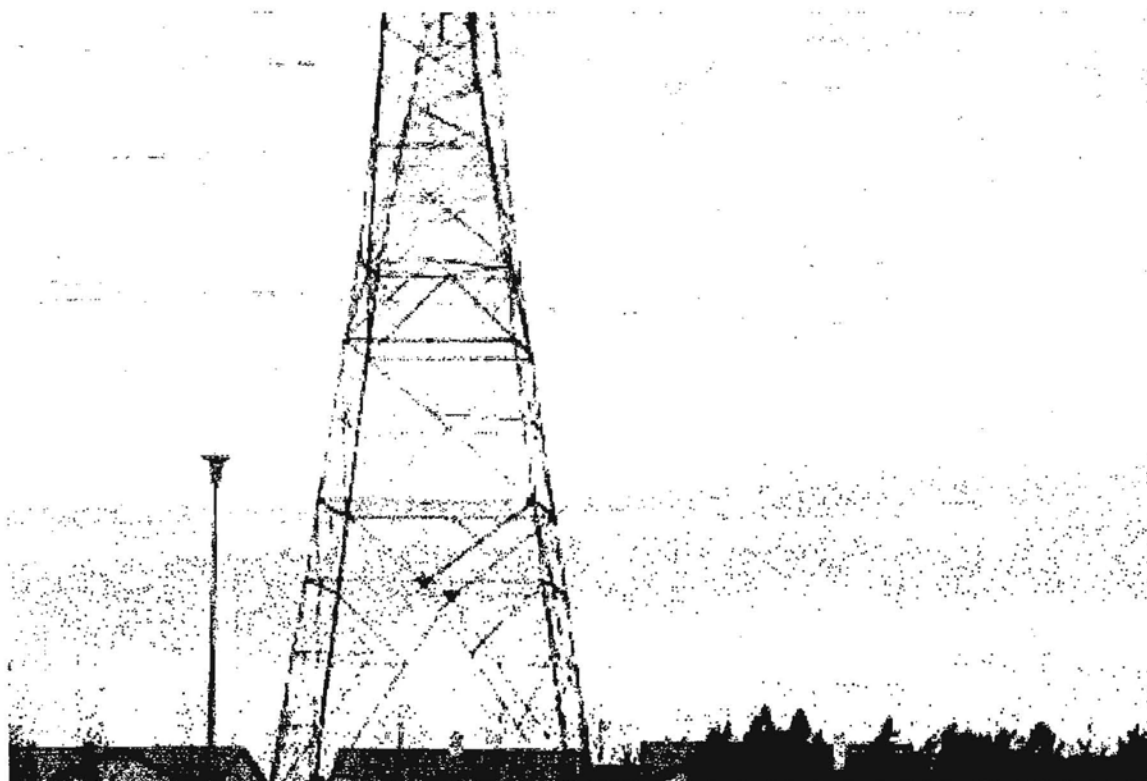
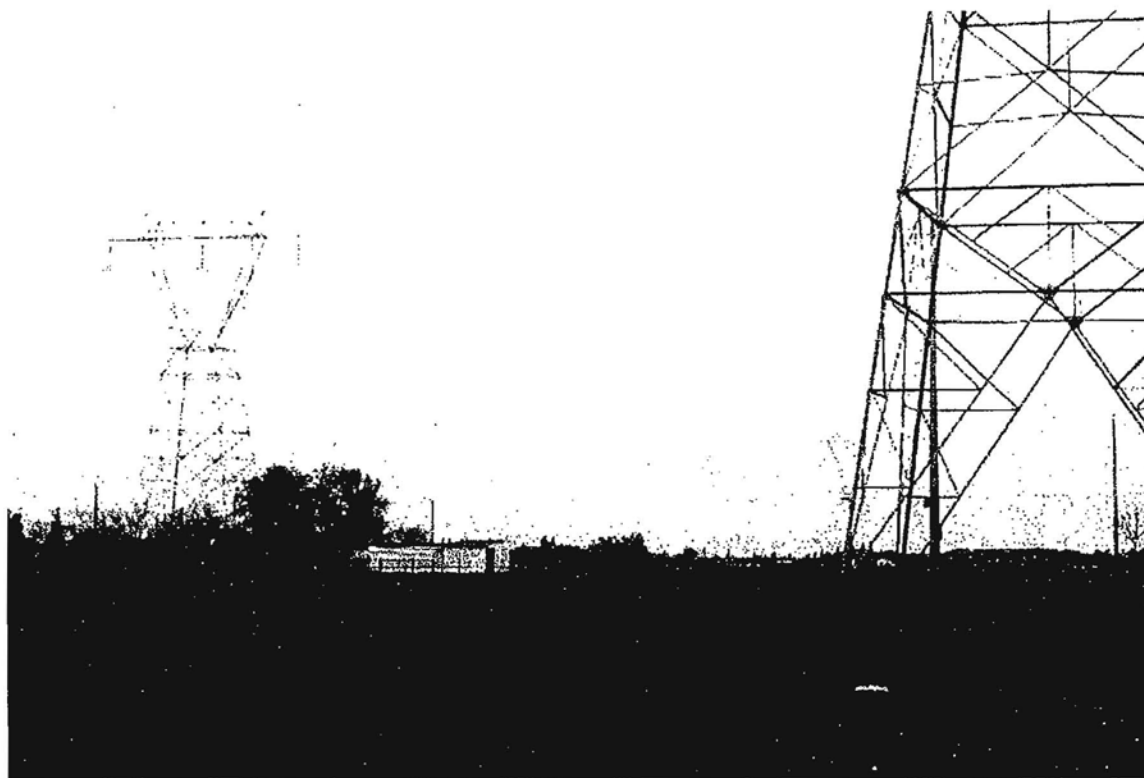
Taro Echiburú
City of Elk Grove
8400 Laguna Palms Way
Elk Grove, CA 95758

The comment period closes on April 10, 2006

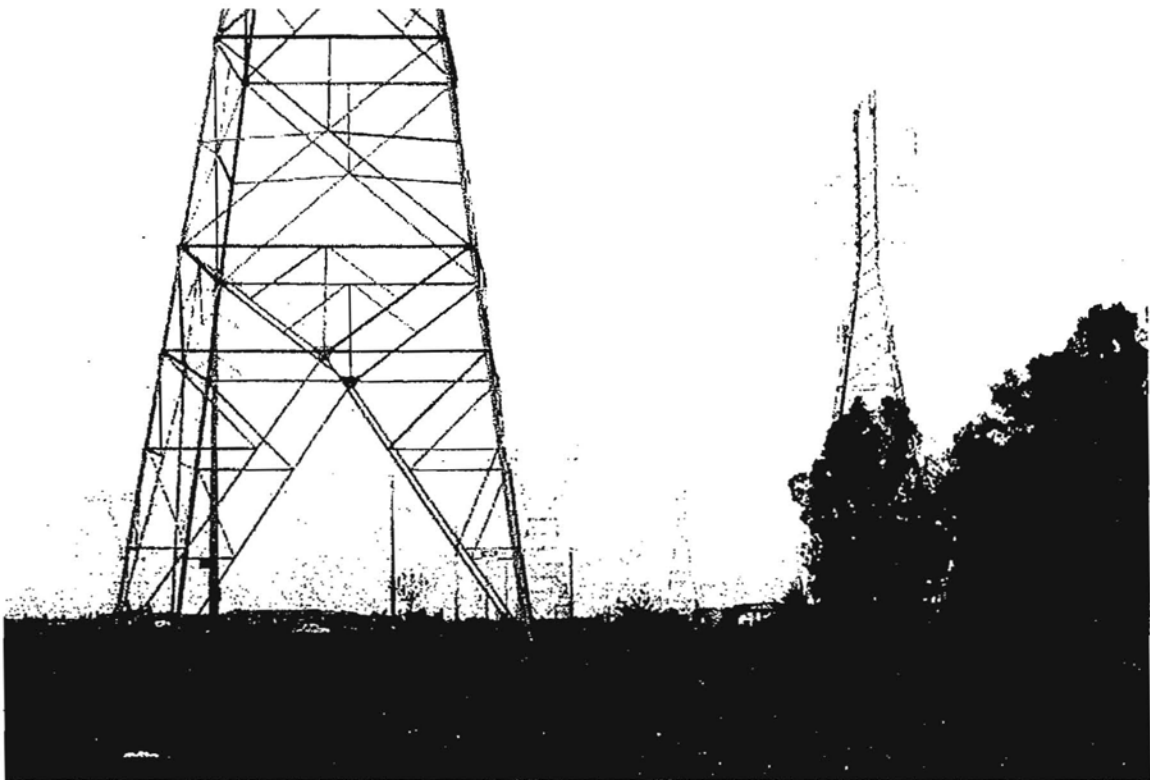
Site C



Site C



Site C



Site D is a bad place for residential housing. It has the environmentally protected creek, Laguna Creek flowing through it. During the flooding on December 31, 2005, the water was overflowing its boundaries and horses in adjacent pastures were knee-deep in water.

Also note, it is a scenic vista-even though it is not on a "registered list".

Site D

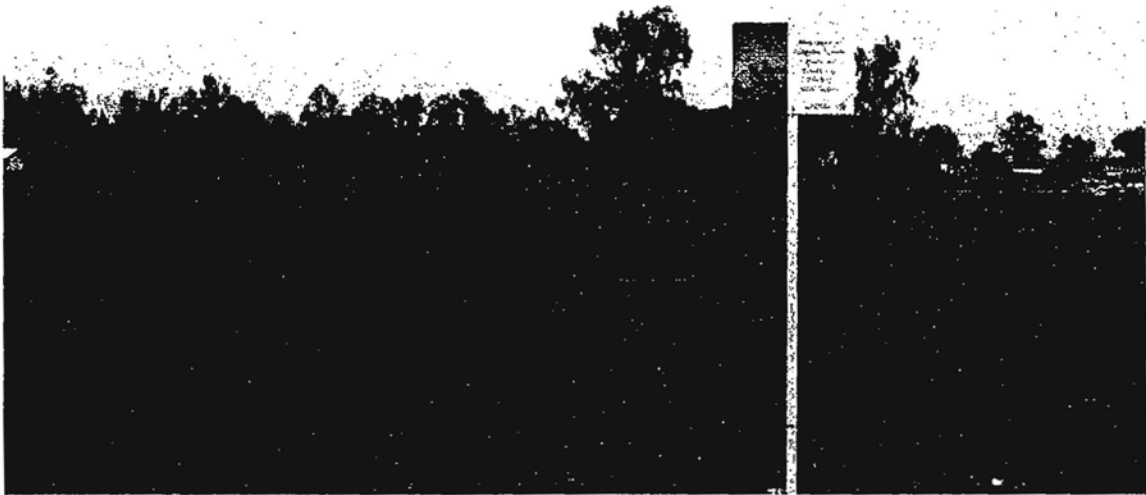
Site D is made up of one 19.93 acre parcel:

- (121-0180-007)

located south of Calvine Road less than one-half mile west of Waterman Road in the northern portion of Elk Grove. Site D borders the northern City limit.

See attached photos.

Site D



Site D



Site D



EXHIBIT D

MITIGATION MONITORING AND REPORTING PROGRAM

FOR

SITE I OF THE HIGH DENSITY RESIDENTIAL GENERAL PLAN AMENDMENT AND REZONE

PREPARED BY:

CITY OF ELK GROVE
8401 LAGUNA PALMS WAY
ELK GROVE, CA 95758

OCTOBER 2006

Expansive and Unstable Soils

Mitigation Measures:

MM 4.3.5 Prior to approval of grading or improvement plans, whichever occurs first, a geotechnical report or other appropriate analysis shall be conducted for each of the proposed HDR GPA and Rezone sites to determine the shrink-swell potential and stability of the soil. The geotechnical report shall identify measures necessary to ensure stable soil conditions.

Timing/Implementation: Prior to approval of grading or improvement plans, whichever occurs first.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Exposure to Noise Levels in Excess of Standards

Mitigation Measure:

MM 4.5.3 Future development proposal for the HDR GPA and Rezone proposal sites shall conform to the following measures:

- All HDR GPA & Rezone project sites: In accordance with General Plan policies NO-2, NO-3, NO-4, NO-6, NO-7, and NO-8 and associated implementation measures, noise impact assessments shall be prepared for development projects. The noise impact assessments shall identify noise-reduction measures, where necessary, to ensure that projected exterior noise levels within outdoor activity areas of proposed residential development would be reduced to comply with applicable City noise standards for transportation and non-transportation noise sources for all sites (refer to Table 4.5-3 and 4.5-4). Available mitigation measures would include, but would not be limited to, the following:
 - The project applicant shall work with an acoustician to design the project to achieve the noise standards. Noise barriers shall be considered a measure of achieving the noise standards only after all other practical design-related noise mitigation measures, including the use of distance from noise sources have been integrated into the project. Where soundwalls or noise barriers are constructed, the City shall strongly encourage and may require the use of a combination of berms and walls to reduce the apparent height of the wall and produce a more aesthetically appealing streetscape.

- All HDR GPA & Rezone project sites: Future development proposals that would locate residential units within projected 60 dBA CNEL noise contours shall be designed to achieve a minimum average-daily interior noise level of 45 dBA CNEL. This requirement shall be addressed in the noise impact assessment prepared for the project site(s).
- Sites A & L: Future development proposals that would locate residential dwellings units within the projected 60 dBA CNEL rail traffic noise contours of the Union Pacific Railroad corridor shall be designed to achieve a minimum average-daily interior noise level of 45 dBA CNEL. This requirement shall be addressed in the noise impact assessment prepared for those project site(s).
- Sites F & H: If a light rail alignment is proposed adjacent to Big Horn Boulevard, Sites F and H shall be designed to achieve a minimum average-daily interior noise level of 45 dBA CNEL. This requirement shall be addressed in the noise impact assessment prepared for those project site(s).

Timing/Implementation: Noise impact assessment submitted as part of development plan review for subsequent development of the HDR GPA and Rezone proposal sites; any mitigation measures identified in the noise impact assessment shall be made a condition of approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning and Public Works Department.

Drainage and Erosion Impacts

Mitigation Measures:

MM 4.7.1a In conjunction with the project application and prior to approval of design review for each of the HDR GPA and Rezone sites, a drainage plan and hydrology study shall be submitted for the site that meets City requirements and demonstrates the following, consistent with General Plan Policies CAQ-18 and SA-23:

- Post development peak storm water run-off discharge rates and velocities shall be designed to prevent or reduce downstream erosion, and to protect stream habitat.
- Runoff control measures shall be incorporated to minimize peak flows of runoff.

- The project shall assist in its fair-share of financing improvements for or otherwise implementing Comprehensive Drainage Plans.

Timing/Implementation: Prior to approval of design review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Operational Surface Water Quality Impacts

Mitigation Measures:

MM 4.7.3a At the time of design review for each of the HDR GPA and Rezone sites, measures must be identified that comply with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance. The projects shall demonstrate conformance with the following, as well as applicable City Codes, policies, and regulations:

- Specific BMPs shall be identified to ensure that long-term water quality is protected. The BMPs shall be designed, constructed and maintained to meet a performance standard established by the City and shall conform to the provisions of the City's NPDES permit. The project applicant shall retain a qualified specialist to monitor the effectiveness of the BMPs selected. Monitoring activities, along with funding for monitoring, shall be established and shall include, but are not be limited to, initial setup, annual maintenance, and annual monitoring.
- Each individual HDR GPA and Rezone proposal shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. The two main categories of these BMPs are "source control" and "treatment control." Source control BMPs are usually the most effective and economical in preventing pollutants from entering storm and non-storm runoff. Source control BMPs relevant to the proposed HDR GPA and Rezone that shall be implemented include:
 - 1) Public Education/Participation activities. Information shall be provided to new project residents regarding pollution prevention;
 - 2) Illegal Dumping controls. The Covenants, Conditions, and Restrictions (C, C, & R's) for the project shall include a prohibition on the dumping of waste products (solid waste/liquid waste and yard trash) into storm drain systems, open space areas, and creeks;

- 3) Stormwater pollution source controls shall be conditioned to provide a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each storm drain inlet. This may be accomplished with a stamped concrete impression (for curbs) or manufactured colored tiles, which are epoxied in place adjacent to the inlet (for parking lots and areas without curbs).
- 4) Street and storm drain maintenance activities. These activities control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped material from storm channels and creeks. (The City of Elk Grove would be responsible for regular storm drain maintenance within the public right-of-way; grease traps and other stormwater quality control devices on private property shall be maintained by the project.)

Timing/Implementation: As part of grading plan review and approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.7.3b

At the time grading plans are submitted for each of the HDR GPA and Rezone sites, measures must be identified that comply with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance. The projects shall demonstrate conformance with the following:

Grading plans shall be consistent with the City's NPDES permit (#CAS082597) which requires the City to impose water quality and watershed protection measures for all development projects.

Timing/Implementation: As part of grading plan review and approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.7.3c

At the time of design review for each of the HDR GPA and Rezone sites, the development plans for the project site shall demonstrate compliance with the following measures:

If detention basins are required, the project applicant for each HDR GPA and Rezone site shall consult with the City when designing the proposed detention basin. Detention basin designs and proposed plantings in and around the detention basin shall be submitted for review and approval by the City.

Development of the detention basin shall be subject to BMPs identified in MM 4.7.1.

Uses in the stream corridors shall be limited to recreation and agricultural uses compatible with resource protection and flood control measures. Roads, parking, and associated fill slopes shall be located outside of the stream corridor, except at stream crossings (General Plan Policy SAQ-23).

The project applicant shall consult with the City when designing storm water conveyance facilities. Designs of the areas shall be submitted to these agencies for review and approval prior to approval of the Final Map for each individual HDR GPA and Rezone site. Developers of each HDR GPA and Rezone site shall retain a qualified specialist to assist in designing the features to maximize their effectiveness in removing pollutants. Biofilter swales and vegetated strips shall be placed in the bottom of drainage channels and be designed to provide biofiltration of pollutants during project runoff.

Timing/Implementation: Design shall be submitted and approved by the City prior to HDR GPA and Rezone proposal design review approval.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning; RWQCB.

Potential Adverse Effect on Special Status Plant Species

Mitigation Measure:

MM 4.8.1 The City shall require as a part of the application for each of the HDR GPA and Rezone proposal sites that the project applicant submit a focused survey for special-status plant species in each project area during a period when likely occurring sensitive plants are known to bloom. The project shall be conducted no earlier than one year prior to the development plan review process. If sensitive plants are located during pre-construction surveys, appropriate avoidance or disturbance minimization measures shall be employed and USFWS and/or DFG shall be notified. Furthermore, construction activities shall be restricted based on USFWS and/or DFG guidance. Restrictions may include establishment of avoidance buffer zones, installation of silt fences, or alteration of the construction schedule to allow time for rescuing and replanting the sensitive species, if appropriate.

Timing/Implementation: Survey provided as part of the development plan application process; avoidance and mitigation measures to be implemented prior

to the onset of construction activities or site disturbance.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Impacts to Raptors/Species Protected Under the MBTA

Mitigation Measure:

MM 4.8.2 As part of the development plan review process for each of the HDR GPA and Rezone proposal sites, the projects shall be conditioned as follows:

If future proposed construction activities are planned to occur during the nesting seasons for local avian species (typically March 1st through August 31st), the project applicant shall retain a qualified biologist approved by the City of Elk Grove Development Services, Planning to conduct a focused survey for active nests of raptors and migratory birds within and in the vicinity of (no less than 100-feet outside project boundaries, where possible) construction areas no more than 30 days prior to ground disturbance. If an active nest is located during preconstruction surveys, USFWS and/or DFG (as appropriate) shall be notified regarding the status of the nest. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or resource agencies deem the potential for abandonment or loss of individuals to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100-feet around the nest) or alteration of the construction schedule. No action is necessary if construction will occur during the nonbreeding season (generally September 1st through February 28th).

Timing/Implementation: Conditioned concurrent with any development plan review approval and implemented prior to the onset of construction activities or any site disturbance.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Potential Conflicts with Local Policies Protecting Biological Resources: Swainson's Hawk

Mitigation Measure:

MM 4.8.6 As part of the development plan review process for each of the HDR GPA and Rezone proposal sites, appropriate mitigation measures shall be determined consistent with the City's Chapter 16.130 - Swainson's Hawk Ordinance based on the size of the project (greater or less than forty acres). At a minimum, future project applicants shall implement the following measures:

- a) Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits, whichever occurs first, the project applicant shall preserve 1.0-acre of similar habitat for each acre lost. This land shall be protected through a

fee title or conservation easement acceptable to the DFG and the City of Elk Grove planning department; OR

- b) Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits, whichever occurs first, the project applicant shall submit payment of the 'Swainson's hawk impact mitigation fee' per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove.

Timing/Implementation: As part of the development plan review process for each of the HDR GPA and Rezone sites and prior to the issuance of permits or site disturbance.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Potential Conflicts with Local Policies Protecting Biological Resources: Tree Species

Mitigation Measure:

MM 4.8.7 Future project applicants shall, at a minimum, and to the satisfaction of the City of Elk Grove Development Services, Planning, replace the combined diameter at breast height of the total trees removed from Sites A, B, C, D, E, F, G, I, K, M, and SPPA that are considered under the City of Elk Grove Tree Preservation and Protection Ordinance. In addition, a minimum of 50 percent of replacement trees shall be of a similar native species as those removed. Replacement trees may be planted onsite or in other areas to the satisfaction of the City of Elk Grove Planning Department. Such replanting must not result in the over-planting of any individual site.

Timing/Implementation: Prior to project completion.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Impacts to Paleontological, Archaeological, and Historic Resources

Mitigation Measures:

MM 4.9.1a Prior to project construction, paleontological, archaeological and historical investigations shall be conducted on Sites A through K and Site M. These investigations shall be conducted by a professional archaeologist and shall include, but are not limited to: a records search at the North Central Information Center; a sacred lands search conducted by the Native American Heritage Commission; consultation with the Native American community and the Elk Grove Historical Society; pedestrian surface survey of the project sites; and determining

the historical significance of buildings/structures more than 50 years old that are present on project sites.

Should any cultural resources be identified during archaeological and historical investigations the project proponent shall be required to implement any mitigation deemed necessary by the professional paleontologist, archaeologist or historian for the protection of cultural resources. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Timing/Implementation: Prior to approval of grading, building or development plans.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.9.1b

If any prehistoric or historic artifacts or other indications of archaeological or paleontological resources are found once the project construction is underway, all work in the immediate vicinity must stop and the City shall be immediately notified. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, or paleontologist as appropriate, shall be retained to evaluate the finds and recommend appropriate mitigation measures.

Timing/Implementation: As a condition of project approval, and implemented during construction activities.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

MM 4.9.1c

If human remains are discovered during construction, all work must stop in the immediate vicinity of the find and the County Coroner must be notified, according to Section 7050.5 of California's Health and Safety Code. If the remains are Native American, the coroner shall notify the Native American Heritage Commission, which in turn shall inform a most likely descendant. The descendant shall then recommend to the landowner appropriate disposition of the remains and any grave goods.

Timing/Implementation: As a condition of project approval, and implemented during construction activities.

Enforcement/Monitoring: City of Elk Grove Development Services, Planning.

Wastewater Treatment Impacts

Mitigation Measures:

MM 4.10.5.1

At the time of development plan review for each of the HDR GPA and Rezone sites, the project applicant shall provide a wastewater services plan that includes the following as required by CSD-1, consistent with the CSD-1 Minimum Sewer Study Requirements dated April, 2006 or successor:

- An **Environmental/Financial Sewer Study (Level One)** is completed to ensure technical compliance with the CSD-1 Master Plan, and to demonstrate it is possible to provide sewer service to the project. The study focus is on Major Topography, Major Phasing & Timing, Interceptors (and their capacity), Major Trunks (and their capacity), and Sewer Sheds. Schematic lines will cover the remainder of the site and upstream areas. The study NEED NOT include minor trunks, collectors, manholes, reservations and easements, and subdivision layouts.
- A **Specific/Community Master Plan (Level Two)** is completed to establish the backbone trunk system and sheds, locate and size pump/lift stations, and establish depth of pipes and verify cover. The study focus is on Topography, Phasing & Timing, Interceptors (and their capacity), Trunks (and their capacity), and to define Reservations and Shed Shifts needed for approval. Schematic lines will cover the remainder of the site and upstream areas. This level of study is generally not sufficient for trunk design.
- A **Subdivision Sewer Study (Level Three)** is the design analysis of the sewer system for a specific project site, and forms the basis for the improvement plans. The study focus is on everything required for a Level Two study, plus Collector Pipes, Residential Street Layout, Manhole Details, and any Exceptions to Policy. Any request for non-standard facilities must include supporting documentation.

Timing/Implementation: Prior to approval of development plan review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove, Development Services, Planning.

Water Supply and Water System Facilities

Mitigation Measures:

MM 4.10.4.1 At the time of development plan review for each of the HDR GPA and Rezone proposal sites, the project applicant shall provide a water supply plan, consistent with General Plan Policies CAQ-1, PF-3, and PF-5, that demonstrates:

- Use of water conservation measures to reduce the amount of water used by the development.
- Identification of water supply and delivery systems, including a "will serve" letter from the appropriate indicating there is sufficient water capacity to serve the project, as well as to serve the existing and approved development in the service area.
- Use of reclaimed water for irrigation wherever feasible.
- Sufficient water flow and pressure will be provided to the project at sufficient levels to meet domestic firefighting needs.

Timing/Implementation: Prior to approval of development plan review for each individual HDR GPA and Rezone site.

Enforcement/Monitoring: City of Elk Grove, Development Services, Planning.

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-271

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 25, 2006 by the following vote:

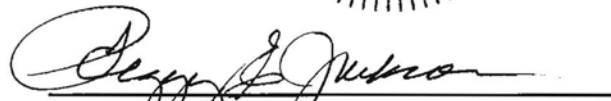
AYES : **COUNCILMEMBERS:** **Soares, Scherman, Briggs, Leary, Cooper**

NOES : **COUNCILMEMBERS:** **None**

ABSTAIN : **COUNCILMEMBERS:** **None**

ABSENT: **COUNCILMEMBERS:** **None**





Peggy E. Jackson, City Clerk
City of Elk Grove, California