

RESOLUTION NO. 2007-32

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING AN AMENDMENT TO THE ELK GROVE GENERAL PLAN AMENDING
THE GENERAL PLAN LAND USE MAP FOR APN 125-0050-010 (SITE K) FROM
COMMERCIAL TO COMMERCIAL/OFFICE/MULTI-FAMILY FOR THE HIGH
DENSITY RESIDENTIAL GENERAL PLAN AMENDMENT AND REZONE PROJECT
(GPA 07-001)**

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, 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; and,

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 the High Density Residential General Plan Amendment and Rezone project; and,

WHEREAS, the City Council adopted a resolution certifying the Final EIR for the High Density Residential General Plan Amendment and Rezone project at a public hearing on October 25, 2006; and,

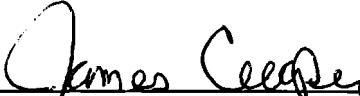
WHEREAS, the City Council duly advertised and considered the Planning Commission recommendation and all of the testimony presented to it, including staff reports, environmental documents and public testimony, at a public hearing on January 24, 2007.

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

1. Approval of the General Plan Amendment for Site K

The City Council hereby approves the Amendment to the Elk Grove General Plan Land Use Policy Map for APN 125-0050-010, located on East Stockton Boulevard, approximately one-quarter mile south of Elk Grove Boulevard, from Commercial to Commercial/Office/Multi-family indicated in Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of February 2007.



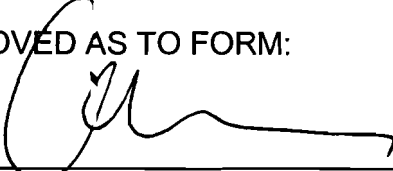
JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR 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

January 2007

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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 project (project). These Findings of Fact consider the certification of the HDR GPA and Rezone project and adoption of the project as presented in the EIR.

These Findings of Fact and Statement of Overriding Considerations consider the project as a whole with the exception of Site I which was considered separately and approved by the City Council on October 25, 2006.

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 no 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 in 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. A scoping meeting was held on January 5, 2006, to receive additional comments. Subsequently, a revised NOP was circulated March 10, 2006 which included Site H. Comments raised in response to the NOP were considered and addressed during preparation of the EIR and were included as an appendix to the Draft 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. (c).)

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
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 HDR GPA and Rezone project. Having received, reviewed, and considered the entire record, both written and oral, relating to the HDR GPA and Rezone 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 HDR GPA and Rezone project sites 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.

Explanation: 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.)

Finding: 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 open space.

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

1.1.3 Cumulative Land Use Conflicts

Impact 4.1.4 The HDR GPA and Rezone 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.

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

Finding: 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 polices 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 additional housing units and population represent only a 5.5 percent 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 polices and actions associated with maintaining appropriately 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.

Explanation: 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.)

Finding: 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 additional housing units and population resulting in the 0.82 jobs per housing unit ratio 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 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 project 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.

Explanation: 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.)

Finding: 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 polices 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 Impact 4.4.2 The proposed HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 HDR GPA and Rezone project would result in long-term increases in ambient noise levels. This is considered a **less than significant** impact.

Mitigation Measures: None required.

Explanation: 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.)

Finding: 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 the project 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.

Explanation: 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.)

Finding: 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 is **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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 EGCSO Fire Department indicated that services are already provided and/or the capability of providing service to these areas 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 HDR GPA and Rezone project.

Reference: Draft EIR page 4.10-6.

1.7.3 Impacts to Police Protection Services

Impact 4.10.2.1 Implementation of the HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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.

Explanation: 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.)

Finding: 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 that are proposed as a result of the HDR GPA and Rezone 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 HDR GPA and Rezone, 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.

Explanation: 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.)

Finding: 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 polices 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 through 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 Impacts

Impact 4.10.6.2 The proposed HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 project, 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.

Explanation: 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.)

Finding: 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 HDR GPA and Rezone 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.

Explanation: 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.)

Finding: 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 all of the sites were 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 HDR GPA and Rezone project. Having received, reviewed, and considered the entire record, both written and oral, relating to the HDR GPA and Rezone project 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 project 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: All of the sites, with the exception of Site M, would result in less than significant impacts relative to consistency with relevant land use planning documents following implementation of the HDR GPA and Rezone. All of the sites are 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 these sites. The presence of industrial uses to the west of Site M present a conflict relative to HDR uses resulting in a potentially significant impact.

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. The City further finds that mitigation measures MM 4.1.1 and MM 4.3.1 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 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 project 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.

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. The City further finds that mitigation measure MM 4.3.1 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 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 project 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 devices.

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 project 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.

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. The City finds that implementation of mitigation measures 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 Impact 4.3.4 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measures MM 4.3.4a, MM 4.3.4b, MM 4.3.4c and MM 4.3.4d 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 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 HDR GPA and Rezone 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 HDR GPA and Rezone 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 infrastructures. 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 project 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 become 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 project 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 project sites 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 project sites and in proximity to nearby Union Pacific Railroad corridors would be considered less than significant.

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 distances 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. The City further finds that mitigation measure MM 4.5.2

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 4.5-14 through 4.5-16.

2.3.2 Exposure to Noise Levels in Excess of Standards

Impact 4.5.3 Implementation of the proposed HDR GPA and Rezone 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 proposals for the HDR GPA and Rezone project 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 project 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 project sites, or portions thereof, 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. The City finds that implementation of mitigation measure MM 4.5.3 would require inclusion of soundwalls, noise barriers and design features to achieve noise standards for transportation and non-transportation noise sources and thereby 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 4.5.3 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 4.5-16 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 project 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 project 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 project 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 HDR GPA and Rezone project sites. 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 these proposed HDR GPA and Rezone sites. 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. The City finds that implementation of mitigation measure MM 4.5.3 would require inclusion of soundwalls, noise barriers and design features to achieve noise standards for transportation and non-transportation noise sources and thereby reduce Impact 4.5.5 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.5.3 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 4.5-24 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.

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. 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 reduce potential for exposure to TACs associated with Suburban Propane's operation. Mitigation measure 4.3.1, along with issuance of SMAQMD Air Quality permits, compliance with all District, state and federal regulations regarding stationary and TACs, the use of Best Available Control Technology (BACT), and the purchase of emission off-sets for industrial sources would reduce potential stationary and mobile sources toxic air emissions associated with Impact 4.6.4 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.3.1 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 4.6-17 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 project 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 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.

Significance After Mitigation: Implementation of mitigation measure MM 4.6.6 would reduce impacts associated with 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. The City finds that implementation of mitigation measure MM 4.6.6 would require that the project is designed to bring exposure to particulate mater and toxic air contaminants to acceptable levels thereby reducing Impact 4.6.4 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.6.6 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 4.6-19 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 project 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.

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- 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: During construction of the projects proposed for the HDR GPA and Rezone sites, 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 identified in the Erosion and Sediment Control Ordinance. 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. The City finds that implementation of mitigation measures MM 4.7.1a and MM 4.7.1b which require preparation of a drainage plan and hydrology study, and compliance with General Plan Policy CAQ-21, would thereby reduce Impact 4.6.4 to a less-than-significant level as described in the Draft EIR. The City further finds that 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 4.7-17 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 project 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 project 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.

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. The City finds that implementation of mitigation measure MM 4.7.2 would restrict development and placement of fill within the 100-year floodplain and thereby reduce Impact 4.7.2 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.7.2 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 4.7-20 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 HDR GPA and Rezone 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 limited to, initial setup, annual maintenance, and annual monitoring.
- Each individual HDR GPA and Rezone project 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 each individual HDR GPA and Rezone site 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 project 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 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:

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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 project would have the potential to result in surface water quality impacts associated with operational activities. The proposed project would increase potential runoff from sites A, B, C, D, F, and G 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 have 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 project **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 HDR GPA and Rezone 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:

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- 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.
 4. 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 project. This would add 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 HDR GPA and Rezone 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 reduce the 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 which require preparation of a drainage plan and hydrology study and compliance with General Plan Policy CAQ-21, would 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 policies CAQ-12, CAQ-13, CAQ-14, and CAQ-15, and associated action items.

2.5.6 Cumulative Flood Hazards

Impact 4.7.6 Implementation of the proposed HDR GPA and Rezone project 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 project as well as potential development within the Urban Studies areas. In addition to the proposed HDR GPA and Rezone project, 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.

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. The City finds that implementation of mitigation measure MM 4.7.2 would restrict development and placement of fill within the 100-year floodplain thereby reduce Impact 4.7.6 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.7.2 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 4.7-34 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 project 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, 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.

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 project 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 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.

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 and 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 project 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 project 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). 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.

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. The City finds that implementation of mitigation measure MM 4.8.3 would require preparation of a focused survey for giant garter snake and retaining a qualified biologist to coordinate and supervise restoration of giant garter snake habitat and thereby reduce Impact 4.8.3 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.8.3 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 4.8-26 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 project 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 project 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.

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. The City finds that implementation of mitigation measure MM 4.8.4 would require the applicant to mitigate for the loss and disturbance of wetlands through project design and avoidance and would thereby reduce Impact 4.8.4 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.8.4 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 4.8-28 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 project 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.

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. The City finds that implementation of mitigation measure MM 4.8.5 would require 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 and thereby reduce Impact 4.8.5 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.8.5 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 4.8-30 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 project 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 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.

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 payment of mitigation fees 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, 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 any proposed project is considered a potentially significant impact.

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. The City finds that implementation of mitigation measure MM 4.8.7 would require replacement of native oak trees thereby reduce Impact 4.8.7 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.8.7 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 4.8-32; 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 project would allow potential future development, which could result in disturbance or loss of previously established mitigation areas.

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.

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. The City finds that implementation of mitigation measure MM 4.8.8 would require that projects on Sites F and H avoid intrusion and loss of mitigation areas and thereby reduce Impact 4.8.8 to a less-than-significant level as described in the Draft EIR. The City further finds that mitigation measure MM 4.8.8 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 4.8-33 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 HDR GPA and Rezone 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 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, 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.

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 project along with foreseeable development in the region could result in the disturbance of historic resources. This contribution is considered **cumulatively considerable**.

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: While no development proposals are included as part of this HDR GPA and Rezone project, future development of the project sites 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.

Significance After Mitigation: Implementation of mitigation measures MM 4.9.1a, MM 4.9.1b, and MM 4.9.1c would mitigate potential impacts to paleontological, archaeological, and historic resources to less than cumulatively considerable 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 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 General Plan Amendment 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 result in greater impacts to wastewater treatment requirements and capacity than the impacts discussed in the Elk Grove General Plan EIR (SCH #2002062082). The proposed HDR GPA and Rezone project would result in increased density, and would increase wastewater demand on the majority of the project sites.

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 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 HDR GPA and Rezone project and associated Draft and Final Environmental Impact Report, the City finds that the following environmental effects of the HDR GPA and Rezone 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 **Impact 4.4.1** Implementation of the proposed HDR GPA and Rezone 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 project 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.
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 project 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 project. The segment of Bruceville Road identified above will go from a LOS D to LOS E with implementation of the project. 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 project would result in potentially significant impacts to the segments of Bruceville Road and Sheldon Road identified above.

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 reduce 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 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 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 project would result in additional traffic volumes on local roadways, as well. 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, 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, there are jurisdictional limitations regarding improvements to regional state highway facilities identified in 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 project's contribution to cumulative impacts would be **cumulatively considerable** and the impact would be **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 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 economics, 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 HDR GPA and Rezone 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 project 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 project sites 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 project 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**.

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 economics, 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.

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 economics, 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 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

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

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.

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 economics, 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 project would change land use designations for 13 sites in the City of Elk Grove. 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.

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 economics, 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 economics, 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 HDR GPA and Rezone 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 project 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 agency 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 project would require less than one percent of the 2030 demand for the Central Basin.

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 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 project 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 project 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 agency 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 project 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 the project sites 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 effect 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 project, 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 project 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 agency 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 project 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 the project sites 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 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 **Impact 4.11.2** Implementation of the proposed HDR GPA and Rezone project 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 areas 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, 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 project would change the existing scenic resources in the City. All of the proposed HDR GPA and Rezone project 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 project 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**.

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 CAQ-7, 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) would help to reduce impacts, 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 project are as follows:

- Alternative 1 - No Project Alternative
- Alternative 2 – Removal of Sites H and M
- Alternative 3 – Removal of Sites E and F

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 project 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 project. Environmental benefits of this alternative over the proposed HDR GPA and Rezone project 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 4,584 residential units with maximum densities of 20 to 30 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 Alternative 2, Sites H and M would be excluded from the HDR GPA and Rezone project 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 project 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.

Alternative 2 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 Alternative 2 is less desirable than the project and is infeasible for the following economic, social, and other reasons:

- There are two current applications in process for commercial developments on two of the parcels located on Dunisch Road north of Laguna Boulevard.
- Implementation of Alternative 2 would increase the potential for concentration of high density residential uses in the northern portion of the City.
- Implementation of Alternative 2 would further reduce the jobs-housing balance in the City.

Facts that support the finding: Draft EIR pages 6.0-13 through 6.0-26 provide an analysis of the Alternative 2 as compared to the proposed HDR GPA and Rezone project. Environmental benefits of this alternative over the proposed HDR GPA and Rezone project 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 project, Alternative 1, and Alternative 3. However, implementation of Alternative 2 would result in fiscal impacts to the owners of parcels located on Dunisch Road north of Laguna Boulevard. As these owners have applications in process for commercial developments, moving forward with the HDR GPA on this site would be prohibitive. In addition, Alternative 2 would remove Site M as an HDR site. Loss of this site would eliminate the dispersal of high density uses in the southeastern portion of the City (Site M) and increase the concentration in the northern portion of Elk Grove. Alternative 2 would also further reduce the jobs-housing balance as both alternative sites are designated for Commercial/Office/Multifamily uses and are anticipated to be developed with job-generating uses, or a mix of job-generating and residential uses. The General Plan Map has limited vacant and/or under-utilized sites identified for mixed uses. Therefore, the removal of these sites may result in economic impacts by reducing the number of development opportunities for mixed use offerings. If this alternative were selected, both sites would be developed solely with residential uses. 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 project 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 (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 project. All other aspects of the HDR GPA and Rezone project 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:

- There are two current applications in process for commercial developments on two of the parcels located on Dunisch Road north of Laguna Boulevard.
- Implementation of Alternative 2 would further reduce the jobs-housing balance in the City.

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 project. Environmental benefits of this alternative over the proposed HDR GPA and Rezone project 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).

Alternative 3 has environmental impacts similar to those of the proposed HDR GPA and Rezone project. Further, implementation of Alternative 3 would result in fiscal impacts to the owners of parcels located on Dunisch Road north of Laguna Boulevard. As these owners have applications in process for commercial developments, moving forward with the HDR GPA on this site would be prohibitive. Alternative 3 would also further reduce the jobs-housing balance as both alternative sites are designated for Commercial/Office/Multifamily uses and are anticipated to be developed with job-generating uses, or a mix of job-generating and residential uses. The General Plan Map has limited vacant and/or under-utilized sites identified for mixed uses. Therefore, the removal of these sites may result in economic impacts by reducing the number of development opportunities for mixed use offerings. If this alternative were selected, both sites would be developed solely with residential uses. For these economic, social, and other reasons, the proposed project is deemed superior to Alternative 3.

5. Statement of Overriding Considerations

In approving the proposed HDR GPA and Rezone, which is evaluated 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 to the proposed HDR GPA and Rezone 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.

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)

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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 HDR GPA and Rezone would result in 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 HDR GPA and Rezone would result in 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 HDR GPA and Rezone in combination with cumulative increases in the region would result in 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, there are jurisdictional limitations regarding improvements to regional state highway facilities identified in 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 HDR GPA and Rezone 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 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 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 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 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 exacerbate 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 HDR GPA and Rezone project could increase 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 HDR GPA and Rezone project would increase the annual water demand by an additional 255.43 AF/yr. 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 HDR GPA and Rezone project, when considered with other development projects in the area, would result in 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 HDR GPA and Rezone project 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. General Plan Policies CAQ-7, CAQ-8 and LU-35 with their corresponding action items would apply to future development on the HDR GPA and Rezone sites 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 HDR GPA and Rezone would help fulfill the requirements of the RHNA by providing an adequate inventory of vacant land. 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 HDR GPA and Rezone 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

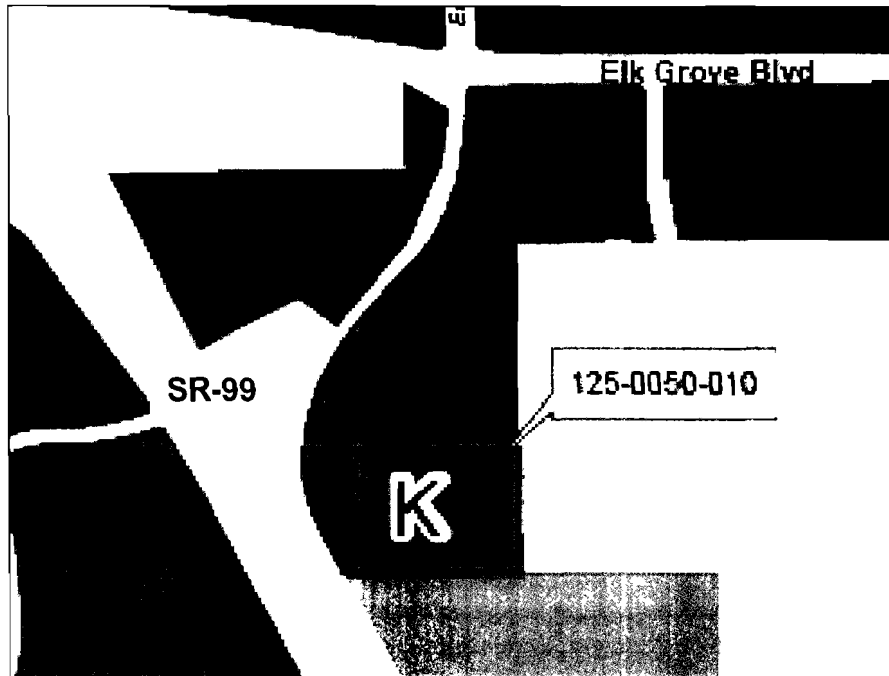
Based upon the objectives identified for the project and through the extensive public participation, the City has determined that the project should be approved and that any

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.

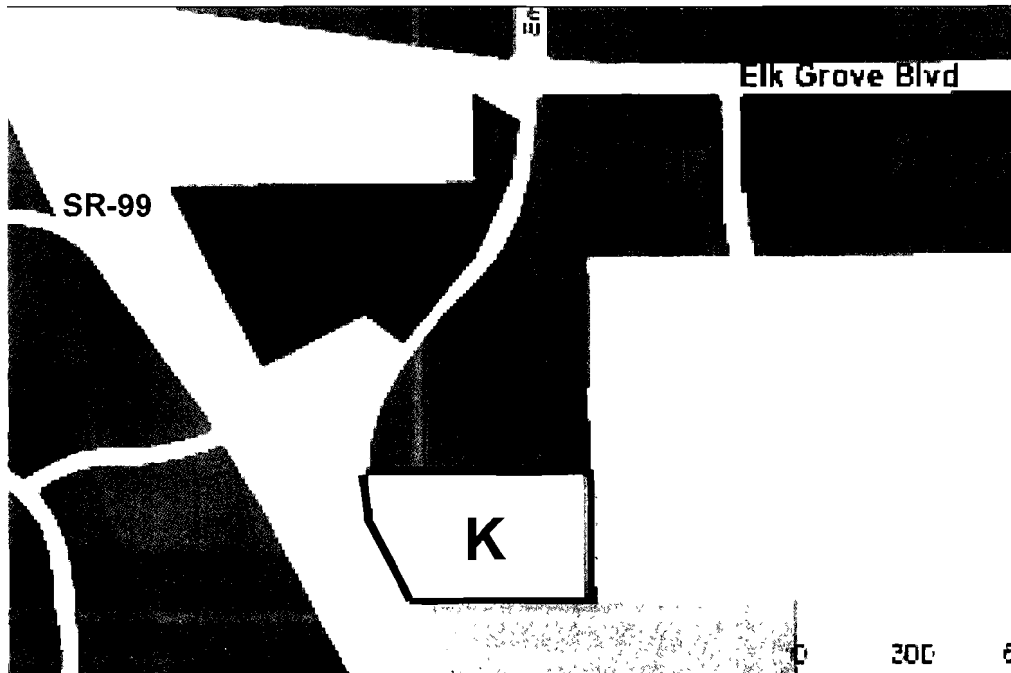
The City has determined that any environmental detriment caused by the HDR GPA and Rezone project has been minimized to the extent feasible through the mitigation measures identified herein, and, where mitigation is not feasible, has been outweighed and counterbalanced by the significant social, environmental,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

EXHIBIT A

GENERAL PLAN LAND USE MAP AMENDMENT – SITE K



EXISTING LAND USE DESIGNATION: COMMERCIAL



PROPOSED LAND USE DESIGNATION: COMMERCIAL/OFFICE/MULTI-FAMILY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2007-32**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

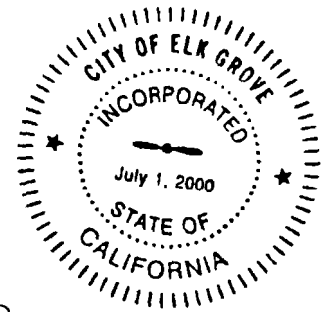
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 14, 2007 by the following vote:

AYES : COUNCILMEMBERS: Cooper, Leary, Davis, Scherman

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: Hume

ABSENT: COUNCILMEMBERS: None



A handwritten signature in cursive script, appearing to read 'Peggy E. Jackson', written over a horizontal line.

**Peggy E. Jackson, City Clerk
City of Elk Grove, California**