

RESOLUTION 2008-153

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE CERTIFYING FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE LAGUNA RIDGE TOWN CENTER PROJECT EG-07-066, MAKING FINDINGS OF FACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, Reynen & Bardis, Inc. (the "Applicant") filed an application with the City of Elk Grove ("City") for a Specific Plan Amendment and Rezone for the Laguna Ridge Town Center project; and

WHEREAS, the project site is located at the southeast corner of Elk Grove Boulevard and Bruceville Road; and

WHEREAS, the City of Elk Grove determined that the Laguna Ridge Town Center project (also referred to herein as "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq. and that a Subsequent Environmental Impact Report (SEIR) be prepared to evaluate the potential environmental effects of the Project; and

WHEREAS, in compliance with Public Resources Code §21080.4, a Notice of Preparation (NOP) was prepared by the City of Elk Grove and was distributed to the State Clearinghouse, Office of Planning and Research, responsible agencies and other interested parties on August 31, 2007 with the comment period ending on October 1, 2007; and

WHEREAS, the City of Elk Grove distributed a Notice of Availability for the Laguna Ridge Town Center Draft SEIR on April 2, 2008, which started the 45-day public review period, ending on May 19, 2008; and

WHEREAS, the Draft SEIR was filed with the State Clearinghouse (SCH No. 2007082169) and was distributed to public agencies and other interested parties for public review and comment; and

WHEREAS, the City of Elk Grove prepared and distributed a Final SEIR for public review on June 13, 2008, which consists of: (1) Draft SEIR, (2) comments received on the Draft SEIR during its public review period, (3) responses to comments received, and (4) errata; and

WHEREAS, the City Council of the City of Elk Grove 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.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove as follows:

1. Certification of the Final SEIR

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

2. Findings on Impacts

The City Council finds:

- A. The SEIR identifies potentially significant impacts that can be mitigated to less-than-significant levels. The City Council makes the findings with respect to significant impacts as set forth in Exhibit A, attached hereto and incorporated herein by reference.
- B. The SEIR identifies potentially significant impacts that cannot be mitigated to less-than-significant level and are thus considered significant and unavoidable. The City Council makes the findings with respect to these significant and unavoidable impacts as set forth in Exhibit A, attached hereto and incorporated herein by reference.

3. Findings on Alternatives

Three (3) project alternatives (“No Project,” “Reduced Residential Density” and “Open Space”) were evaluated by the City of Elk Grove in the SEIR. As set forth in Exhibit A, these alternatives result in more severe environmental effects, do not meet the basic project objectives, or do not provide any substantial environmental benefits as compared to the proposed Laguna Ridge Town Center project. The City Council hereby finds that the proposed Laguna Ridge Town Center project, as mitigated by adoption of mitigation measures identified in the SEIR, can be feasibly implemented and serves the best interests of the City of Elk Grove.

4. Statement of Overriding Considerations

Because the adoption of all feasible mitigation measures will not substantially lessen or avoid all significant adverse environmental effects caused by the project, the City Council adopts a Statement of Overriding Considerations concerning the project’s

unavoidable significant impacts to explain why the project's benefits override and outweigh its unavoidable impacts on the environment as set forth in Exhibit A.

5. Adoption of the Mitigation Monitoring and Reporting Program

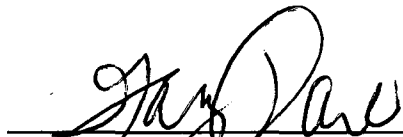
A. The City Council hereby finds that the proposed mitigation measures described in the Final SEIR and Findings are feasible, and therefore will become binding upon the City and on future applicants. The Mitigation Monitoring and Reporting Program is included as Exhibit B.

B. The City Council hereby adopts the Mitigation Monitoring and Reporting Program, as set forth in Exhibit B, attached hereto and incorporated herein by reference.

6. Other Findings

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

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 25th day of June 2008.



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

EXHIBIT A

FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

LAGUNA RIDGE TOWN CENTER SEIR

SCH# 2007082169

PREPARED BY:

CITY OF ELK GROVE
DEVELOPMENT SERVICES, PLANNING
8401 LAGUNA PALMS WAY
ELK GROVE, CA 95758

**THE CITY OF ELK GROVE FINDINGS REQUIRED UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 et seq)**

I. Introduction

The City of Elk Grove ("City") prepared a Final Subsequent Environmental Impact Report ("Final SEIR") for the proposed Laguna Ridge Town Center project ("Project") and other related entitlements including a General Plan Amendment, Laguna Ridge Specific Plan Amendment, and rezone.

The Final SEIR addresses the potential environmental effects associated with the proposed land use reconfiguration to increase the Project site area designated for commercial uses. The existing land uses would be reconfigured, and sites that are currently zoned Multi-Family Residential/20-25 dwelling units per acre (RD-20), Medium Residential/15.1-20 dwelling units per acre (RD-15), and Single-Family/10 dwelling units per acre (RD-10) would be rezoned to a mix of RD-20 and Shopping Commercial (SC). This would result in an increase of 23.3 acres of commercial zoning and a decrease of approximately 285 to 341 potential residential units. The Project applicant is requesting a General Plan Amendment, Specific Plan Amendment of the Laguna Ridge Specific Plan, and a rezone. The Project site consists of approximately 95.3 acres of vacant land located in the central portion of the City of Elk Grove on the southeast corner of the intersection of Elk Grove Boulevard and Bruceville Road.

The Findings and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the City Council, as the City's findings under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this Commission's view, justify approval of the Laguna Ridge Town project, despite its environmental effects.

II. General Findings and Overview

A. Relationship to the City of Elk Grove General Plan and the Laguna Ridge Specific Plan.

The Laguna Ridge Town Center project is located in the Laguna Ridge Specific Plan area as designated in the City's General Plan. The General Plan provides the long-term vision or blueprint for development of the City; all subsequent land use approvals are required to be consistent with the goals, objectives, and policies embodied in the General Plan.

B. Procedural Background

The City prepared a Notice of Preparation (NOP) of an EIR for the Project on August 31, 2007. This notice was circulated to the public, local, state, and federal agencies, as well as other interested parties to solicit comments on the Project. Concerns raised in response to the NOP were considered during preparation of the Draft SEIR. The Notice of Availability for the DSEIR was published on April 4, 2008. The Draft Subsequent Environmental Impact Report (referred to as, the "Draft SEIR" or the "DSEIR") was published for public review and comment on April 4, 2008

and was filed with the State Office of Planning & Research under State Clearinghouse No. 2007082169. The review period for the DSEIR ended on May 19, 2008.

The City prepared written responses to the comments received during the comment period and included these responses in a separate volume entitled "Laguna Ridge Town Center Final Subsequent Environmental Impact Report". The Final SEIR provides a list of those who commented on the DSEIR, copies of written comments (coded for reference), written responses to comments regarding the environmental review, and an errata with minor text changes made to the DSEIR as a result of comments on the DSEIR. The Final SEIR was made available for public review on June 13, 2008.

C. Project History

The Project is located within the Laguna Ridge Specific Plan. The Laguna Ridge Specific Plan Environmental Impact Report (LRSP EIR) was certified and the Laguna Ridge Specific Plan was approved by the City Council on June 16, 2004. The LRSP EIR (SCH #2000082139) assessed the expected environmental impacts resulting from the approval, construction, and operation of the Laguna Ridge Specific Plan (LRSP) and identified mitigation measures to minimize potential adverse environmental impacts. The EIR identified significant and unavoidable impacts to agricultural resources, transportation and circulation, air quality, noise, and visual resources. A Statement of Overriding Considerations (SCH #2000082139) was adopted for these significant and unavoidable impacts. A Mitigation Monitoring and Reporting Program (MMRP) was prepared and adopted with the LRSP. The MMRP is a binding document that runs with the land.

The proposed Laguna Ridge Town Center project was initially submitted to the City of Elk Grove for consideration in 2007. A Notice of Preparation (NOP) of a Draft Subsequent Environmental Impact Report (SEIR) was prepared and circulated. The City then proceeded with environmental review as described in Section B.

D. Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City of Elk Grove's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP and all other public notices issued by the City in relation to the Laguna Ridge Town Center SEIR (e.g., Notice of Availability).
- The 2003 General Plan Draft EIR, associated appendices to the Draft EIR and technical materials cited in the Draft EIR.
- The Laguna Ridge Town Center Draft SEIR, associated appendices to the Draft SEIR and technical materials cited in the Draft SEIR.
- The Laguna Ridge Town Center Final EIR, including comment letters, and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Elk Grove and consultants.

- 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.
- Staff reports associated with Planning Commission and City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

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 8380 Laguna Palms Way, Elk Grove, California, 95758.

E. Consideration of the Environmental Impact Report

In adopting these Findings, this City Council finds that the Final SEIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Laguna Ridge Town Center project, including the General Plan Amendment, Specific Plan Amendment, and rezone. By these findings, this Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final SEIR. The City Council finds that the Final SEIR was completed in compliance with the California Environmental Quality Act. The Final SEIR represents the independent judgment of the City.

F. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Laguna Ridge Town Center project, shall continue in full force and effect unless amended or modified by the City.

III. Findings and Recommendations Regarding Significant and Unavoidable Impacts

A. Air Quality

1. Regional Air Plan Impacts (SEIR Impact 4.2.4)

- (a) **Potential Impact.** The potential impact of a cumulatively considerable net increase of criteria pollutants including ozone and PM₁₀ resulting from the Project in combination with other growth throughout the air basin is discussed at pages 4.2-25 through 4.2-26 of the DSEIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Laguna Ridge Town Center Mitigation Measures MM 4.2.1a, MM 4.2.1b, MM 4.2.1c, MM 4.2.1d, MM 4.2e, and MM 4.2.3 as well as Laguna Ridge Specific Plan EIR Mitigation Measures MM 4.3.1a, MM

4.3.1b, MM 4.3.1c, MM 4.3.1d, MM 4.3.1e, MM 4.3.1f, MM 4.3.1g, and MM 4.3.2.

(c) **Findings.** Based upon the DSEIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** Implementation of the mitigation measures indicated above will serve to reduce the cumulatively considerable net increase of criteria pollutants, specifically ozone and PM₁₀ through implementation of best management practices (BMPs) during construction, implementation of Emissions Reduction Measures, and payment of in lieu fees for operational air emissions. These measures would reduce the emissions of fugitive dust during construction activities, provide a reduction in operational emissions, and provide funding for off-site pollution reductions that would off-set the Project's operational air quality emissions exceeding the SMAQMD thresholds. However, the mitigation measures would not reduce these impacts to levels of insignificance. As a result, there is no other feasible mitigation measure available.
- (2) **Remaining Impacts.** Although the implementation of the mitigation measures described above would substantially reduce the Project's contribution to the net increase of criteria pollutants ozone and PM₁₀, the use of BMPs, Emissions Reduction Measures and payment of in lieu fees would not completely eliminate the potential for a cumulatively considerable net increase of criteria pollutants. This would represent a significant impact of the Project.
- (3) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project exacerbating existing regional problems with ozone and PM₁₀, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

B. Noise

1. Long-Term Noise Level – Proposed Medical Center (EIR Impact 4.3.2)

- (a) **Potential Impact.** The potential medical office land uses resulting from implementation of the Project could result in substantial increases in ambient noise levels that could exceed the City's noise standards at nearby noise-sensitive land uses, and are discussed on pages 4.3-15 through 4.3-16 of the DSEIR.
- (b) **Mitigation Measures:** The following mitigation measure is hereby adopted and will be implemented by the Mitigation Monitoring Program:

Implement Laguna Ridge Town Center Mitigation Measures MM 4.3.2.

(c) **Findings.** Based upon the DSEIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** Implementation of the identified mitigation measure would require analysis of noise impacts associated with the proposed medical center and that noise reduction measures be incorporated to reduce associated impacts. The incorporation of noise reduction measures and site design considerations would result in substantial reductions in operational noise levels. However, predicted operational noise levels at some nearby noise-sensitive land uses could still exceed the City's applicable noise standards. In addition, in the event that the potential medical center were to include a helipad, it is unlikely that resultant noise levels at all nearby noise-sensitive land uses would be reduced to within acceptable levels. Therefore, the significant and unavoidable impacts cannot be mitigated.
- (2) **Remaining Impacts.** Although the implementation of the mitigation measures described above can result in substantial reductions in operational noise levels, the Project would still result in periods of elevated noise levels for existing surrounding residences, future residents within the Project site, and surrounding future uses, especially if the potential medical center were to include a helipad. This would represent a significant impact of the Project.
- (3) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project resulting from exposure to noise in excess of standards, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

C. Traffic and Circulation

1. **Operations on Elk Grove Boulevard between Laguna Springs Drive and SR 99 and between Wymark Drive and Big Horn Boulevard (EIR Impact 4.4.6)**
 - (a) **Potential Impact.** The addition of Project traffic under cumulative conditions would significantly increase the volume to capacity ratio on Elk Grove Boulevard between Laguna Springs Drive and SR 99 as well as between Wymark Drive and Big Horn Boulevard are discussed on pages 4.4-17 through 4.4-18 of the DSEIR.
 - (b) **Mitigation Measures.** There are no feasible mitigation measures to fully mitigate this impact under cumulative conditions. This impact could be partially mitigated by extending the existing auxiliary lane on eastbound Elk Grove Boulevard from Laguna Springs Drive to SR 99. However, right-of-way for the improvements on the south side of Elk Grove Boulevard would impact existing development; therefore, this mitigation is considered infeasible.

(c) **Findings.** Based upon the DSEIR and the entire record before this City Council, this City Council finds that:

- (1) **Resulting Impacts.** The Project has the potential to for a cumulatively considerable contribution to significant impacts to traffic and circulation by increasing the volume to capacity ratio on Elk Grove Boulevard between Laguna Springs Drive and SR 99 as well as between Wymark Drive and Big Horn Boulevard by at least 0.05. The road segment between Laguna Springs Drive and SR 99 operates at Level of Service (LOS) F under cumulative conditions and the road segment between Wymark Drive and Big Horn Boulevard operates at LOS E under cumulative conditions. The addition of such traffic associated with conceptual development allowed under the Project would exacerbate the unacceptable LOS at these road segments.
- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impacts to cumulative volume to capacity levels on Elk Grove Boulevard between Laguna Springs Drive and SR 99 as well as between Wymark Drive and Big Horn Boulevard, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. Cumulative Operations at Intersections in the Project Vicinity (EIR Impact 4.4.9)

(a) **Potential Impact.** The addition of Project traffic to cumulative no project volumes increasing the average delay at multiple intersections in the vicinity of the Project is discussed on pages 4.4-19 through 4.4-21 of the DSEIR and page 2.0-2 of the FSEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Laguna Ridge Town Center Mitigation Measure MM 4.4.9.

(c) **Findings.** Based upon the DSEIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** Implementation of the mitigation measure indicated above will serve to reduce the magnitude of these intersection impacts, yet such impacts cannot be reduced to a less than significant level
- (2) **Remaining Impacts.** Although the implementation of the mitigation measure described above would reduce the Project's impacts to multiple intersections in the vicinity of the Project, the measures identified would not completely eliminate the impacts to intersections resulting from traffic associated with the conceptual development allowed under the Project. The average delay at

the Elk Grove Boulevard/Big Horn Boulevard intersection would increase by more than five seconds and this intersection currently operates unacceptably (LOS E). The Elk Grove Boulevard/Laguna Springs Drive intersection currently operates at LOS F and the average delay at this intersection would increase by more than five seconds despite mitigation. The intersections of Elk Grove Boulevard/Auto Center Drive and Elk Grove Boulevard/SR 99 Southbound Ramps also currently operate at the unacceptable LOS F and both would experience an increase of average delay of more than five seconds despite mitigation. Finally, the Elk Grove Boulevard/East Stockton Boulevard intersection (currently LOS E), would also experience increased delays of more than five seconds under cumulative conditions. Such delays to City intersection already operating at unacceptable LOS would represent a significant impact.

- (3) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impacts to average delays at the following intersections: Elk Grove Boulevard/Big Horn Boulevard, Elk Grove Boulevard/Laguna Springs Drive, Elk Grove Boulevard/Auto Center Drive, Elk Grove Boulevard/SR 99 Southbound Ramps, and Elk Grove Boulevard/East Stockton Boulevard.

IV. Findings and Recommendations Regarding Significant Impacts Which Are Avoided or Mitigated to a Less than Significant Level

A. Air Quality

1. Construction Related Air Quality Impacts (EIR Impact 4.2.1)

- (a) **Potential Impact.** Construction activities associated with the Project may emit pollutants equal to or greater than five percent of the CAAQS resulting in an exceedance of thresholds for NO_x and PM₁₀ as discussed on pages 4.2-18 through 4.2-22 of the DSEIR and pages 2.0-5 and 3.0-1 of the FSEIR.

- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Laguna Ridge Town Center Mitigation Measures MM 4.2.1a, MM 4.2.1b, MM 4.2.1c, MM 4.2.1d, and e as well as Laguna Ridge Specific Plan EIR Mitigation Measures MM 4.3.1a, MM 4.3.1b, MM 4.3.1c, MM 4.3.1d, MM 4.3.1e, MM 4.3.1f, MM 4.3.1g.

- (c) **Findings.** Based upon the SEIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The impacts related to construction-related air quality impacts will be mitigated to a less than

significant level by the mitigation measures described above because the measures would reduce the Project's air quality construction impacts for nuisance conditions. The measures require the Project applicant to comply with best management practices relative to operation of construction equipment, site management, watering unpaved areas, sweeping the site, ensuring a heavy duty fleet mix that meets NO_x and particulate reduction, payment of fees to SMAQMD to mitigate NO_x emissions, etc. Best Management Practices will reduce the emissions of fugitive dust during construction activities, ensure a project-wide fleet average 20 percent NO_x reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction, ensure that emissions from all off-road diesel powered equipment used on the Project site do not exceed 40 percent opacity for more than three minutes in any one hour, and provide funding for off-site pollution reductions that would off-set the Project's construction air quality emissions exceeding the SMAQMD thresholds.

- (2) **Remaining Impacts.** Any remaining impacts related to construction air quality impacts would not be significant.

2. Long-term Increases of Criteria Air Pollutants (EIR Impact 4.2.3)

- (a) **Potential Impact.** The Project has the potential to result in long-term increase in criteria air pollutants as described on page 4.2-22 through 4.2-24 of the DSEIR.

- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Laguna Ridge Town Center Mitigation Measure MM 4.2.3.

- (c) **Findings.** Based upon the SEIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The impacts related to long-term increases of air pollutants will be mitigated to a less than significant level by the mitigation measure described above. The measures require the Project developer and all successors to implement energy conserving measures such as the energy-efficient furnaces and automated controls for air conditioning in all buildings.

- (2) **Remaining Impacts.** Any remaining impacts related to the increase of criteria air pollutants will not be significant.

B. Traffic and Circulation

1. Elk Grove Boulevard/SR 99 Southbound Ramps Intersection (Impact 4.4.1)

a) **Potential Impact.** The Project could result in the increase of the average delay at this intersection by more than five seconds as discussed on pages 4.4-11 through 4.4-12 of the DSEIR.

b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Laguna Ridge Specific Plan Mitigation Measure MM 4.2.2e.

c) **Findings.** Based upon the SEIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The impacts related to the increase of average delay at the Elk Grove Boulevard/SR 99 South Ramps intersection will be mitigated to a less than significant level by the mitigation measure described above. The Laguna Ridge Specific Plan EIR identified that implementation of the Specific Plan would have a significant impact on operations at this intersection. The widening of the SR 99 off-ramp at Elk Grove Boulevard is under construction as a condition of the Laguna Ridge Specific Plan and will restore average delay at the intersection to 81 seconds during the PM peak hour. This is within five seconds of the "no project" or existing delay. Therefore, this impact is considered less than significant.

(2) **Remaining Impacts.** Any remaining impacts related to increase of average delay at this intersection would not be significant.

2. Operations at Elk Grove Boulevard/Bruceville Road Intersection (Impact 4.4.8)

a) **Potential Impact.** The Project could result in the increase of the average delay at the Elk Grove Boulevard/Bruceville Road intersection by more than five seconds as discussed on pages 4.4-19 of the DSEIR.

b) **Mitigation Measures.** The following mitigation is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Laguna Ridge Town Center Mitigation Measure MM 4.4.8.

c) **Findings.** Based upon the SEIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The impacts related to the increase of average delay at the Elk Grove Boulevard/Bruceville Road intersection will be mitigated to a less than significant level by the mitigation measure described above. This mitigation will require the westbound right turn at the Elk Grove Boulevard/Bruceville Road intersection be converted into an overlapping phase as a condition of Project approval, resulting in a less than significant impact.

(2) **Remaining Impacts.** Any remaining impacts related to increase of average delay at this intersection would not be significant.

V. **Findings and Recommendations Regarding Those Impacts Which are Less Than Significant**

A. Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the DSEIR.

1. **Land Use:** The following specific impacts were found to be less than significant: 4.1.1, 4.1.2, 4.1.3.
2. **Air Quality:** The following specific impacts were found to be less than significant: 4.2.1, 4.2.2, 4.2.3.
3. **Noise:** The following specific impacts were found to be less than significant: 4.3.1, 4.3.3.
4. **Traffic and Circulation:** The following specific impacts were found to be less than significant: 4.4.1, 4.4.2, 4.4.3, 4.4.4, 4.4.5, 4.4.7, 4.4.8.

B. The above impacts are less than significant for one of the following reasons:

1. The SEIR determined that the impact is less than significant for the Project.
2. The SEIR determined that the impact is beneficial (would be reduced) for the Project.
3. The Project entitlements result in new impacts that were less than significant.

VI. Project Alternatives

A. Background – Legal Requirements

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of a project prior to approval. *Public Resources Code § 21002*. With the exception of the "no project" alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA "establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose." *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d. 553, 556 (1990). The legislative purpose of CEQA is to protect public health, welfare and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian (Public Res. Code § 21000). In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development. This objective has been largely accomplished in the Project through the inclusion of Project modifications and mitigation measures that reduce the potentially significant impacts to an acceptable level. The courts have held that a public agency "may approve a developer's choice of a project once its significant adverse environment effects have been reduced to an acceptable level -- that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable." *Laurel Hills Homeowners Assoc. v. City*, 83 Cal.App.3d 515, 521 (1978).

B. Identification of Project Objectives

The CEQA Guidelines state that the "range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects" of the project. CEQA Guidelines § 15126(d)(2). Thus, an evaluation of the Project objectives is key to determining which alternatives should be assessed in the SEIR.

The DSEIR identified the following objectives for the Laguna Ridge Town Center project:

- Provide employee centers for job opportunities to create an improved jobs/housing balance;
- Support retail and commercial growth by providing proximate housing;
- Provide locations for neighborhood-service commercial projects; and
- Designate adequate acreage (approximately 30 acres) to support a regional medical facility.

The Project would provide for the orderly and systematic development of a mix of residential neighborhoods and recreation uses in a manner generally consistent with policies of the City, the Laguna Ridge Specific Plan, and the characteristics and natural features of the land.

C. Alternatives Analysis in SEIR

The CEQA Guidelines state that the "range of potential alternatives to the Project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects" of the project. The City evaluated the alternatives listed below.

1. No Project/No Development Alternative:

The No Project/No Development Alternative is discussed on pages 6.0-2 through 6.0-4 of the DSEIR. As required by CEQA, this alternative assumes that the existing land use designations and configuration would remain in place and that development on the Project site would be consistent with existing designations.

- (a) **Findings:** The No Project/No Development Alternative is rejected as an alternative because it would not achieve the Project's objectives
- (b) **Explanation:** This alternative would not realize the benefits of the Project nor achieve the Project objectives. Were development to proceed under the Laguna Ridge Specific Plan land use designations as they exist without the project, the No Project/No Development Alternative would not provide adequate land to support a regional medical facility and would not provide the employment opportunities associated with the Project.

2. Reduced Residential Density Alternative:

The Reduced Residential Density Alternative is discussed on pages 6.0-5 through 6.0-7 of the DSEIR.

- (a) **Findings:** The Reduced Residential Density Alternative is rejected as an alternative because:
 - This alternative would not increase the City's housing stock to the same extent as the Project, which could lead to problems of housing availability, adequacy, and affordability.
- (b) **Explanation:** Draft SEIR pages 6.0 -5 through 6.0-7 provide an analysis of Alternative 2 as compared to the proposed Laguna Ridge Town Center project. Environmental benefits of this alternative over the proposed Laguna Ridge Town Center project include the reduction of traffic and circulation impacts while construction related impacts to air quality would be similar, but less intense; and overall cumulative air quality impacts as well as long-term noise levels would also be similar.

3. Open Space Alternative:

The Open Space Alternative is discussed on pages 6.0-7 through 6.0-9 of the DSEIR.

- (a) **Findings:** The Open Space Alternative is rejected as an alternative because it would not achieve the Project's objectives associated with

increased employment opportunities and commercial/retail development.

- (b) **Explanation:** Draft SEIR pages 6.0-7 through 6.0-9 provide an analysis of the Open Space Alternative as compared to the proposed Laguna Ridge Town Center project. Environmental benefits of this alternative over the proposed Laguna Ridge Town Center project include: air quality impacts would be better as would noise-related impacts; cumulative traffic impacts on study road segments and intersections would potentially be less.

Under CEQA Guidelines Section 15126.6 (e)(2), if the environmentally superior alternative is the No Project Alternative, another environmentally superior alternative must be identified. For this analysis, after the No Project Alternative (Alternative 1), the Open Space Alternative (Alternative 3) is considered the environmentally superior alternative. Alternative 3 has no environmental impacts that are worse than those under the Project and has a better impact compared to the environmental impacts associated with the Project. However, it must be noted that Alternative 3 would have similar impacts to the Project and would not increase the City's commercial square footage to the same extent as the Project. For these economic, social and other reasons, the Project is deemed superior to Alternative 3.

3. Other Alternatives

Other alternatives were considered but rejected from further consideration. These alternatives included: An alternative that proposes an alternative site for the Project.

- (a) **Findings:** The "Other Alternative" described above was rejected as an alternative to specific project features because of the lack of another large vacant land area within the City that is not either already approved for development or have a pending development application.
- (b) **Explanation:** The Other Alternative was determined to be infeasible.

VII. Statements of Overriding Considerations Related to the Laguna Ridge Town Center Project Findings

- A. **Employment Opportunities.** The proposed project would provide adequate land to support a regional medical facility. This type of development would increase the range of employment opportunities and provide professional and technical job opportunities that are not associated with typical commercial and retail developments. An increase in employment opportunities will improve the jobs/housing balance and the potential professional and technical jobs associated with the regional medical facility may increase the number of trained workers in Elk Grove who currently commute outside of the City to work in the medical field.
- B. **Increased Commercial Opportunities.** The proposed Laguna Ridge Town Center project would increase the City's commercial square footage through the addition of 23.3 acres of commercial land uses. The Project proposes that the

existing land use designations of the Project site be reconfigured, and sites that are currently zoned Multi-Family Residential/20-25 dwelling units per acre (RD-20), Medium Residential/15.1-20 dwelling units per acre (RD-15), and Single-Family/10 dwelling units per acre (RD-10) would be rezoned to a mix of RD-20 and Shopping Commercial (SC).

- C. Compatibility with Surrounding Land Uses.** The Project would provide a mix of urban uses which are compatible with proposed and planned developments in the area which include the Laguna Ridge Specific Plan which encompasses the Project site.
- D. Increased Tax Revenues.** The Project would increase tax revenues as development of uses proposed on the site would result in increased property tax values.
- E. Provision of Public Facilities.** Roadways proposed by the Project would improve connectivity between adjacent uses and would contribute to development of planned roadway facilities. Through payment of development impact fees, the Project would contribute to the development of public facilities and improvements planned for the City.

Based upon the objectives identified for the Project, review of the Project, review of the SEIR, and consideration of public and agency comments, 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.

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

EXHIBIT B

MITIGATION MONITORING
AND
REPORTING PROGRAM

FOR THE

LAGUNA RIDGE TOWN CENTER SEIR

SCH# 2007082169

PREPARED BY:

CITY OF ELK GROVE
DEVELOPMENT SERVICES, PLANNING
8401 LAGUNA PALMS WAY
ELK GROVE, CA 95758

EXHIBIT "B" – MITIGATION MEASURES

MITIGATION MEASURES		TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
PRIOR TO SUBSEQUENT DEVELOPMENT PROJECT APPROVAL			
1.	<p>MM 4.3.2 – Traffic Mitigation</p> <p>The City shall require an acoustical assessment to be performed to evaluate noise impacts associated with the development of proposed onsite medical land uses. Where acoustical analysis determines that noise levels would exceed applicable noise standards, the City shall require the implementation of noise-reduction measures to reduce noise impacts to nearby noise-sensitive receptors. Such measure may include, but are not limited to, the incorporation of setbacks, sound barriers, berms, or equipment enclosures.</p>	<p><i>Prior to approval of tentative subdivision maps and development projects along Elk Grove Boulevard, Big Horn Road, and Poppy Ridge Road.</i></p>	<p><i>City of Elk Grove Development Services</i></p>
2.	<p>MM 4.4.8 – Traffic Mitigation</p> <p>The westbound right turn shall be converted into an overlapping phase.</p>	<p><i>Prior to approval of design review for future development on the project site</i></p>	<p><i>City of Elk Grove, Development Services, Planning</i></p>
PRIOR TO GRADING PERMIT AND IMPROVEMENT PLAN ISSUANCE			
3.	<p>MM 4.2.1a – Air Quality Construction Mitigation</p> <p>Wash dirt off construction vehicles and equipment within the staging area prior to leaving the construction site. This requirement shall be noted in project improvement plans.</p>	<p><i>During all grading and construction phases of the project</i></p>	<p><i>City of Elk Grove Development Services and SMAQMD</i></p>

	MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
4.	<p>MM 4.2.1b – Air Quality Construction Mitigation</p> <p>Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas, and staging areas. This requirement shall be noted in project improvement plans.</p>	<p><i>During all grading and construction phases of the project</i></p>	<p><i>City of Elk Grove Development Services and SMAQMD</i></p>
5.	<p>MM 4.2.1c – Air Quality Construction Mitigation</p> <p>The project shall provide a plan for approval by the City of Elk Grove and SMAQMD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction;</p> <p style="text-align: center;">And</p> <p>The project applicant shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date and name and phone number of the project manager and on-site foreman.</p>	<p><i>Plan shall be submitted to SMAQMD for review and approval prior to approval of improvement plans and shall be implemented during all grading and construction phases of the project.</i></p>	<p><i>City of Elk Grove Development Services and SMAQMD</i></p>

	MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
6.	<p>MM 4.2.1d Air Quality Construction Mitigation</p> <p>The project applicant shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other SMAQMD or state rules or regulations</p>	<i>During all grading and construction phases of the project</i>	<i>City of Elk Grove Development Services and SMAQMD</i>
7.	<p>MM 4.2.1d Air Quality Construction Mitigation</p> <p>The project applicant shall be required to pay SMAQMD fees to mitigate NOx emissions in excess of SMAQMD's thresholds, as determined during site developments review. Fees shall be paid in accordance with SMAQMD calculations.</p>	<i>Prior to issuance of grading permit</i>	<i>City of Elk Grove Development Services and SMAQMD</i>

MITIGATION MEASURES		TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
PRIOR TO BUILDING PERMIT ISSUANCE			
8.	<p>MM 4.2.3 – Air Quality Development Mitigation</p> <p>The project developer and all successors shall implement the following mitigation measures as part of project design:</p> <ul style="list-style-type: none"> • Use of energy-efficient lighting (includes controls) and process systems such as water heaters, furnaces, and boiler units for all buildings and lighting. • Use of energy-efficient and automated controls for air conditioning in all buildings. <p>Only natural gas/LPG fireplaces, pellet stoves, or EPA-certified Phase II wood-burning fireplaces or stoves shall be allowed within the project. Conventional open-hearth fireplaces shall not be permitted.</p>	<i>Prior to issuance of building permits.</i>	<i>City of Elk Grove Development Services and SMAQMD</i>
9.	<p>MM 4.4.9 – Traffic Mitigation</p> <p>The project is to pay its fair share cost toward the coordination of the Elk Grove Boulevard/ East Stockton Boulevard intersection with the Elk Grove Boulevard/SR 99 NB On-Ramp, Elk Grove Boulevard/SR 99 SB Ramps, and Elk Grove Boulevard/ Auto Center Drive intersections as part of the ongoing Elk Grove Boulevard Intelligent Transportation Systems (ITS) Improvements project.</p>	<i>The fair share of fees paid to be paid at the time of building permit issuance.</i>	<i>City of Elk Grove, Development Services, Planning</i>

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-153

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

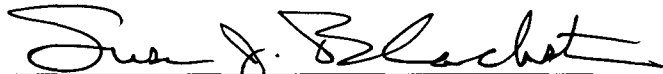
I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 25, 2008 by the following vote:

AYES : **COUNCILMEMBERS:** ***Davis, Hume, Scherman, Leary, Cooper***

NOES: **COUNCILMEMBERS:** ***None***

ABSTAIN : **COUNCILMEMBERS:** ***None***

ABSENT: **COUNCILMEMBERS:** ***None***



Susan J. Blackston, City Clerk
City of Elk Grove, California