

RESOLUTION NO. 2002-71

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT ON THE BELL SOUTH PROJECT, MAKING FINDINGS OF FACT RELATING TO THE FEASIBILITY OF MITIGATION MEASURES AND PROJECT ALTERNATIVES, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, Sierra Holdings, LLC has proposed development of approximately 51,500 square feet of building space consisting of retail and community commercial uses and 96 single family residences (the "Bell South Project" or "Project"); and

Whereas, the City of Elk Grove determined that the Bell South project was a project requiring review pursuant to the California Environmental Quality Act CEQA, Public Resources Code 21000 et seq. and that an environmental impact report (EIR) be prepared to evaluate the potential environmental effects of the project; and,

Whereas, a Notice of Preparation was released for public and agency review and comment on October 20, 2000; and,

Whereas, the City of Elk Grove distributed a Notice of Availability for the Bell South Draft EIR on August 22, 2001, which started the 45-day public review period closed on October 5, 2001. The Draft EIR was also submitted to the State Clearinghouse for state agency review; and,

Whereas, the City of Elk Grove Planning Commission held a public meeting on September 27, 2001 to receive public comments on the Draft EIR and those comments were received and considered in the Final EIR; and,

Whereas, the City of Elk Grove Planning Commission considered the Draft EIR and the Project at the Planning Commission meeting on January 24, 2002 and recommended certification of the EIR and approval of the Project to the City Council of the City of Elk Grove; 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 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 EIR

A. The City Council of the City of Elk Grove hereby certifies that the Final EIR has been completed in accordance with CEQA.

B. The City Council of the City of Elk Grove hereby certifies that the Final EIR was presented to the City Council and that the City Council reviewed and considered the information contained in the final EIR prior to taking action on the Project.

C. The City Council of the City of Elk Grove hereby certifies that the final EIR reflects the independent judgment and analysis of the City Council of the City of Elk Grove.

2. Findings on Impacts

The City Council finds:

A. The EIR identifies thirty-five 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 EIR identifies five impacts as significant that cannot be mitigated to less-than-significant level and are thus considered significant and unavoidable. These impacts consist of NO_x and PM₁₀ emissions associated with construction, cumulative contribution to regional air pollution, demolition of fish hatchery buildings and loss of associated fish ponds, cumulative contribution to loss of historical and cultural resources, and noise impacts to some of the residential lots that would back on Laguna Creek. The City Council makes the findings with respect to these significant unavoidable impacts as set forth in Exhibit A.

3. Findings on Alternatives

Three project alternatives (No Project, Reduced Density, and Alternative Bond Road Site) were evaluated by the City of Elk Grove during project development and in the EIR. As set forth in Exhibit A, these alternatives either 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 project. The City Council hereby finds that the proposed project, as mitigated by adoption of mitigation measures identified in the EIR, is feasible for implementation of the project 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 impact 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 EIR and findings are feasible, and therefore will become binding upon the project applicant. The Mitigation Monitoring and Reporting Program is included as Exhibit B and will be enforced in accordance with Chapter 20.02 of the City Code, "Mitigation Monitoring and Reporting Program".

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 do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 1st day of May 2002.



MICHAEL LEARY
Mayor, City of Elk Grove

ATTEST:



PEGGY JACKSON
City Clerk, City of Elk Grove

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI
City Attorney, City of Elk Grove

AYES: Leary, Scherman, Cooper,
Briggs
NOES: Soares
ABSTAIN: None
ABSENT: None

EXHIBIT A

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

FOR THE

BELL SOUTH EIR

SCH# 2000102070

PREPARED BY:

**CITY OF ELK GROVE
PLANNING DIVISION
8400 LAGUNA PALMS WAY
ELK GROVE, CA 95758**

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

TABLE OF CONTENTS

	PAGE
A. Findings Associated with Specific Impacts and Mitigation Measures Identified In the EIR	5
B. Findings Associated with Significant Cumulative Environmental Effects Identified in the EIR	36
C. Findings Associated with Project Alternatives	45
D. Statement of Overriding Considerations	54

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

INTRODUCTION

The Bell South Environmental Impact Report (EIR) identified significant impacts associated with the proposed development. 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 State CEQA Guidelines (California Administrative Code, title 14, chapter 3) Section 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 this EIR; or 2) mitigation measures notwithstanding, have a residual significant impact 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, social 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 mitigation measures associated with these significant impacts identified in either the Draft EIR or the Final EIR; c) they indicate whether a significant effect is avoided or reduced by the adopted mitigation measures to a less-than-significant level, or remain significant and unavoidable, either because there are not feasible mitigation measures or because, even with implementation of mitigation measures, a significant impact will occur; and, d) they address the feasibility of all project alternatives identified in the EIR. For any effects which 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 and Response to Comments Addendum) and other evidence in the administrative record.

To the extent that these Findings conclude that various proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded, or withdrawn, the City of Elk Grove hereby binds itself and the project 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 adopts resolutions approving the proposed project (CEQA, 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, Volume 2: Responses to Comments on the Draft EIR, and Errata (attachment to January 24, 2002 Staff Report to Planning Commission), including comments and

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

responses contained therein, and based on all the information and evidence in the administrative record, hereby makes the Findings set forth herein.

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 Bell South EIR for public and agency review on October 20, 2000. The comments received in response to the NOP were included as an appendix to the Draft EIR. Comments raised in response to the NOP were considered and addressed during preparation of the EIR.

Upon completion of the Bell South Draft Environmental Impact Report Clearinghouse No.2000102070, the City prepared and distributed a Notice of Availability on August 22, 2001 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 22, 2001 and was closed on October 5, 2001. A public meeting was held at the City of Elk Grove City Hall on September 27, 2001 before the Elk Grove Planning Commission in order to obtain oral comments on the DEIR. 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 City directed that a Final EIR be prepared. Responses to comments received on the Draft EIR did not involve any 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 prepared as Volume 2, a component of the Final Environmental Impact Report (FEIR), and responses were sent to public agencies that commented on the Draft EIR in November 2001. The Errata, attached to this staff report, contains minor edits to the Draft EIR. The FEIR consists of the Draft EIR, Volume 2, and Errata.

DOCUMENT ORGANIZATION

The findings are organized into the following sections:

- A. Findings Associated with Specific Impacts and Mitigation Measures Identified in the EIR
- B. Findings Associated with Significant Cumulative Environmental Effects Identified in the EIR
- C. Findings Associated with Project Alternatives
- D. Statement of Overriding Considerations

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

A. FINDINGS ASSOCIATED WITH SPECIFIC IMPACTS AND MITIGATION MEASURES IDENTIFIED IN THE EIR

The City of Elk Grove (City) hereby adopts and makes the following findings relating to its approval of the Bell South Project and the certification of the Final Environmental Impact Report. Having received, reviewed, and considered the entire record, both written and oral, relating to the Bell South Project and associated Environmental Impact Report, the City makes the following findings associated with the impacts and mitigation measures identified in the Final EIR:

HUMAN HEALTH/RISK OF UPSET

Impact 4.3.1 The potential exists for the disturbance during removal and construction activities of an electrical post located on the project site that may contain possible polychlorinated biphenyls (PCBs). This is considered a **potentially significant** impact.

Mitigation Measure

MM 4.3.1 The electrical transformer shall be assumed to contain PCBs and shall be removed prior to removal activities and disposed of by a licensed and certified PCB removal contractor, in accordance with local, state, and federal regulations.

Timing/Implementation: Prior to dismantling and removal activities.

Enforcement/Monitoring: Sacramento County Environmental Management Department.

Findings: Mitigation Measures Feasible and Required. Implementation of the above mitigation measure would mitigate potential exposure to polychlorinated biphenyls. The City finds that implementation of the above mitigation measure will reduce potential PCB impacts to **less than significant**.

Impact 4.3.2 The potential exists for possible asbestos containing materials (ACMs) from buildings currently located on the project site. This is considered a **potentially significant** impact.

Mitigation Measure

MM 4.3.2 Prior to building demolition, an interior inspection of the structures shall be conducted by an environmental professional to identify ACMs. If substances are detected at concentrations that could pose a health hazard, physical barriers will be installed to prevent asbestos emissions upon removal of ACMs (i.e., tenting). An onsite asbestos removal professional trained in the Asbestos Hazard Emergency Response Act (AHERA) and meeting the U.S. Environmental Protection Agency Asbestos Abatement Consultant Certification requirements shall be retained to oversee proper asbestos waste maintenance and handling.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

*Timing/Implementation: Prior to issuance of a building demolition permit.
Enforcement/Monitoring: Sacramento County Environmental Management Department and the Sacramento Metropolitan Air Quality Management District.*

Findings: Mitigation Measures Feasible and Required. Implementation of the above mitigation measure would mitigate potential exposure to asbestos containing materials. The City finds that implementation of the above mitigation measure will reduce potential asbestos impacts to **less than significant**.

Impact 4.3.3 The potential exists for lead hazards from the possible use of lead based paint on structures currently located on the project site. This is considered a **potentially significant** impact.

Mitigation Measure

MM 4.3.3a Prior to the issuance of demolition permits for existing onsite structures, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, state, and federal regulations.

*Timing/Implementation: Prior to issuance of a building demolition permit.
Enforcement/Monitoring: Sacramento County Environmental Management Department and the Sacramento Metropolitan Air Quality Management District.*

MM 4.3.3b The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with local, state, and federal regulations.

*Timing/Implementation: Prior to issuance of a building demolition permit and included in demolition and removal contracts.
Enforcement/Monitoring: Sacramento County Environmental Management Department and the Sacramento Metropolitan Air Quality Management District.*

Findings: Mitigation Measures Feasible and Required. Implementation of the above mitigation measure would mitigate potential exposure to lead-containing materials. The City finds that implementation of the above mitigation measure will reduce potential lead hazard impacts to **less than significant**.

Impact 4.3.4 The potential exists for potentially contaminated areas of the site from the use of toxic chemicals and the storage and disposal of toxic chemicals and other possibly hazardous materials. This is considered a **potentially significant** impact.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Mitigation Measure

MM 4.3.4 Prior to the improvement of the site, the soil on and surrounding Areas 1, 2, and 3 shall be tested for potentially hazardous materials in accordance with local, state, and federal regulations.

Timing/Implementation: Prior to issuance of permits for site improvements.

Enforcement/Monitoring: Sacramento County Environmental Management Department.

Findings: Mitigation Measures Feasible and Required. Implementation of the above mitigation measure would mitigate potential exposure to contaminated soils. The City finds that implementation of the above mitigation measure will reduce potential contaminated soil impacts to **less than significant**.

Traffic and Circulation

Impact 4.4.1 Construction activities for the project would temporarily increase the amount of traffic on the project area roadways. This would be a **significant** impact.

Mitigation Measure

MM 4.4.1 Construction traffic involving heavy haulers moving fill to and from the project site shall operate during off-peak hours.

Timing/Implementation: Prior to the issuance of grading permits.

Enforcement/Monitoring: City of Elk Grove Planning Department and Sacramento Metropolitan Air Quality Management District.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measure would reduce construction traffic-related impacts to the Elk Grove-Florin Road/Bond Road intersection and to the Elk Grove-Florin Road and Bond Road segments serving the project to a level that is **less than significant**.

Impact 4.4.2 The operation of the project may result in adverse traffic conditions due to insufficient project access from the roadways serving the site and may create conflicts with pedestrians and bicyclists. This is considered a **significant** impact.

Mitigation Measure

MM 4.4.2a Prior to the approval of building permits, the project developer shall construct required frontage improvements and stripe a right turn lane along Bond Road. The resulting eastbound approach shall consist of a left turn lane, two through lanes, a bike lane, and a right turn lane. In addition, sidewalk shall be constructed along the entire Bond Road project frontage.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Timing/Implementation: Prior to the issuance of building permits
Enforcement/Monitoring: City of Elk Grove Public Works Department

MM 4.4.2b Prior to the approval of building permits, the project developer shall construct required frontage improvements and stripe a third lane along Elk Grove-Florin Road. The resulting southbound departure leg from the Bond Road intersection shall consist of a three through lanes and a bike lane. In addition, sidewalk shall be constructed along the entire Elk Grove-Florin Road project frontage.

Timing/Implementation: Prior to the issuance of building permits
Enforcement/Monitoring: City of Elk Grove Public Works Department

MM 4.4.2c The existing median along Elk Grove-Florin road shall be extended to prohibit left-out movements from the project site.
Timing/Implementation: Prior to the issuance of building permits
Enforcement/Monitoring: City of Elk Grove Public Works Department

MM 4.4.2d A standard bay taper shall be used to develop the left turn lanes at the Bond Road intersection.

Timing/Implementation: Prior to the issuance of building permits
Enforcement/Monitoring: City of Elk Grove Public Works Department

Findings: Mitigation Measures Feasible and Required. Implementation of MM 4.4.2a, 4.4.2b, 4.4.2c, and 4.4.2d would provide improvements to Bond Road and Elk Grove-Florin Road necessary for traffic to access the site and would provide safe access and use of the site and adjacent roadways for bicyclists and pedestrians. The City finds that implementation of the above mitigation traffic safety related to site use and impacts to bicyclists and pedestrians would be **less than significant**.

Impact 4.4.3 As proposed, the commercial component of the project does not provide sufficiently for traffic circulation and could pose a safety hazard to users of the site. This is a **significant** impact.

Mitigation Measure

MM 4.4.3a The driveway width at the west driveway of the commercial portion on Bond Road shall accommodate the:

- one inbound lane (right-turn only)
- one outbound lane (right turn only)
- a concrete median (minimum two feet wide) to allow right turn movements only along the driveway throat. The median should extend at least 30 feet beyond the first parking aisle.
- Right-turn-in and right-turn-out access shall be maintained for the west driveway along Bond Road.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Timing/Implementation: Prior to the issuance of building permits
Enforcement/Monitoring: City of Elk Grove Public Works Department

MM 4.4.3b The access driveway of the commercial portion on Elk Grove-Florin Road shall be designed to provide access of right-in and right-out movements. The existing median shall be extended to prohibit left-out movements. The concrete median shall be widened at the driveway to channel northbound left turning traffic into the driveway.

Timing/Implementation: Prior to the issuance of building permits
Enforcement/Monitoring: City of Elk Grove Public Works Department

MM 4.4.3c Access at the inner driveways along Bond Road and Elk Grove-Florin Road shall consist of right-in, right-out movements only.

Timing/Implementation: Prior to the issuance of building permits
Enforcement/Monitoring: City of Elk Grove Public Works Department

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of MM 4.4.3a, 4.4.3b, and 4.4.3c would provide driveway widths and improvements necessary for traffic to access the site and would reduce impacts to **less than significant**.

Impact 4.4.4 The proposed project would not provide adequate access to the residential component of the project. This is considered a **significant** impact.

Mitigation Measure

MM 4.4.4 The proposed project shall revise residential access to the site to provide a second public access of at least a 40-foot street.

Timing/Implementation: Prior to approval of grading or improvement plans or the recordation of a final map, whichever occurs first
Enforcement/Monitoring: City of Elk Grove Public Works Department

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measure would result a **less than significant** impact regarding access to the residential site.

Impact 4.4.5 The proposed project would contribute to demand on the regional transit system from both the residential and commercial components. This is considered a **significant** impact.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Mitigation Measure

MM 4.4.5 The project applicants shall install a bus turnout on southbound Elk Grove-Florin Road at the intersection of Bond Road and Elk Grove-Florin Road in consultation with the City Department of Transportation.

Timing/Implementation: Prior to the issuance of building permits
Enforcement/Monitoring: City of Elk Grove Public Works Department

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of MM 4.11.1 as well as the above mitigation measure would reduce impacts to transit to **less than significant**.

Noise

Impact 4.5.1 Construction activities associated with the proposed project would temporarily increase noise levels in nearby areas. The increase in noise levels is a **significant** impact.

Mitigation Measure

MM 4.5.1 The project applicant shall prepare construction specifications that will require the contractor to perform the following tasks:

- Limit construction activities to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and the hours of 8:00 a.m. to 5:00 p.m. on Saturdays and Sundays.
- Locate fixed construction equipment such as compressors and generators as far as feasibly possible from sensitive receptors. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.

The construction specifications shall be submitted to the City for review and approval prior to the City's approval of the project's tentative maps.

Timing/Implementation: Prior to tentative map approval.
Enforcement/Monitoring: City of Elk Grove Planning Department

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measure would minimize temporary construction noise levels, and thus reduce impacts to a **less than significant** level.

Impact 4.5.2 Proposed residential lots adjacent to Bond Road could be exposed to traffic noise levels exceeding the normally acceptable 60 dB Ldn noise exposure criteria. This is a **significant** impact.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

The Draft EIR identified the mitigation measure MM 4.5.2 (Draft EIR) to address Impact 4.5.2. However, the Elk Grove Community Services District (EGCSD) and the Police Department have indicated that implementation of the measure as written would result in aesthetic and safety impacts along Laguna Creek. Both agencies have indicated that an open type of fencing along Laguna Creek would reduce aesthetic and safety impacts. Mitigation measure MM 4.5.2 (Revised) has been revised to incorporate the concerns of the EGCSD and Police Department.

MM 4.5.2 (Draft EIR) Sound walls shall be constructed along Bond Road and between the proposed residential area and Laguna Creek as shown in **Figure 4.5-5**. Sound wall design shall include extensions perpendicular to Bond Road. The extensions shall be implemented on either side of the project entrance and along the west side of Laguna Creek. The extension along the west side of Laguna Creek shall extend at least 240 feet. In both cases, the height of the sound wall may be reduced gradually over the extension length to a height of 6 feet above pad elevation.

Timing/Implementation: Prior to final occupancy approval.

Enforcement/Monitoring: City of Elk Grove Building Department.

Mitigation Measure

MM 4.5.2 (Revised) Sound walls shall be constructed along Bond Road as shown in **Figure 4.5-5** of the Draft EIR. Sound wall design shall include extensions perpendicular to Bond Road. The extensions shall be implemented on either side of the project entrance. The height of the sound wall may be reduced gradually over the extension length to a height of 6 feet above pad elevation.

Timing/Implementation: Prior to final occupancy approval.

Enforcement/Monitoring: City of Elk Grove Building Department.

Findings: Mitigation Measures Feasible and Required. There is currently a 12-foot high sound wall on Bond Road at the property line of the existing residential development west of the project site. Extending this 12-foot high sound wall to the edge of Laguna Creek would reduce traffic noise levels to 62 dB L_{dn} at the backyards adjacent to Bond Road. To achieve the 60 dB L_{dn} standard, a 15-foot high sound wall would be required. This sound wall height may not be practical and may appear aesthetically intrusive. The City finds that safety and aesthetic concerns created by sound wall as proposed the MM 4.5.2 (Draft EIR) are of greater significance than the noise attenuation provided by the wall and therefore finds that the MM 4.5.2 (Revised) is feasible and required. While MM 4.5.2 (Revised) will decrease noise levels at residential backyards along Bond Road, noise impacts would occur to residential lots backing up to Laguna Creek. Therefore, this impact is **significant and unavoidable**.

Impact 4.5.3 Proposed residential lots adjacent to the James McKee Elementary School/Preschool could be exposed to exterior noise levels exceeding the normally acceptable 50 dB L_{dn} noise exposure criteria. This is a **significant** impact.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Mitigation Measure

MM 4.5.3 A sound wall, constructed of solid material such as masonry or concrete blocks and 6 feet above pad elevation, shall be constructed between the proposed residential area and the existing James McKee Elementary School/Preschool, as shown in **Figure 4.5-6** of the Draft EIR.

Timing/Implementation: Prior to final occupancy approval.

Enforcement/Monitoring: City of Elk Grove Building Department.

Findings: Mitigation Measures Feasible and Required. There is an existing 6-foot high chain-link fence between the James McKee Elementary School/Preschool and project site. Replacing the chain-link fence with a solid wall to break line of sight of the playgrounds is expected to provide sufficient noise attenuation to meet the exterior noise level standard for the residential lots adjacent to the school. The City finds that impacts after mitigation would be **less than significant**.

Air Quality

Impact 4.6.1 Construction activities would generate increased dustfall, locally elevated levels of PM₁₀ near the construction activity, and increased NO_x which could affect existing residential areas adjacent the site and previously completed portions of the project. Project construction PM₁₀ and NO_x is considered a **potentially significant** impact.

Mitigation Measure

MM 4.6.1a The project applicant shall place the following mitigation requirements in all construction contracts and shall require the use of Best Available Control Technologies (BACT), including but not limited to the following requirements. Proof of these contractor requirements shall be provided to the City prior to the issuance of grading permits.

- The project applicant and/or prime contractor shall comply with SMAQMD Rule 403 that requires taking reasonable precautions to prevent the emissions of fugitive dust, such as "using water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the construction of roadways, or the clearing of land" where possible and applying "asphalt, oil, water, or suitable chemicals on dirt roads, materials, stockpiles, and other surfaces which can give rise to airborne dust."
- Clean earth-moving construction equipment with water once per day.
- Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less.
- Use low-emission on-site stationary equipment whenever possible.
- Encourage construction employees to carpool to the work site.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

- Minimize idling time to 10 minutes.
- Maintain construction equipment through regular and proper maintenance.
- All material transported offsite shall be either sufficiently watered or securely covered to prevent public nuisance.
- During initial grading, earthmoving, or site preparation a 100-foot paved (or palliative-treated) apron shall be constructed, extending onto the construction site from the adjacent paved road(s) where vehicles and equipment egress.

Timing/Implementation: Prior to the issuance of grading permits.

Enforcement/Monitoring: City of Elk Grove Planning Department and Sacramento Metropolitan Air Quality Management District.

MM 4.6.1b Construction contracts for the project shall include the following measure, as required in the project's AQ-15 Plan, to be monitored by the City and SMAQMD:

Category 1: Reducing NOx emissions from off-road diesel powered equipment.

The prime contractor 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, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average; and

The prime contractor shall submit to the City of Elk Grove and 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 the construction project. The inventory shall include the horsepower rating, engine production year, and 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.

and:

Category 2: Controlling visible emissions from off-road diesel powered equipment.

The prime contractor 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 shall be repaired immediately, and the City of

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Elk Grove 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 to the City and SMAQMD 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 supercede other SMAQMD or state rules or regulations.

Timing/Implementation: Prior to and during construction activities.

Enforcement/Monitoring: City of Elk Grove Planning Department and Sacramento Metropolitan Air Quality Management District.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measures would reduce the amount of construction-related air quality impacts associated with PM₁₀ and NO_x emissions during all phases of construction. However, the City also finds that air quality impacts related to construction would remain **significant and unavoidable**. In addition, implementation of the above mitigation measures would bring the project into consistency with General Plan Policy AQ-15. It is hereby determined that this impact is acceptable for the reasons specified in Section D of this document.

Hydrology and Water Quality

Impact 4.7.1 Soil disturbance associated with construction activities for the proposed project could cause accelerated soil erosion and sedimentation or the release of other pollutants to adjacent waterways. This would be a **significant** impact.

Mitigation Measure

MM 4.7.1 Prior to the issuance of grading permits, the project applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall address spill prevention and include countermeasure plan describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. These measures shall be consistent with the City's [Sacramento County] Drainage Manual and Land Grading and Erosion Control Ordinance may include (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

and water diversion structures to eliminate runoff into Laguna Creek; and (6) any other suitable measures. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board and to the City for review and approval.

Timing/Implementation: Prior to issuance of grading permits.

Enforcement/Monitoring: City of Elk Grove Water Resources Division and Central Valley Regional Water Quality Control Board.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measure would mitigate construction water quality impacts to a **less than significant** level.

Impact 4.7.2 Constituents found in urban runoff may degrade surface water quality. This would be a potentially **significant** impact.

Mitigation Measure

MM 4.7.2a The project applicant shall implement BMPs 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. The City or 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 not be limited to) initial setup, yearly maintenance, and yearly monitoring.

During project operation, the 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 that are relevant to the Bell South project and shall be implemented include:

- a) Public Education/Participation activities. Information shall be provided to new project residents and tenants regarding pollution prevention;
- b) Materials Management activities. The project shall implement the following measures within any common landscaping or other facilities on-site.
- c) Materials Use Controls, which include good housekeeping practices (storage, use and cleanup) when handling potentially harmful materials, such as cleaning materials, fertilizers, paint, and where possible using, safer alternative products;

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

- d) **Material Exposure Controls**, which prevent and reduce pollutant discharge to storm water by minimizing the storage of hazardous materials (such as pesticides) on site, storing materials in a designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors; and
- e) **Material Disposal and Recycling**, which includes storm drain system signs and stenciling with language to discourage illegal dumping of unwanted materials. The project shall notify project residents of household hazardous waste and used oil recycling at collection centers and round-up activities conducted by the City.
- f) **Spill Prevention and Cleanup** activities which are directed toward reducing the risk of spills during the outdoor handling and transport of chemicals, and toward developing plans and programs to contain and rapidly clean up spills before they get into a storm drain system. This BMP also deals with the prevention and reduction of pollution from vehicle leaks and spills from vehicles during transport, as well as aboveground storage tanks;
- g) **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;
- h) **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).
- i) **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: BMPs and implementation procedures shall be submitted prior to construction activities; BMPs shall be implemented and monitored throughout the life of the project.

Enforcement/Monitoring: City of Elk Grove Water Resources Division; City of Elk Grove Planning Department

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

MM 4.7.2b Biofilter swales and vegetated strips shall be utilized in providing biofiltration of pollutants in project runoff prior to entering Laguna Creek. The project engineer shall consult with the City when designing storm water conveyance facilities, and the developer shall submit designs of the areas to these agencies for review and approval prior to approval of the Final Map.

Timing/Implementation: Design shall be submitted prior to construction activities;

Enforcement/Monitoring: City of Elk Grove Water Resources Division; City of Planning Department

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measures, in addition to mitigation measure MM 4.7.1a during project construction, would reduce impacts to surface water quality resulting from urban runoff to **less than significant**.

Impact 4.7.3 Project development would alter existing drainage patterns and increase existing surface water runoff. This is considered a potentially **significant** impact.

Mitigation Measure

MM 4.7.3 The project engineer shall consult with the City when designing the improvements to Laguna Creek and the developer shall submit the design of the Laguna Creek improvements and a drainage study to the City for review prior to the approval of the first final map. The study shall include improvements to Laguna Creek to mitigate the impacts of increased runoff from both the residential subdivision map and the commercial parcel map. Detail of improvements, such as channel widening/alteration specifics, building pad elevations, final drainage calculations, removal of vegetation, shall be included in the drainage study. There shall be no net loss of storage for any fill placed within the 100-year floodplain of Laguna Creek with in-kind replacement, or other mitigation as deemed appropriate in the drainage study.

If the proposed improvements to Laguna Creek are limited by the conservation easement (such as limiting the removal of vegetation or methods of vegetation removal from the channel), the applicant shall submit to the City of Elk Grove a revised drainage study that includes the modeling of the channel to reflect such vegetation growth.

The drainage study shall be completed and approved by the City of Elk Grove prior to approval of the first final map.

Timing/Implementation: Prior to approval of the first final map.

Enforcement/Monitoring: City of Elk Grove Water Resources Division and Planning Department

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measure would reduce potential surface water runoff and localized flooding impacts to a **less than significant** level.

Geology and Soils

Impact 4.8.1 Development of the project would include grading that could result in soil erosion. This would be a **significant** impact.

Mitigation Measure

MM 4.7.1 Prior to the issuance of grading permits, the project applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall address spill prevention and include countermeasure plan describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. These measures shall be consistent with the City's [Sacramento County] Drainage Manual and Land Grading and Erosion Control Ordinance may include (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into Laguna Creek; and (6) any other suitable measures. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board and to the City for review and approval.

Timing/Implementation: Prior to issuance of grading permits.

Enforcement/Monitoring: City of Elk Grove Water Resources Division and Central Valley Regional Water Quality Control Board.

Findings: Mitigation Measures Feasible and Required. BMPs that would be implemented during site grading and construction are included under mitigation measure MM 4.7.1 in *Section 4.7 Hydrology and Water Quality*, of this EIR. The City finds that implementation of this measure would reduce potential erosion and sedimentation impacts to a **less than significant** level.

Impact 4.8.2 Proposed buildings, pavements, and utilities could incur significant damage as a result of underlying expansive or unstable soil properties. This would be a **significant** impact.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Mitigation Measure

MM4.8.2 Prior to construction activities on the site, the project applicant shall conduct a soil sample and laboratory test to determine the expansion potential and stability of the soil for commercial and residential components (Parcels 1 and 4 of Tentative Parcel Map 1) of the site as well as Parcel 3 of Tentative Parcel Map 1, if soil from that Parcel will be used as fill for the commercial and residential components. If it is determined that the area contains expansive soils, the following mitigation measures shall be employed:

- Expansive soils can be excavated and replaced with non-expansive materials. The required depth of excavation shall be specified by a registered civil engineer based on actual soil conditions;
- Expansive soils may be treated in place by mixing them with lime. Lime-treatment alters the chemical composition of the expansive clay minerals such that the soil becomes non-expansive; or,
- Implement other engineering practices for mitigation of expansive soil conditions considered appropriate by the City of Elk Grove Public Works Department.

Timing/Implementation: Prior to construction activities

Enforcement/Monitoring: City of Elk Grove Public Works Department

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above measure would mitigate expansive soil hazards and would reduce expansive soil hazards to **less than significant**.

Biological and Natural Resources

Impact 4.9.1 Development of the proposed project would result in the removal and disturbance of native and landmark trees, which would conflict with the City's Tree Preservation and Protection Ordinance. This would be a potentially significant impact.

Mitigation Measure

MM 4.9.1a Prior to the approval of improvement and/or grading plans, a Tree Replacement Planting Plan shall be prepared by a certified arborist or landscape architect to mitigate for the loss of native trees larger than 6" dbh and all non-native trees larger than 19" dbh that are proposed for removal or that would be adversely affected by the project. The Plan shall comply with the City Code and General Plan policies and be submitted to the City for review. The Plan shall include the following elements:

- a) Species, size and location of all replacement plantings;

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

- b) Method of irrigation;
- c) The City of Elk Grove Standard Tree Planting Detail L-1, including the 10-foot depth boring hole to provide for adequate drainage;
- d) Planting, irrigation and maintenance schedules;
- e) Identify the maintenance entity and include their written agreement to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive that period.
- f) The minimum spacing for replacement oak trees shall be 20 feet on center;
- g) Replacement oak trees shall not be planted within 15 feet of the driplines of existing oak trees to be retained on-site, or within 15 feet of a building foundation or swimming pool excavation.
- h) No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of oak trees.
- i) No grading (grade cuts or fills) shall be allowed within the driplines of the oak trees.
- j) Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any oak tree.
- k) No trenching shall be allowed within the dripline of oak trees. If it is absolutely necessary to install underground utilities within the dripline of an oak tree, the utility line shall be bored or jacked under the supervision of a certified arborist.
- l) The construction of impervious surfaces within the driplines of oak trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist.
- m) No sprinkler or irrigation system shall be installed in such a manner that sprays water or requires trenching within the driplines of oak trees. An above ground drip irrigation system is recommended.
- n) Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species, which shall be planted within the driplines of oak trees are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

approximately twice per summer is recommended for the understory plants.

Timing/Implementation: Prior to the issuance of grading permits

Enforcement/Monitoring: City of Elk Grove Planning Department

MM 4.9.1b

The following measures shall be implemented in order to minimize effects from any proposed project activities to native trees that would be retained:

- Trees to be preserved should be protected with high-visibility fencing one-foot outside the dripline.
- Any authorized fill or grading occurring within the dripline of any tree to be preserved shall be supervised by an International Society of Arboriculture Certified Arborist.
- City of Elk Grove permitted tree removal shall be conducted under the supervision of an International Society of Arboriculture Certified Arborist, where such removal could adversely affect trees designated for preservation.
- Oak tree replacement according to the City of Elk Grove Tree Preservation and Protection Ordinance shall be used for mitigating the removal of any oak trees within the project area.
- Procedures and protocols used for tree preservation and protection shall conform to standards established by the County of Sacramento Tree Preservation Ordinance.
- Any future pruning, cabling, and other corrective measures applied to preserved trees if necessary shall be conducted by an International Society of Arboriculture Certified Arborist, and shall conform to the pruning standards of the Western Chapter of the International Society of Arboriculture.

The above measures shall appear as standards in the improvement plans.

Timing/Implementation: Prior to the issuance of grading permits

Enforcement/Monitoring: City of Elk Grove Planning Department

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measures would reduce the project's impacts to native and landmark trees to **less than significant**.

Impact 4.9.2

Construction activities could potentially result in the direct loss of active Swainson's hawk nests or the abandonment and loss of such nests on and in the vicinity of the project site. This is a **potentially significant** impact.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Mitigation Measure

MM 4.9.2 No earlier than 45 days and no later than 20 days prior to the commencement of any construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of Swainson's hawk occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone. If active nests are located, results of the survey shall be reported to CDFG and any necessary mitigation plans shall be prepared and permits or approvals shall be obtained from CDFG prior to disturbance of the site. Mitigation measures may include postponement of clearing and construction activities, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting; or other measures recommended by the biologist or CDFG.

Timing/Implementation: No earlier than 45 days and no later than 20 days prior to grading.

Enforcement/Monitoring: City of Elk Grove Planning Department; California Department of Fish and Game

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measures would reduce impacts to nesting Swainson's hawk to **less than significant**.

Impact 4.9.3 Development of the Bell South project would result in the loss of 26.2 acres of foraging habitat for Swainson's hawk, and other special-status raptors and other birds. This is a **potentially significant** impact.

Mitigation Measure

MM 4.9.3 Prior to improvement plan approval or building permit issuance, whichever occurs first, the project proponent shall:

- Preserve 0.75 acre of similar habitat for each acre lost (26.2 acres x 0.75 ratio = 19.7 acres). This land should be protected through a fee title or conservation easement acceptable to the California Department of Fish and Game (CDFG) and proof of fee title or conservation easement shall be submitted to the City of Elk Grove Planning Department;

OR

- Prepare and implement a Swainson's hawk mitigation plan for loss of 26.2 acres of foraging habitat to the satisfaction of the California Department of Fish and Game that includes the preservation of Swainson's hawk foraging habitat and submit copy of approved plan to the City of Elk Grove Planning Department;

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

OR

- Submit payment of the Swainson's hawk impact mitigation fee per acre impacted for 19.7 acres (26.2 acres at a 0.75 conservation ratio) to the City of Elk Grove Planning Department in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said Chapter remains in effect.

Timing/Implementation: Prior to improvement plan approval or building permit issuance

Enforcement/Monitoring: City of Elk Grove Planning Department

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measures would reduce the impact to Swainson's hawk foraging habitat to **less than significant**.

Impact 4.9.4 Construction activities could potentially result in the direct loss of active burrowing owl and/or northern harrier nests or the abandonment and loss of such nests on and in the vicinity of the project site. This is a **potentially significant** impact.

Mitigation Measure

MM 4.9.4 No earlier than 45 days and no later than 20 days prior to the commencement of any construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of special-status birds such as burrowing owl and northern harrier occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone, including the extent of the directly affected portion of the drainage ditch. If active nests are present, consult with CDFG and/or USFWS to determine the measures necessary to mitigate or avoid impacts to the species. Any required permits or approvals shall be obtained from CDFG and/or USFWS prior to disturbance of the site. Mitigation measures may include flagging the burrow and avoiding disturbance, passive relocation, active relocation to move owls from the site, or other measures recommended by the biologist or CDFG.

Timing/Implementation: No earlier than 45 days and no later than 20 days prior to grading.

Enforcement/Monitoring: Monitoring by Qualified Biologist reporting to City of Elk Grove Public Works Department.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measures would reduce the impacts to burrowing owls and northern harriers to **less than significant**.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Impact 4.9.5 Construction activities would result in the loss of foraging habitat for raptors and Loggerhead shrike and could potentially result in the direct loss of active raptor and/or shrike nests and/or the abandonment and loss of such nests on and in the vicinity of the project site. This is a potentially **significant** impact.

Mitigation Measure

MM 4.9.5 No earlier than 45 days and no later than 20 days prior to the commencement of any construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of special-status birds such as white-tailed kite, Cooper's hawk, and loggerhead shrike, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone. If active nests are present, consult with CDFG and/or USFWS to determine the measures necessary to mitigate or avoid impacts to the species. Any required permits or approvals shall be obtained from CDFG and/or USFWS prior to disturbance of the site. Mitigation measures may include postponement of construction activities until the young have fledged or other measures recommended by the biologist or CDFG.

Timing/Implementation: No earlier than 45 days and no later than 20 days prior to grading.

Enforcement/Monitoring: Monitoring by Qualified Biologist reporting to City of Elk Grove Public Works Department.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measures would reduce potential impacts to raptors and loggerhead shrike to **less than significant**.

Impact 4.9.7 Development of the project site would result in alterations to Laguna Creek and seasonal wetlands on the project site, resulting in disturbances to jurisdictional waters of the U.S. as well as potential non-jurisdictional waters of the U.S. protected under California Department of Fish and Game Code and City of Elk Grove Code. This would be a **significant** impact.

Mitigation Measure

MM 4.9.7a Prior to construction activities, the wetland delineation prepared for the project site shall be submitted by the Corps for verification.

Timing/Implementation: Prior to the issuance of grading permits.

Enforcement/Monitoring: U.S. Army Corps of Engineers, City of Elk Grove Planning Department

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

MM 4.9.7b Prior to construction activities, the verified waters of the U.S. delineation for the site shall be submitted to the Corps and the appropriate permit(s) shall be acquired. Any wetlands that would be lost or disturbed shall be replaced or rehabilitated on a "no-net-loss" basis in accordance with the Corps' mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the Corps.

Timing/Implementation: Prior to the issuance of grading permits.

Enforcement/Monitoring: U.S. Army Corps of Engineers, City of Elk Grove Planning Department

MM 4.9.7c Prior to construction activities, the applicant shall acquire a Streambed Alteration Agreement from the CDFG. The Streambed Alteration Agreement shall contain resource protection conditions including, but not limited to, the following:

- Protect and maintain the riparian, wetland, stream, or lake systems and to ensure a "no net loss" of riparian, wetland, or stream habitat value or acreage. Vegetation removal shall not exceed the minimum necessary to complete operations.
- Treatment of construction materials, spoils, or fill, so that they cannot be discharged into Laguna Creek.
- Streams and wetlands must be provided 150-foot buffers adequate to protect the aquatic resource. No grading or construction activities shall be allowed within these buffers.
- Restoration of the area. Restoration shall include revegetations with trees, shrubs, and grasses native to the area.

Timing/Implementation: Prior to approval of improvement plans.

Enforcement/Monitoring: California Department of Fish and Game, City of Elk Grove Planning Department

MM 4.9.7d Prior to the approval of any grading and/or building permits for any development of the site, the project applicant or property owner shall obtain all applicable permits from the State Department of Fish and Game, US Fish and Wildlife Service, and the U.S. Army Corps of Engineers. A copy of any/all required CDFG, USFWS, and USAGE permits shall be submitted to the City.

Timing/Implementation: Prior to approval of grading and/or building permits.

Enforcement/Monitoring: City of Elk Grove Planning Department, California Department of fish and Game, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above measures would reduce impacts to a **less than significant** level.

Impact 4.9.8 Development of the proposed project could result in removal of habitat for giant garter snake and may cause direct impacts to this specie. This would be a **significant** impact.

Mitigation Measure

MM 4.9.8a Prior to grading or other site preparation activities, the applicant shall install temporary fabric fencing, a minimum of 3 feet in height, along the western edge of the property to prevent giant garter snakes from entering construction areas. The fencing will need to be regularly inspected and maintained. Exclusion fencing must remain in place and be maintained for the duration of the construction activities in order to prevent snakes from entering construction areas.

Timing/Implementation: Prior to issuance of grading permits.

Enforcement/Monitoring: Monitoring by Qualified Biologist reporting to City of Elk Grove Planning Department.

MM 4.9.8b Construction activities, particularly within the western portion of the site, should be conducted as much as is feasible within the active period of the snake (generally from May 1 to October 1). Direct impacts are lessened during this time because snakes are actively moving and avoiding danger. More danger is posed to snakes during their inactive period, because they are occupying underground burrows or crevices and are more susceptible to direct effects, especially during excavation.

Timing/Implementation: Prior to project grading construction contractor must coordinate with City Public Works Department.

Enforcement/Monitoring: Monitoring by Qualified Biologist reporting to City of Elk Grove Public Works Department.

MM 4.9.8c Any dewatered habitat must remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.

Timing/Implementation: Prior to project grading construction contractor must coordinate with City Public Works Department.

Enforcement/Monitoring: Monitoring by Qualified Biologist reporting to City of Elk Grove Public Works Department.

MM 4.9.8d Construction personnel shall participate in a Service-approved worker environmental awareness program. Under this program, workers shall be informed about the presence of giant garter snakes and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of the Act. Prior to construction activities, a qualified

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

biologist approved by the Service shall instruct all construction personnel about: (1) the life history of the giant garter snake; (2) the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, such as rice fields, to the giant garter snake; and (3) the terms and conditions of the biological opinion. Proof of this instruction shall be submitted to the Sacramento U.S. Fish and Wildlife Office.

Timing/Implementation: Prior to project grading and construction.

Enforcement/Monitoring: Monitoring by Qualified Biologist reporting to City of Elk Grove Public Works Department.

MM 4.9.8e

Within 24-hours prior to commencement of construction activities, the site shall be inspected by a qualified biologist who is approved by the Service's Sacramento Fish and Wildlife Office. The biologist will provide the Service with a field report form documenting the monitoring efforts within 24-hours of commencement of construction activities. The monitoring biologist needs to be available thereafter; if a snake is encountered during construction activities, the monitoring biologist shall have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. Giant garter snakes encountered during construction activities should be allowed to move away from construction activities on their own. Capture and relocation of trapped or injured individuals can only be attempted by personnel or individuals with current Service recovery permits pursuant to Section 10(a)1(A) of the Act. The biologist shall be required to report any incidental take to the Service immediately by telephone at (916) 979-2725 and by written letter addressed to the Chief, Endangered Species Division, within one working day. The project area shall be re-inspected whenever a lapse in construction activity of two weeks or greater has occurred.

Timing/Implementation: Within 24 hours prior to grading and construction.

Enforcement/Monitoring: Monitoring by Qualified Biologist reporting to U.S. Fish and Wildlife Service City of Elk Grove Public Works Department.

Findings: Mitigation Measures Feasible and Required. The City finds that incorporation of the above mitigation measures would reduce the impact to giant garter snakes to **less than significant**.

Impact 4.9.9

Development of the proposed project would result in removal of potential maternity bat roosting habitat. This would be a **potentially significant** impact.

Mitigation Measure

MM 4.9.9a

Prior to construction and demolition activities, a survey shall be conducted by a qualified biologist to determine whether or not bats are utilizing the trees and abandoned buildings on the site to roost. Maternity roosts are generally occupied by mothers and young between May and August. Results of this

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

survey shall be submitted to California Department of Fish and Game (CDFG) and the City of Elk Grove Planning Department for review.

Timing/Implementation: Prior to the issuance of grading and demolition permits.

Enforcement/Monitoring: California Department of Fish and Game, City of Elk Grove Planning Department

MM 4.9.9b No further mitigation is required if there are no bat species utilizing the project site as roosting habitat. However, if this species is determined to exist on the site, consultation with CDFG shall be required to determine suitable measures to avoid disturbance of roosting bats. Mitigation measures may include not removing trees while bats are occupying the trees, or other measures recommended by the biologist or CDFG.

Timing/Implementation: Prior to the issuance of grading and demolition permits

Enforcement/Monitoring: California Department of Fish and Game, City of Elk Grove Planning Department

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above measures would reduce impacts to a **less than significant** level.

Impact 4.9.10 Development of the proposed project could result in the loss of potential special-status or rare plant species. This would be a **potentially significant** impact.

Mitigation Measures

MM 4.9.10a Prior to approval of improvement plans, a special-status/rare plant survey shall be conducted, at the time of year when special-status/rare plant species are both evident and identifiable, by a qualified botanist for the portions of the project site supporting wetland and riparian vegetation. Results of this survey shall be submitted to the City of Elk Grove Planning Department and California Department of Fish and Game for review and approval.

Timing/Implementation: Prior to the issuance of grading permits.

Enforcement/Monitoring: California Department of Fish and Game, City of Elk Grove Planning Department

MM 4.9.10b If special-status or rare plant species are found within the proposed development area, a mitigation plan prepared by a qualified botanist in consultation with the Department of Fish and Game, shall be submitted to the City of Elk Grove for review and approval. Upon approval, the mitigation plan shall be implemented. Mitigation measures may include transplanting

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

individual plants to another location on-site, establishing off-site preserves, or measures recommended by the biologist or CDFG.

Timing/Implementation: Prior to the issuance of grading permits.

Enforcement/Monitoring: U.S. Fish and Wildlife Service, Nevada County Planning Department

Findings: Mitigation Measures Feasible and Required. It is anticipated that the mitigation above would occur as part of federal permitting under Section 404 of the Clean Water Act. The City finds that implementation of the above measures would reduce impacts to a **less than significant** level.

Impact 4.9.11 Development of the proposed project could result in the loss of vernal pool fairy shrimp and vernal pool tadpole shrimp. This would be a **potentially significant** impact.

Mitigation Measures

MM 4.9.11 Prior to approval of improvement plans, a focused survey for vernal pool fairy shrimp and vernal pool tadpole shrimp shall be conducted, at the time of year when the species are both evident and identifiable, by a qualified biologist for the portions of the project site supporting wetland habitat. Results of this survey shall be submitted to the City of Elk Grove Planning Department. If either species is present on the site, a mitigation plan shall be prepared in consultation with U.S. Fish and Wildlife Service and any necessary permits or approvals shall be received prior to disturbance of the site. Measures may include preservation of some or all vernal pools, construction of new vernal pool habitat, or other measures recommended by the biologist or USFWS.

Timing/Implementation: Prior to the issuance of grading permits.

Enforcement/Monitoring: California Department of Fish and Game, City of Elk Grove Planning Department

Findings: Mitigation Measures Feasible and Required. It is anticipated that the mitigation above would occur as part of federal permitting under Section 404 of the Clean Water Act. The City finds that implementation of the above measures would reduce impacts to a **less than significant** level.

Cultural Resources

Impact 4.10.1 The project site consists of 11 buildings and a series of fish ponds which are eligible for the California Register of Historic Resources as a historic district. One of the buildings is also individually eligible for the California Register. The eligible buildings would be demolished by development of the project site. This would be a **significant** impact.

Mitigation Measures

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

MM 4.10.1a The hatchery site, including its 11 contributing buildings, shall be preserved in place. If that is not feasible, the buildings shall be documented for the Historic American Building Survey (HABS) by a qualified historian.

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

Enforcement/Monitoring: City of Elk Grove Planning Department.

MM 4.10.1b The fish ponds shall be preserved in place. If that is not feasible, the ponds shall be documented for the Historic American Engineering Record (HAER) by a qualified historian.

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

Enforcement/Monitoring: City of Elk Grove Planning Department.

Findings: Mitigation Measures Feasible and Required. Though the above mitigation measures would sufficiently document the historical resources, they would not prevent the demolition of the buildings and ponds if these structures cannot be feasibly preserved. Since the residences proposed as part of the project cannot be constructed without the removal of these structures, it is unlikely that the hatchery site could be feasibly preserved. Therefore, the City finds that even with implementation of the mitigation measures, impacts on existing cultural resources are considered **significant and unavoidable**. It is hereby determined that this impact is acceptable for the reasons specified in Section D of this document.

Impact 4.10.2 The project could destroy or disturb currently unknown cultural resources that lie buried on the project site. Destruction or disturbance of such undiscovered resources, whether planned or inadvertent, constitute a **potentially significant** impact.

Mitigation Measures

MM 4.10.2a If any prehistoric or historic artifacts, or other indications of archaeological 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, 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 Planning Department.

MM 4.10.2b If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

7050.5 of California's Health and Safety Code. If the remains are Native American, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will 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 Planning Department.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measure would reduce impacts on potential undiscovered archaeological and cultural resource to **less than significant**.

Public Services and Utilities

Impact 4.11.1 Implementation of the proposed project could create 96 single-family dwellings and 6.75 acres of commercial development that would require fire protection and emergency services. This is considered a **potentially significant** impact.

Mitigation Measures

MM 4.11.1 The Bell South property shall be annexed into the Elk Grove/West Vineyard Public Facilities Financing Plan. Because annexation would not occur until the next Fee Program update, building permits shall not be issued unless either the project is annexed into the Elk Grove/West Vineyard Public Facilities Financing Plan or the property owner pays development fees as if the project were located within Subzone No.4 of the Elk Grove/West Vineyard Public Facilities Financing Plan area as adopted by the City of Elk Grove on July 1, 2001, including any authorized adjustments and updates thereto and any other fees adopted by the City in accordance with the requirements of Chapter 5 (commencing with Section 66000) of Division 1 of Title 7 of the Government Code or pursuant to any other enabling law.

Timing/Implementation: Prior to issuance of building permits.

Enforcement/Monitoring: City of Elk Grove Infrastructure Finance Section and Building Department.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measure would reduce the impacts to fire protection and emergency medical services to a **less than significant** level.

Impact 4.11.2 Residential and commercial areas located adjacent to Laguna Creek Corridor would be more susceptible to criminal acts. This is considered a **potentially significant impact unless mitigation is incorporated**.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Mitigation Measures

MM 4.11.2 Vertical wrought iron, decorative iron, or other open non-climbing fencing shall be installed where Laguna Creek Corridor abuts either residential or commercial uses.

Timing/Implementation: Prior to issuance of building permits.

Enforcement/Monitoring: City of Elk Grove Planning Department.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measure would reduce the potential for criminal activities along Laguna Creek Corridor to a **less than significant** level.

Impact 4.11.3 Implementation of the proposed project could create 96 single-family dwellings that would require recreation facilities. This is considered a **potentially significant** impact.

Mitigation Measures

MM 4.11.3 The developer shall provide parkland dedication and/or fees as required by Chapter 22.40, Park and Recreation Dedication and Fees, of the City Code.

Timing/Implementation: Prior to issuance of building permits.

Enforcement/Monitoring: City of Elk Grove Planning Department.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the mitigation measures **MM 4.11.1** and **MM 4.11.2** would reduce the impacts to recreation to a **less than significant** level.

Impact 4.11.4 Construction traffic and installation of pipelines under Bond Road may damage public roadways. Installation of pipelines as part of the project would require excavation and then restoration of the road surface. This is considered **potentially significant unless mitigation is incorporated**.

Mitigation Measures

MM 4.11.4 The developer shall ensure that roadways damaged by the project are returned to pre-project conditions by incorporating the following measures into the construction contract documents:

- Prior to construction activities, a pre-construction survey of project area roadways with City of Elk Grove officials will be performed to determine existing roadway conditions.
- A post-project survey of project traveled roadways with City of Elk Grove officials shall be performed to determine if any damage has occurred from construction activities. If damage has occurred, the construction

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

contractor shall be responsible for repairing the damage to the satisfaction of the City of Elk Grove.

*Timing/Implementation: Prior to approval of improvement plans.
Enforcement/Monitoring: City of Elk Grove Planning Department.*

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measure would lessen off-site construction impacts to a **less than significant** level.

Visual Resources/Light and Glare

Impact 4.12.1 As viewed from Bond Road and Elk Grove Florin Road and the surrounding area, development of the proposed project would substantially alter the existing landscape characteristics of the project site from primarily vacant land to developed urban uses. This would be a **significant** impact.

Mitigation Measures

MM 4.12.1a Landscaping plans for the project shall be developed and designed to preserve existing features of the surrounding development and internal components of the project including the Laguna Creek Parkway and conservation easement. The applicant shall consult with the EGCS and the plans shall be reviewed and approved by the City of Elk Grove Planning Department prior to approval of project site grading plans.

*Timing/Implementation: Prior to the issuance of grading permits.
Enforcement/Monitoring: City of Elk Grove Planning Department.*

MM 4.12.1b If solid fences and walls are used, the color and material used will blend with the features of the surrounding area. Continuous fences and walls shall be softened with landscaping. Solid fence and wall designs will be included in landscaping plans described in mitigation measure MM 4.12.1a.

*Timing/Implementation: Prior to the issuance of grading permits.
Enforcement/Monitoring: City of Elk Grove Planning Department.*

MM 4.12.1c Open fencing shall be used along the creek corridor. Open fence designs will be included in landscaping plans described in mitigation measure 4.12.1a.

*Timing/Implementation: Prior to the issuance of grading permits.
Enforcement/Monitoring: City of Elk Grove Planning Department.*

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measures would ensure that visual impacts of the project maintain a **less than significant** level.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Impact 4.12.2 Implementation of the proposed project would result in the introduction of daytime glare sources to the project area. This would be a **significant** impact.

Mitigation Measures

MM 4.12.2a Non-glare glass shall be used in all commercial buildings to minimize and reduce impacts from daytime glare.

Timing/Implementation: Prior to approval of facility improvement plans for the recreation and commercial areas.

Enforcement/Monitoring: City of Elk Grove Planning Department.

MM 4.12.2b Commercial structure exterior materials shall be composed of a minimum of 50 percent low-reflectance, non-polished finishes.

Timing/Implementation: Prior to approval of facility improvement plans for the recreation and commercial areas.

Enforcement/Monitoring: City of Elk Grove Planning Department.

MM 4.12.2c Bare metallic surfaces on new structures shall be painted to minimize reflectance.

Timing/Implementation: Prior to approval of facility improvement plans for the recreation and commercial areas.

Enforcement/Monitoring: City of Elk Grove Planning Department.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measures would minimize the project's daytime glare effects and mitigate them to a **less than significant** level. In addition, implementation of the above mitigation measures would bring the project into consistency with General Plan Policies LU-22 and LU-23.

Impact 4.12.3 Implementation of the proposed project would result in the introduction of new nighttime light sources associated with project roadways and residential and commercial uses that could adversely affect adjacent areas. This would be a **significant** impact.

Mitigation Measures

MM 4.12.3a Outdoor light fixtures for non-residential areas (such as the commercial, and recreation areas) shall be low-intensity, shielded and/or directed away from residential areas and the night sky. Lighting fixtures for parking lots shall use low-pressure sodium lamps or other similar lighting fixture. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the City with certification that adjacent residential areas will not be

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

adversely affected and that offsite illumination will not exceed 2-foot candles.

Timing/Implementation: Prior to approval of facility improvement plans for the recreation and commercial areas.

Enforcement/Monitoring: City of Elk Grove Planning Department.

MM 4.12.3b

Street light fixtures shall use low-pressure sodium lamps or other similar lighting fixture and shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Offsite illumination shall not exceed 2-foot candles. Street lighting plans shall be submitted with project improvement plans for City review and approval.

Timing/Implementation: Prior to approval of facility improvement plans for project roadways.

Enforcement/Monitoring: City of Elk Grove Planning Department.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of the above mitigation measures would minimize the project's adverse light and glare effects to adjacent existing residents of the project and mitigate them to a **less than significant** level. In addition, implementation of the above mitigation measures would bring the project into consistency with General Plan Policies LU-24 and LU-25.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

B. FINDINGS ASSOCIATED WITH SIGNIFICANT CUMULATIVE ENVIRONMENTAL EFFECTS IDENTIFIED IN THE EIR

The City of Elk Grove (City) hereby adopts and makes the following findings relating to its approval of the Bell South Project and the certification of the Final Environmental Impact Report.

Having received, reviewed, and considered the entire record, both written and oral, relating to the Bell South Project and associated Environmental Impact Report, the City makes the following findings associated with the cumulative impacts identified in the Final EIR.

Land Use

The project maintains the orderly land use growth pattern in the City by localizing similar land uses, concentrating urban development, and maintaining a sense of neighborhood. In addition, the project provides land uses essential for the growing City and retains a portion of open space for future generations to utilize.

While implementation of the proposed project would convert the project site from open space uses to residential and commercial development, the development would be within the urbanized area of the City and would not significantly add to the cumulative loss of such lands. In addition, 9.98 acres of the project site would continue to have open space uses in the form of a bicycle/pedestrian/equestrian trail and a conservation easement.

The project is consistent with General Plan land use policies regarding infill, such that the project would include residential and commercial development on an abandoned and underutilized site in the existing urban area which has infrastructure capacity available.

Findings: No Significant Cumulative Impact. Development of this site was identified and evaluated in the General Plan EIR. The City finds that this would be a **less than significant** impact.

Population, Housing, and Employment

Although the proposed project would result in population growth in the County, the project site is designated for such growth as low density residential in the General Plan.

Implementation of the proposed project could result in approximately 259 new residents in the City of Elk Grove. Assuming the project site is built out and occupied by the year 2022, the project's population would consist of 0.16 percent of the City's projected 2022 population. This increase in population would result in direct and indirect environmental effects (such as noise, public services, and traffic), which are discussed in the relevant chapters of this EIR and in the City of Elk Grove [Sacramento County] General Plan EIR. Buildout of the project site would also result in the construction of up to 96 new residential dwelling units located centrally in the City. The proposed project would make up approximately 0.15 percent of the City's 2022 housing stock projected by SACOG, and would be within anticipated housing growth projections for the City.

Findings: No Significant Cumulative Impact. The City finds that impacts associated with population, housing, and employment are considered to be **less than significant**.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Human Health/Risk of Upset

Impacts associated with health hazards and risk of upset would be site-specific.

Findings: No Significant Cumulative Impact. The project contains mitigation measures to abate the site-specific hazards, so any potential cumulative impacts associated with the project would be expected to be decreased as the harmful substances would have been removed from the vicinity, properly disposed of, and replaced with currently approved building materials. As a result, The City finds that the proposed project is not anticipated to contribute to cumulative human health impacts. Impacts are considered to be **less than significant**.

Traffic and Circulation

Impact 4.4.6 The project would increase traffic volumes at the Bond Road/Elk Grove-Florin Road intersection contributing to an unacceptable LOS under future plus project conditions. This is considered a **significant** impact.

Mitigation Measures

MM 4.4.6a The project applicant shall contribute to the project's fair share for providing a second eastbound left turn lane and reconfigure the westbound approach to consist of a left turn lane, two through lanes, and a right turn lane at the Bond Road/Elk Grove Florin Road intersection.

*Timing/Implementation: Prior to the issuance of building permits
Enforcement/Monitoring: City of Elk Grove Public Works Department*

MM 4.4.6b Along the north side of Bond Road west of the Bond Road/Elk Grove-Florin Road intersection, the project applicant provide for the realignment of the westbound lanes and a ½ street improvement along the south side of Bond Road.

*Timing/Implementation: Prior to the issuance of building permits
Enforcement/Monitoring: City of Elk Grove Public Works Department*

Findings: Mitigation Measures Feasible and Required. The implementation of MM 4.4.6a would include the signal phasing changed from the existing split phase to a protected phase. The resulting a.m. v/c ratio would be reduced from 1.178 to 0.932 with a LOS "E" under future plus project conditions. The p.m. peak hour would have a v/c of 1.217, a decrease from the 1.423 projected, and the resultant LOS would remain "F."

The City finds that implementation of MM 4.4.6a and 4.4.6b would reduce the v/c ratios significantly at the Bond Road/Elk Grove-Florin Road intersection and improve traffic operations, and would mitigate the project's contribution to this traffic impact to **less than significant**.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Noise

The project, along with future development in accordance with the City General Plan, may contribute to a cumulative increase in noise levels in the City.

Traffic associated with the proposed project would contribute marginal noise level increases along all modeled road segments. Cumulative "no project" conditions anticipated in the future along Bond Road would be at unacceptable noise exposure levels and the project contributes a marginal increase of 0.1 dB, which would not be perceivable by the human ear. Conditions along other portions of project vicinity roadways are within normally acceptable to conditionally acceptable ranges [55 to 65 dBA Ldn].

Findings: No Significant Cumulative Impact. Noise level increases associated with project land uses would not be perceptible. The City finds that the cumulative project noise impacts are considered **less than significant**.

Air Quality

Impact 4.6.3 Implementation of the proposed project would add incrementally to regional air pollution, contributing to a cumulative air quality impact. This would be a **cumulative significant** impact.

The 1994 State Implementation Plan (SIP) requires regions to reduce ozone precursor emissions from indirect sources. The SMAQMD used the adopted General Plans of local agencies in Sacramento County and the Sacramento County General Plan to estimate future population and employment for the region. In turn, the SMAQMD used these estimates to project the amount of emission reductions needed. Even though new emissions associated with the project do not exceed the SMAQMD thresholds of significance for individual projects, the project's emissions have not been accounted for in the regional air quality plan.

Long-term operational additions of ozone (from ROG and NO_x) would contribute to a continuation of the non-attainment status for these criteria air pollutants in Sacramento County, and would delay the efforts of the SMAQMD to reach attainment. Although the new emissions associated with the project do not exceed SMAQMD thresholds of significance for single projects, the project's emissions have not been accounted for in the regional air quality plan. The project would result in a "cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard," as discussed under Standards of Significance of the Draft EIR.

Findings: Mitigation Measures Feasible and Required. While implementation of the mitigation measures MM 4.6.1a and MM 4.6.1b and the project's AQ-15 plan would reduce the total amount of emission during construction, the City finds that the project would still contribute to regional air pollution problems, along with other projects in the City of Elk Grove which either have been approved or are under construction. Cumulative impacts, therefore, are considered **significant and unavoidable**. It is hereby determined that this impact is acceptable for the reasons specified in Section D of this document.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Hydrology and Water Quality

Implementation of the proposed project, in conjunction with proposed and approved development and General Plan growth would result in cumulative surface water quality impacts to Laguna Creek, as well as result in increased peak flow conditions.

Findings: Mitigation Measures Feasible and Required. Laguna Creek to the north and southeast of the property generally flows through developed areas, so cumulative conditions to the stretch of Laguna Creek impacted by the project are not expected to vary substantially from existing conditions. The City finds that implementation of mitigation measures MM 4.7.2 and MM 4.7.3 would mitigate the project's contribution to cumulative impacts to Laguna Creek to a **less than significant** level.

Geology and Soils

Impacts associated with geology and soils would be site-specific rather than cumulative in nature and would be subject to uniform site development and construction standards relative to seismic and other geologic conditions that are prevalent within the region.

Findings: No Significant Cumulative Impact. Because impacts associated with geological hazards are site-specific, the City finds that cumulative geological hazard impacts would be **less than significant** for the project.

Impacts regarding erosion and sediment deposition can be cumulative in nature within a watershed. Buildout of approved and planned uses within the City have the potential to impact water quality.

Findings: Mitigation Measures Feasible and Required. With implementation of Best Management Practices required by the NPDES permit and City Land Grading and Erosion Control Ordinance for each development project including the Bell South Project as well as mitigation measures MM 4.7.1, MM 4.7.2 and MM 4.7.2b, cumulative erosion within the watershed is not expected to exceed natural levels and significant cumulative impacts related to erosion would not occur. Based on the above proposed project is not anticipated to contribute to cumulative significant impacts related to geology and soils, therefore the impacts are **less than significant**.

Biological and Natural Resources

Impact 4.9.12 The proposed development would contribute incrementally to the cumulative loss of sensitive habitats for special-status species and wetland resources. This would be a **significant cumulative** impact.

Cumulative development would contribute to the ongoing loss of open space in the City, increase intrusion and activity levels in proximity to habitat areas, and would remove potential habitat for federally and state listed and other special-status species.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Development of this project and other projects within and surrounding the City of Elk Grove results in the loss and degradation of functional wildlife habitat along with the removal of native vegetation. Additionally, construction of residential and commercial uses involves road construction, site grading, and infrastructure installation, which results in the direct loss of wildlife habitat.

The development of the proposed project, combined with the development of approved and pending projects throughout the region, would contribute to the continued loss of natural habitat in the region, increase human intrusion levels in habitat areas, remove habitat for special-status species, and result in the loss of native and landmark trees. Additionally, this project and future planned growth in the City of Elk Grove would contribute to the disturbance of natural riparian habitat and Swainson's hawk foraging habitat, which are in rapid decline throughout California and in the region.

Findings: Mitigation Measures Feasible and Required. The City finds that implementation of mitigation measures MM 4.9.1a and b, MM 4.9.2, MM 4.9.3, MM 4.9.4a through e, MM 4.9.5a through c, MM 4.9.6a and b, and MM 4.9.7a and b would reduce the project's cumulative impact on biological resources to a **less than significant** level.

Cultural Resources

Impact 4.10.3 The project, along with future development in the City, could have an adverse impact on cultural resources in the Elk Grove area. This is a **significant** impact.

Implementation of the proposed project in combination with cumulative development under the City of Elk Grove General Plan would increase the potential to disturb known and undiscovered cultural resources.

Findings: Mitigation Measures Feasible and Required. Mitigation measures MM 4.10.1a, 4.10.1b, 4.10.2a, and 4.10.2b would reduce impacts related with the project; however, it would not avoid the potential of some of the cultural resources onsite. Thus, the project would contribute to a cumulative adverse impact on cultural resources in the Elk Grove area. Impacts are considered to be **significant and unavoidable**. It is hereby determined that this impact is acceptable for the reasons specified in Section D of this document.

Visual Resources/Light and Glare

Implementation of the proposed project, in combination with approved and proposed projects throughout the City of Elk Grove, would result in the further conversion of the region's rural landscape to residential and commercial uses. Future development under the City of Elk Grove General Plan would also result in further alteration of the existing rural landscape of the region.

Findings: No Significant Cumulative Impact. As described under Impact 4.12.1, development of the project site would result in an alteration of the project site from a low-intensive commercial use to denser residential and commercial uses. Because the project involves in-fill of an

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

urbanized area that is within the Urban Services Boundary, the City finds that the cumulative impact is considered **less than significant**.

Public Services and Utilities

Fire Service

A number of recently planned and approved projects are located within the service area of the Elk Grove Community Services Fire District, including the East Franklin Specific Plan, Laguna Ridge Specific Plan, and South Pointe planning area. Improvements to the Grant Line interchange are also in planning stages to accommodate approved and planned growth in the City of Elk Grove. If the Elk Grove Community Services Fire District service area builds out consistent with the *General Plan*, a significant impact on the current level of fire protection services provided by the District would occur unless the equipment and personnel resources were to increase proportionately. The EGCSO has prepared a Fire Protection Master Plan that examines future growth in the service area and identifies the facilities, manpower, and equipment needed to ensure adequate service. The EGCSO established a Fire Protection Development Fee program in order to fund these needed facilities.

Findings: No Significant Cumulative Impact. Assuming each future applicant pays the Development Fee in effect at the time their project is approved, then the level of fire protection service would increase to keep pace with increased demands. The City finds that, a **less than significant** cumulative fire-related impact is expected for the project.

Law Enforcement

The analysis of cumulative impacts is based upon the number of households within both the city and project site, based on projections from the Sacramento Area Council of Governments, as estimated from 2000 Census data. This approach was used to provide analysis consistent with that presented in other sections of this EIR, and because the Sheriff Department and CHP do not have long range projections of demand.

The Sacramento County Sheriff's Department has an existing officer-to-population standard of one officer per 1,000 residents with a goal of two officers per thousand residents. Using the existing officer to population ratio, cumulative buildout within the service area of the Sacramento County Sheriffs Department will require a total of 2,554 sworn officers on a region wide basis. A total of 1/4 officer is needed to serve the project area at the existing officer to population ratio. New development projects in the City would contribute to the City General Fund, which is the primary source of revenue to fund law enforcement services. Funding would be available to the City to negotiate a contract with the County Sheriffs Department or form a City Department with sufficient funds to hire the number of sworn officers and other support personnel needed to meet cumulative demands for law enforcement if the City Council budgets the funds. Moreover, each project is subject to review by local law enforcement to ensure that adequate access, visibility, and security is provided.

Findings: No Significant Cumulative Impact. With continued allocation of General Fund revenue to fund growing demand for law enforcement, sufficient revenue should be available to cover

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

the cost associated with serving cumulative development and the City finds that a **less than significant** cumulative impact to Sheriff services is anticipated associated with the project.

Schools

A total of approximately 47,560 students would be generated by projected cumulative development within the City of Elk Grove. In anticipation of future school needs, a new middle school and high school are planned to be opened in 2002 in the southwestern portion of Elk Grove. For example, under normal opening operations, the Toby Johnson Middle School would have grade 7 open in year 2002. Grade 8 would be open in year 2003. This same procedure would be applicable to the new Franklin High School. Proposed High School #8 located northwest of the Bond and Bradshaw intersection is anticipated to open no later than 2005. It is expected that at the time of school opening that capacity would not be exceeded. However, the District has indicated that given the difficulty in building other school projects, boundaries may have to be adjusted and the anticipated opening capacity of the new schools is not known at this time.

Funding is currently available from statewide school bonds as a result of the passage of Proposition 1A on November 4, 1998. The current bond provides 9.2 billion dollars, over the next four years, to help fund public school facility needs. Specifically, the bond funds are to provide 2.9 million dollars for new construction and 2.1 million dollars for reconstruction/modernization needs.

Findings: No Significant Cumulative Impact. The adoption of all or some combination of Mello-Roos taxes, and SB 50 funding represents full and complete mitigation for the cumulative impact on schools according to California Government Code Section 65996. The presence of new schools also provides additional capacity to accommodate existing and future enrollment. Based on the above, the City finds that a **less than significant** cumulative impact is anticipated for the project.

Parks and Recreation

There would be approximately 61,551 total households within the City of Elk Grove in Year 2022. Assuming that all of the households are single-family (and using the assessment factor for single-family residential uses within Elk Grove from the City Code), the corresponding demand for parkland would be approximately 850 acres. The City of Elk Grove has approximately 239 acres of parkland and parkways that either, and has not identified any concerns approximately the long-term availability of parkland. Each cumulative project would be conditioned to meet its parkland requirements per City Code and Quimby Act requirements.

Findings: No Significant Cumulative Impact. Implementation of cumulative projects would incrementally increase demand for local park facilities in the City. Compliance with the requirements outlined above would ensure that future projects meet the City and Elk Grove Community Services standards for local parks. This action would accommodate each future project's demand for local parks and the City finds that a **less than significant** cumulative impact is expected for the project.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Wastewater

Over the past seven years the SRCSD and the CSD-1 have prepared numerous studies intended to analyze the need for expanded wastewater capacity as a result of planned development, including the East Franklin Specific Plan, Laguna Ridge Specific Plan area, and the South Pointe planning area. As discussed above, those studies include the Report for the Sacramento Sewerage Expansion Study, by James M. Montgomery, Consulting Engineers, Inc., Final Report Sacramento Sewerage Expansion Study-1994 Update, by Montgomery Watson, August 1994, and the Sacramento Sewerage Expansion Master Plan prepared in 1996. In addition, a Master Plan for Wastewater Treatment for the SRCSD service area was approved in October of 2000.

The purpose of these studies is to address growth within the urban service area and the need for capital improvements to accommodate planned and approved growth. Buildout of uses within the SRCSD service area is predicted to generate 417 mgd of wastewater requiring collection and treatment. Additional trunk and interceptor sewer lines, lift stations, and treatment plant capacity would be necessary to accommodate future growth. The existing Master Plans have identified preliminary sewer line sizing, sewer alignment, and location of lift stations necessary to convey effluent to the SRCSD treatment facility. The master plan for wastewater treatment identifies improvements necessary to treat the wastewater. For the next 10 to 15 years, the existing treatment facility will undergo expansion and renovation to accommodate projected wastewater. Beyond that horizon, it is likely that additional plants would be constructed.

Findings: No Significant Cumulative Impact. Each development project is required to ensure that adequate capacity in the receiving trunk sewers and receiving water reclamation plant exists to accommodate the effluent generated by that use. Additionally, each project is required to pay a connection fee used to fund expansions needed to accommodate growth. Assuming each project constructs necessary improvements consistent with the Master Plan, and pays connection fees to cover the costs for operation of facilities, sewerage infrastructure would be upgraded as necessary to accommodate sewage created by the development of future projects consistent with the Master Plan. The City finds that a **less than significant** cumulative impact to wastewater would result from development of the proposed project.

Solid Waste

Sacramento County (washed of Kiefer Landfill) is anticipated to undergo sustained growth through the year 2022. During this period, a net population increase of 506,783 persons is anticipated in the County. Many of these people will reside in recently approved or planned projects located near the East Franklin Specific Plan Area, Laguna Ridge Specific Plan area, and the South Pointe planning area. Implementation of the proposed project in conjunction with related and approved projects throughout Sacramento County would increase solid waste generation over the existing Countywide levels. It is noted that each individual project would be required to comply with all pertinent citywide and/or countywide recycling programs, including AB 939 compliance. All new development would be conditioned to meet the requirements of all-applicable solid waste diversion, storage, and disposal regulations that are in effect at the time of development.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Findings: No Significant Cumulative Impact. Based on per capita solid waste generation rates identified in City of Elk Grove Source Reduction and Recycling Element (September 1991), and assuming implementation of mandatory diversion programs, cumulative development within the Kiefer Landfill watershed would generate an additional 744,900 tons of waste annually by the year 2022 (506,783 people x 1.47 tons/person /year = 744,900 tons/year). When added to the project generated waste of 358 tons per year, an additional 745,258 tons of solid waste would be generated on an annual basis by that time. This represents a net increase in daily intake of approximately 2042 tpd (745,258 tons/year ÷ 365 days = 2,042 tpd). When added to the existing average daily intake at the landfill of 6,362 tpd, the total daily intake at the landfill in the year 2022 is predicted to be 8,404, which is substantially below the maximum permitted daily intake total of 10,815 tpd. Based on the fact that Kiefer landfill has adequate capacity to accommodate the proposed project as well as buildout of all uses in the service area through the year 2022, and that all uses are subject to mandatory source reduction and recycling efforts, the City finds that a **less than significant** cumulative impact to landfill disposal facilities are anticipated for the project.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

C. FINDINGS ASSOCIATED WITH PROJECT ALTERNATIVES

The 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(d)]. The objectives of the Bell South Project are to provide housing opportunities for the City, enhance the City's ability to raise sales tax revenues, create employment opportunities for local residents, and provide retail shopping and community services to area residents.

The City recognizes that while several of the alternatives described below would yield environmental benefits, the procurement of these benefits may also have corresponding negative environmental impacts and may conflict with the goals and objectives of the City. The City is cognizant of the possibility that alternatives may be illusory when viewed on a City-wide basis. As such, alternatives will not be approved by the City where they achieve local environmental benefits at the expense of City-wide environmental health or important project objectives.

Alternatives were selected on the basis of their ability to achieve the objectives of the project while reducing its significant environmental impacts. The alternatives analyzed are as follows:

1. No Project Alternative
2. Reduced Density
3. Alternative Bond Road Site

Alternatives Considered But Not Selected For Analysis

An alternative that proposes a higher density of residential development on the project site was suggested during the 45-day Public Comment period on the Draft EIR. While this alternative would meet the objectives of the proposed project, a higher density of residential development would be inconsistent with the existing development in the immediate vicinity. Moreover, this alternative would not have any less adverse impacts than the proposed project, but would have more adverse impacts on issues such as transportation and circulation, noise, air quality and public services. Therefore, this alternative does not meet the criteria set forth in the CEQA Guidelines concerning alternatives to be analyzed in an EIR.

Alternative 1 – No Project

Brief 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 analysis is identical to the environmental setting analysis which does establish that baseline.

Under this alternative, the project would not be constructed. The project site would remain in its existing state, which is as a partially vacant parcel with an abandoned fish hatchery and a recreational trail. The fish hatchery facilities would remain intact. No infrastructure

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

improvements beyond those currently existing at or near the project site would be installed. Existing land use designations for the project site would not be changed.

The following provides a summary of the environmental impacts associated with the No Project Alternative as compared to the environmental impacts associated with the proposed project.

Land Use. Existing General Plan designations, which are for Low Density Residential and Recreation, would not be changed under the No Project alternative. Thus, future development on the proposed project site would have to be consistent with these designations. Low-density residential development of the type in the proposed project could occur on the project site under this alternative. However, development of the northeastern corner of the site must be consistent with the Recreation General Plan designation and open space zoning.

Population, Housing and Employment. Under the No Project alternative, no residential housing would be constructed. Therefore, there would be no additional residents in the vicinity. However, there would be no addition to the City's housing stock, which could lead to problems of housing availability, adequacy and affordability. Future residential development of the site is possible under current land use designations, but the type and timing of such development is speculative. With no commercial center being constructed under the No Project alternative, no jobs would be created. This may or may not be offset by employment opportunities created elsewhere in the City.

Human Health/Risk of Upset. Since the fish hatchery site would not be disturbed under the No Project alternative, potential hazards associated with removal of the buildings would not be encountered. Also, the electrical post would not be disturbed, which would lead to an avoidance of the potential PCB hazard. However, future development under General Plan land use designations would be exposed to the same hazards as the proposed project. Also, if the vacant lot becomes overgrown with vegetation, it could pose a potential fire hazard, particularly during the dry season.

Traffic and Circulation. There would be no increases in traffic under the No Project alternative. Traffic conditions on Bond Road and Elk Grove-Florin Road would remain the same as they are. Future traffic conditions would be consistent with those described under cumulative conditions without the project in the traffic study for the proposed project.

Noise. With no construction under the No Project alternative, no additional noise would be generated at the project site. No residences either onsite or offsite would be exposed to noise levels that exceeded City standards for residential areas. Ambient noise levels in the vicinity would not change.

Air Quality. Since no construction would occur under the No Project alternative, there would be no project-related traffic emissions, and thus no related adverse changes to air quality. Emissions from land use activities under the proposed project would not occur. There would be no PM10 emissions generated by construction work.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Hydrology and Water Quality. With no project construction under the No Project alternative, existing drainage and recharge patterns would not change. No increased runoff would be generated, meaning no adverse impacts on flows and water quality in Laguna Creek.

Geology and Soils. Since no construction activity would occur, there would be no impacts related to geology and soils. Soils would remain undisturbed and covered with vegetation; therefore, there would be no erosion impacts. With no new structures on site, seismic impacts would not be greater than those currently existing. The fish hatchery structures could be vulnerable to damage from seismic events, but this is not significant since the facility is closed.

Biological Resources. Under the No Project alternative, no physical impacts would occur to existing vegetation on site, including trees. Potential foraging and nesting habitat for special-status species in the area would not be disturbed. Creeks and wetlands would not be impacted.

Cultural Resources. The fish hatchery facility, which is considered eligible for the California Register of Historic Places, would remain intact under the No Project alternative. The underlying land use designations for the hatchery site would permit residential development in the future. However, such development is speculative, and changes in land use regulations that would preserve the site could be made.

Public Services and Utilities. There would be no impact to most public services under the No Project alternative. However, vegetation abatement services may be necessary to control the weeds that may grow on the vacant northeastern corner of the project site, to reduce a potential fire hazard. Extension of and/or hookup to utilities would not be needed under this alternative.

Visual Impacts/Light and Glare. No visual impacts would occur the No Project alternative. No new light and glare sources would be created. However, if the project site remains undeveloped, it could become more overgrown with vegetation and gradually present a less pleasing appearance in places.

Findings: The No Project Alternative is less desirable than the Project and is as infeasible for the following reasons:

1. Mitigation Measures incorporated into the project, or otherwise being adopted by this Council through the EIR, will substantially lessen or avoid most of the environmental effects of the Project thereby diminishing or obviating the perceived mitigating or impact avoiding benefits of adopting the No Project Alternative.
2. Although the No Project Alternative would result in reduced visual/light and glare, air quality, biological, cultural resource, human health and water resource impacts as compared to the proposed project, the No Project Alternative would not meet the basic objectives of the proposed project of providing housing, employment, retail, and commercial opportunities to the City, as well as increasing City revenues through property and sales taxes.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

3. None of the environmental, social, land use or other benefits derived from the Project would be obtained through the adoption of the No Project Alternative.

Alternative 2 - Reduced Density

Brief Description: The Reduced Density Alternative is similar to the proposed project, except that there would be fewer residential lots developed. The density of residential development would be approximately 4 units per acre, which would lead to the development of 77 lots on the project site. The residences would be located on the fish hatchery site, the same as under the proposed project. The commercial and open space areas of the proposed project would be present under this alternative. However, with less dense residential development, more open space could be created in certain areas.

The following provides a summary of the Reduced Density Alternative environmental impacts as compared to the proposed project environmental impacts.

Land Use. Land use impacts would be similar to those associated with the proposed project. A General Plan Amendment, a Community Plan Amendment and a rezone would be required for the commercial center, the same as under the proposed project.

Population, Housing and Employment. Under the Reduced Density Alternative, fewer houses would be constructed. Thus, while the population in the vicinity would increase, it would be by approximately 208 people, which is less than under the proposed project. The housing stock in the City would increase, though not by the same amount as under the proposed project. Employment impacts would be similar to those associated with the proposed project.

Human Health/Risk of Upset. Potential impacts under the Reduced Density Alternative would be similar to those associated with the proposed project.

Traffic and Circulation. Potential impacts under the Reduced Density Alternative would be similar to those associated with the proposed project, except that traffic volumes would be less due to the lesser amount of housing. The LOS on nearby streets and intersections would be the same, or possibly less, under the Reduced Density Alternative than under the proposed project. The LOS at the Bond Road/Elk Grove-Florin Road intersection would likely be F under cumulative plus project conditions under this alternative, the same as under the proposed project. However, the LOS for the segment of Bond Road from East Stockton Boulevard to Elk Grove-Florin Road would likely be F under cumulative conditions, but the reduction in traffic volume could result in a less than significant cumulative impact on this roadway. Thus, mitigation of traffic impacts on this intersection would likely be required.

Noise. Potential impacts under the Reduced Density Alternative would be similar to those associated with the proposed project. However, with less dense residential development, some residential lots could be located away from Bond Road, which is a major noise source. This could reduce the number of lots exposed to noise that exceed City standards, and reduce or eliminate the need for mitigation such as sound walls. Redesign of the residential

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

subdivision could also reduce noise impacts from the adjacent school. Under this alternative, residential units could be removed from the northeast corner of the subdivision, thereby decreasing the visual impacts of the soundwall that would be required to reduce roadway noise to residential units bordering Laguna Creek. This would depend upon how the residential subdivision would be designed.

Air Quality. Potential impacts under the Reduced Density Alternative would be similar to those associated with the proposed project, but would be lesser in degree due to the reduced amount of traffic that would be generated from the residential area.

Hydrology and Water Quality. Potential impacts under the Reduced Density Alternative would be similar to those associated with the proposed project, but may be lesser in degree due to the reduced amount of residential development. This would depend upon the design of the residential subdivision and the amount of impervious surface that would be added.

Geology and Soils. Potential impacts under the Reduced Density Alternative would be similar to those associated with the proposed project, but may be lesser in degree due to the reduced amount of residential development.

Biological Resources. Potential impacts under the Reduced Density Alternative would be similar to those associated with the proposed project. The decrease in density of residential units could provide additional open space and habitat conservation area within the proposed project, with a redesign of the project.

Cultural Resources. Potential impacts under the Reduced Density Alternative would be similar to those associated with the proposed project. While the majority of the fish hatchery structures would likely be demolished as part of construction of the residential subdivision, the subdivision could be redesigned to retain some of the more important historical aspects of the fish hatchery. However, the impacts to resources would remain the same as under the proposed project.

Public Services and Utilities. Potential impacts under the Reduced Density Alternative would be similar to those associated with the proposed project.

Visual Impacts/Light and Glare. Potential impacts under the Reduced Density Alternative would be similar to those associated with the proposed project. There may be reduced lighting from the residential area because fewer houses would be constructed, but the primary source of light and glare would be the commercial center.

Findings: The City finds that the Reduced Density Alternative is less desirable than the project proposal and is rejected as infeasible for the following reasons:

1. Although the Reduced Density Alternative would result in reduced air quality, traffic, noise, and population/housing impacts as compared to the proposed project, the Reduced Density Alternative would not avoid those impacts and would have impacts to

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

human health, hydrology, geology/soils, biological resources, cultural resources, public services/utilities and visual resources comparable with the project as proposed.

2. Mitigation Measures incorporated into the project, or otherwise being adopted by this Council through the EIR, will substantially lessen or avoid most of the environmental effects of the project thereby diminishing or obviating the perceived mitigating or impact avoiding benefits of adopting the Reduced Density Alternative.

ALTERNATIVE 3 – ALTERNATIVE BOND ROAD SITE

Brief Description: Alternative 3 is the construction of the project on a parcel approximately one-quarter mile east of the proposed project site. The parcel, approximately 40 acres in size, is located adjacent to and south of Bond Road. Residential development is located north, east and south of the Alternative 3 site. West of the Alternative 3 site is the Union Pacific railroad tracks. The terrain is flat, and the parcel is generally undeveloped. There are no significant natural features on the Alternative 3 site. The parcel is zoned AR-5, Agricultural Residential with no more than one residential unit per five acre lot.

The following provides a summary of the Alternative Bond Road Site environmental impacts as compared to the proposed project environmental impacts.

Land Use. Since the Alternative Bond Road Site is currently zoned AR-5, a rezone would be required for the project to be constructed. Also, a General Plan Amendment and a Community Plan Amendment would likely be required. The changes in land use designations would affect a greater amount of land than under the proposed project.

The residential uses would be compatible with the surrounding land uses. However, the commercial center may conflict with surrounding land uses, which are mainly residential. There are no significant commercial parcels in the immediate area. Residents in the vicinity of the Alternative Bond Road Site may express concern about - and even oppose - the establishment of a commercial center on the site.

Population, Housing and Employment. Potential impacts under the Alternative Bond Road Site would be similar to those associated with the proposed project.

Human Health/Risk of Upset. There are no known contamination sites on the Alternative Bond Road Site. Since the site is zoned Agricultural Residential, it is likely that the site was used previously for agricultural uses only, and thus would have no significant contamination problems. However, more research would need to be done on the issue.

Traffic and Circulation. The traffic study for the proposed project indicated that Bond Road from Elk Grove-Florin Road to Waterman Road would operate at LOS F with or without the project. Under the Alternative Bond Road Site, the same condition would apply. However, since the alternative project site would be located on the section of Bond Road that is just two lanes, Bond Road would have to be widened to at least four lanes. A traffic signal may have to be installed in the vicinity of the project site, although a traffic study would have to be conducted to confirm this need. As with the proposed project, there would be adverse

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

impacts on LOS at the Bond Road/Waterman Road. However, since the Alternative Bond Road Site is closer to this intersection, the impacts may be more immediate.

A potential traffic problem with the Alternative Bond Road Site may occur because of the site's location on the east side of the Union Pacific railroad tracks. The tracks cross Bond Road, so train traffic may occasionally block this roadway. Traffic heading westbound on Bond Road from the project site would be stopped by a passing train. Because of the significant volume of traffic that would be generated by the project, this could lead to severe congestion problems on Bond Road, which could block access from nearby residential areas. The widening of Bond Road could alleviate this problem. Further study would need to be conducted.

Noise. Noise from residential and commercial traffic at the Alternative Bond Road Site could have an adverse impact on existing nearby residences, particularly those near Bond Road. Sound walls along Bond Road could mitigate some of the adverse impacts of the traffic noise. Residences on the Alternative Bond Road Site could be exposed to noise generated from railroad operations that exceed City standards, depending on the location of the residences.

Air Quality. Potential impacts under the Alternative Bond Road Site would be similar to those associated with the proposed project.

Hydrology and Water Quality. Runoff from the Alternative Bond Road Site could have a significant impact on the storm drainage system in the vicinity. Since no creeks or other natural drainage channels traverse the Alternative Bond Road Site, storm water detention basins and other storm drainage facilities may need to be constructed onsite and possibly offsite. Water quality impacts would be similar to those associated with the proposed project.

Geology and Soils. Potential impacts under the Alternative Bond Road Site would be similar to those associated with the proposed project.

Biological Resources. There are no creeks on the Alternative Bond Road Site; therefore, there would be no impacts on streams or riparian habitat. There could be foraging and nesting habitat on the site for special-status species in the vicinity, so special-status species impacts on the Alternative Bond Road Site would be similar to those associated with the proposed project. However, more study would be required. Also, it is not known if any wetlands, including seasonal ones, are located on the Alternative Bond Road Site.

Cultural Resources. Under the Alternative Bond Road Site, the fish hatchery site would remain intact. There are no known cultural resources on the Alternative Bond Road Site; however, there could be undiscovered resources. Mitigation measures for undiscovered resources under the proposed project could be applied under this alternative.

Public Services and Utilities. Potential impacts would likely be similar to those associated with the proposed project. It is not known if any infrastructure exists on the Alternative Bond Road Site. However, the site is located near residential development that has full services.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

Therefore, extension of utilities and services to the site should not have a significant impact on these systems.

Visual Impacts/Light and Glare. Potential impacts under the Alternative Bond Road Site would be similar to those associated with the proposed project.

Findings: The City finds that the Alternative Bond Road Site is less desirable than the project proposal and is rejected as infeasible for the following reasons:

1. Although the Alternative Bond Road Site would avoid impacts to known cultural resources and known human health hazards, it would result in worsened impacts to land use, traffic, and noise. Impacts to population/housing, air quality, hydrology, geology/soils, biological resources, public services/utilities, and visual resources would be comparable with the project as proposed.
2. Mitigation Measures incorporated into the project, or otherwise being adopted by this Council through the EIR, will substantially lessen or avoid most of the environmental effects of the project thereby diminishing or obviating the perceived mitigating or impact avoiding benefits of adopting the Alternative Bond Road Site.
3. The Alternative Bond Road site would not result in the revitalization of an in-fill parcel that is currently occupied by abandoned structures, which the proposed project would develop an urban in-fill site with residential, commercial, and retail uses and provide improvements to the existing recreation trail on the proposed project site.

CONCLUSION REGARDING ALTERNATIVES NOT CHOSEN

Based upon the evaluation described in this section, the No Project Alternative (Alternative 1) is considered to be the environmentally superior alternative. The No Project Alternative was determined to have less adverse environmental impacts than the proposed project on most issues overall. However, the No Project Alternative would have a greater adverse impact on population and housing issues than would the proposed project. Also, the No Project Alternative would not meet any of the objectives of the proposed project.

Under CEQA Guidelines Section 15126.6 (e)(2), if the environmentally superior alternative is the No Project Alternative, then another environmentally superior alternative must be identified. For this analysis, the Reduced Density Alternative (Alternative 2) is considered the environmentally superior alternative, after the No Project Alternative. The Reduced Density Alternative has no environmental impacts that are worse than those under the proposed project, while it has a better impact on some environmental issues. By contrast, Alternative Bond Road Site (Alternative 3) has some environmental impacts that are worse than those under the proposed project, and has better impacts on only two issues (Human Health and Cultural Resources). Therefore, the Reduced Density Alternative is considered the better alternative.

Even though the Reduced Density Alternative is the environmentally superior alternative, the proposed project has been determined to be superior as compared with the Reduced Density Alternative. Although the Reduced Density Alternative would decrease the impacts to

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

biological resources by providing additional open space, the alternative would construct a fewer number of housing units and would provide less housing opportunities to the City. In addition, the reduction in the number of houses constructed as part of Alternative 2 may make the project economically unfeasible for the project proponent. The environmental impacts would be similar in nature for the proposed project and the Reduced Density Alternative, including having adverse impacts on issues such as biological resources and cultural resources. The mitigation measures included in the EIR for this project would mitigate impacts under the proposed project to a level of impact similar to what would be anticipated for the Reduced Density Alternative. Further reasons for the choosing of the proposed project can be found in the Specific Findings in Section D of this document.

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

D. STATEMENT OF OVERRIDING CONSIDERATIONS

In approving the Bell South Project which is evaluated in the Final Environmental Impact Report (FEIR), the City makes the following Statement of Overriding Considerations in support of its findings on the FEIR. The City has considered the information contained in the FEIR (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. Notwithstanding the identification and analysis of the impacts which are identified in the EIR as being significant which have not been eliminated, lessened or mitigated to a level of insignificance, the City, acting pursuant to Section 15093 of the CEQA Guidelines, hereby determines that the benefits of the project outweigh the unmitigated adverse 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 public hearing records.

Five significant and unavoidable impacts have been identified in the EIR. First, construction related activities, as part of project implementation would create air quality impacts associated with PM₁₀ and NO_x emissions during all phases of construction. Even though implementation of mitigation measures MM 4.6.1a and 4.6.1b would reduce impact, these **significant and unavoidable** air quality impacts would remain.

Second, while implementation of the mitigation measures MM 4.6.1a and MM 4.6.1b would reduce the total amount of emission during construction, the project would still contribute to regional air pollution problems, along with other projects in the City of Elk Grove which either have been approved or are under construction. Cumulative impacts, therefore, are considered **significant and unavoidable**.

Third, implementation of the project would demolish historical resources onsite which include buildings and fish ponds. Even though implementing mitigation measures MM 4.10.1a and 4.10.1b would document the historical resources, they would prevent demolition of the historical resources. Since the proposed residences cannot be constructed without the removal of these structures, it is infeasible that the hatchery site could be preserved. Therefore, these **significant and unavoidable** impacts on cultural resources would remain.

Fourth, the implementation of the proposed project in combination with cumulative development would increase the potential to disturb known and undiscovered cultural resources, specifically the historic buildings and fish ponds associated with the Central Valley Fish Hatchery. There are not any feasible mitigation measures available to avoid the potential of disturbing some of the cultural resources onsite. This would result in a **significant and unavoidable** cumulative impact on cultural resources.

Lastly, the project would result in noise impacts to residential lots constructed adjacent Laguna Creek and Bond Road. While MM 4.5.2 (Revised) would reduce impacts to residential lots backing Bond Road, safety and aesthetic concerns have been found to be of greater import than

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

potential noise impacts to residential lots that would back up to Laguna Creek. Therefore, the project would result in **significant and unavoidable** noise impacts.

SPECIFIC FINDINGS

Project Benefits Outweigh Unavoidable Impacts. The City 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 proposed project is considered an in-fill project and would convert an existing underutilized property in the City limits, resulting in revitalization of the site and realization of the economic potential of the property.
2. The project would provide additional housing opportunities in the City.
3. The project would increase City revenues, through sales tax revenues from the commercial component, and property taxes from the parcels created by the project.
4. The proposed project would provide new employment opportunities for local residents.
5. The project would provide retail shopping and community services to area and neighborhood residents.

Balance of Competing Goals. The City 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 to air quality and to cultural resources because complete eradication of impacts would unduly compromise some other important community goals.

The City 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 the project providing in-fill of a abandoned hatchery site, the project providing additional housing, the project increases the City's tax revenue, the project provides employment opportunities, and the project provides shopping and community services.

The City has determined that any environmental detriment caused by the Bell South project has been minimized to the extent feasible through mitigation measures identified herein, and, where

FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

not feasible, has been outweighed and counterbalanced by the significant social, educational, environmental, and land-use benefits to be generated to the City.

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>1. The development approved by this action is for the following:</p> <p><u>File EG-00-003</u></p> <ul style="list-style-type: none"> a. Tentative Parcel Map to create 4 parcels; b. Community Plan Amendment from RD-5 and P/QP to RD-5 on Parcel 4; c. Rezoning from O to RD-5 on Parcel 4; d. Tentative Subdivision Map to create 96 lots on Parcel 4; and <p><u>File EG-00-004</u></p> <ul style="list-style-type: none"> a. Tentative Parcel Map to create 6 additional parcels from Parcel 1 created by EG-00-003; b. General Plan Amendment from REC to Comm./Office on Parcel 1 from EG-00-003. c. Community Plan Amendment from RD-5 and P/QP to General Commercial on Parcel 1 from EG-00-003. d. Rezoning from O and O(F) to GC on Parcel 1 from EG-00-003. <p>The above entitlements are described in the Planning Commission report and associated Exhibits and Attachments dated January 24, 2002, and as summarized herein as Exhibit A.</p>	<p align="center">On-Going</p>	<p align="center">Planning Division</p>	
<p>2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p>	<p align="center">On-Going</p>	<p align="center">Planning Division</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
3. The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning Division	
4. Prior to final approval of the drainage study, the Department of Water Resources shall review the language and provisions of the conservation easement. (Water Resources)	Prior to Final Approval of the Drainage Study	Water Resources	
5. Prior to the issuance of the first grading permit, applicant shall execute the project's AQ-15 Plan. (Planning Division)	Prior to Issuance of First Grading Permit	Planning Division	
6. Prior to the issuance of any grading permits comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with the project. Until the MMRP has been recorded and the estimated MMRP fee of \$9,500 has been paid, no grading, building, sewer connection, water connection, or occupancy permit from the City will be approved.	Prior to Issuance of Any Grading Permit	Planning Division	
7. Construction traffic involving heavy haulers moving fill to and from the project site shall operate during off-	Prior to the issuance of Grading Permits.	Planning Division and Sac. Metropolitan	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
peak hours. (MM 4.4.1)		Air Quality Management District	
8. In order to mitigate erosion and sediment control problems on the project site, the project shall comply with the City's Land Grading and Erosion Control Ordinance. Additionally, because the project size is more than five acres, a Notice of Intent (NOI) must be filed prior to construction to obtain coverage under the State's General Construction Activity Storm Water Permit. As a condition of the General Permit, a Storm Water Pollution Prevention Plan (SWPPP) must be developed for the project. Permits are issued by the State Water Resources Control Board, which can provide all information necessary to complete and file the necessary documents. Compliance with the General Permit is enforced in the Sacramento area by the Central Valley Regional Water Quality Control Board. (Water Resources)	Prior to Issuance of Grading Permits	Water Resources	
9. Prior to the issuance of grading permits, the project applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall address spill prevention and include countermeasure plan describing measures to ensure proper collection and disposal of all pollutants	Prior to issuance of Grading Permits.	Water Resources and Central Valley Regional Water Quality Control Board	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. These measures shall be consistent with the City's [Sacramento County] Drainage Manual and Land Grading and Erosion Control Ordinance may include (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into Laguna Creek; and (6) any other suitable measures. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board and to the City for review and approval. (MM 4.7.1)</p>			
10.	<p>Prior to the approval of improvement and/or grading plans, a Tree Replacement Planting Plan shall be prepared by a certified arborist or landscape architect to mitigate for the loss of native trees larger than 6" dbh and all non-native trees larger than 19" dbh that are proposed for removal or that would be adversely affected by the project. The Plan shall comply with the City Code and General Plan policies and be submitted to the City for review. The Plan shall include the following elements:</p> <p>a. Species, size and location of all replacement plantings;</p>	<p>Prior to the Issuance of Grading Permits</p>	<p>Planning Division</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<ul style="list-style-type: none"> b. Method of irrigation; c. The City of Elk Grove Standard Tree Planting Detail L-1, including the 10-foot depth boring hole to provide for adequate drainage; d. Planting, irrigation and maintenance schedules; e. Identify the maintenance entity and include their written agreement to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive that period. f. The minimum spacing for replacement oak trees shall be 20 feet on center; g. Replacement oak trees shall not be planted within 15 feet of the driplines of existing oak trees to be retained on-site, or within 15 feet of a building foundation or swimming pool excavation. h. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of oak trees. i. No grading (grade cuts or fills) shall be allowed within the driplines of the oak trees. j. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any oak tree. k. No trenching shall be allowed within the dripline of oak trees. If it is absolutely necessary to install underground utilities within the dripline of an oak tree, the utility line shall be bored or jacked under the supervision of a certified arborist. l. The construction of impervious surfaces within the 			

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>driplines of oak trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist.</p> <p>m. No sprinkler or irrigation system shall be installed in such a manner that sprays water or requires trenching within the driplines of oak trees. An above ground drip irrigation system is recommended.</p> <p>n. Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species, which shall be planted within the driplines of oak trees are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants. (MM 4.9.1a)</p>			
<p>11. Prior to construction activities, the verified waters of the U.S. delineation for the site shall be submitted to the Corps and the appropriate permit(s) shall be acquired. Any wetlands that would be lost or disturbed shall be replaced or rehabilitated on a "no-net-loss" basis in accordance with the Corps' mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the Corps. (MM 4.9.7b)</p>	<p>Prior to the Issuance of Grading Permits</p>	<p>U.S. Army Corps of Engineers and Planning Division</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
12.	Prior to grading or other site preparation activities, the applicant shall install temporary fabric fencing, a minimum of 3 feet in height, along the western edge of the property to prevent giant garter snakes from entering construction areas. The fencing will need to be regularly inspected and maintained. Exclusion fencing must remain in place and be maintained for the duration of the construction activities in order to prevent snakes from entering construction areas. (MM 4.9.8a)	Prior to the Issuance of Grading Permits	Monitoring by Qualified Biologist Reporting to Planning Division	
13.	Prior to approval of improvement plans, the applicant shall provide the Planning Division with proof of consultation with the U.S. Fish and Wildlife Service and shall provide proof of any necessary permits or approvals for vernal pool fairy shrimp and vernal pool tadpole shrimp impacts on the project site. If the applicant does not provide proof of consultation and any necessary permits or approvals, a focused survey for vernal pool fairy shrimp and vernal pool tadpole shrimp shall be conducted, at the time of year when the species are both evident and identifiable, by a qualified biologist for the portions of the project site supporting wetland habitat. Results of this survey shall be submitted to the City of Elk Grove Planning Department. If either species is present on the site, a mitigation plan shall be prepared in consultation with U.S. Fish and Wildlife Service and any necessary permits or approvals shall be received prior to disturbance of the site. Measures may include	Prior to the Issuance Of Grading Permits	California Department of Fish and Game, Planning Division	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
preservation of some or all vernal pools, construction of new vernal pool habitat, or other measures recommended by the biologist or USFWS. (MM 4.9.10a)			
14. If special-status or rare plant species are found within the proposed development area, a mitigation plan prepared by a qualified botanist in consultation with the Department of Fish and Game, shall be submitted to the City of Elk Grove for review and approval. Upon approval, the mitigation plan shall be implemented. Mitigation measures may include transplanting individual plants to another location on-site, establishing off-site preserves, or measures recommended by the biologist or CDFG. (MM 4.9.10b)	Prior to the Issuance of Grading Permits	U.S. Fish and Wildlife Service, Planning Division	
15. Prior to approval of improvement plans, the applicant shall provide the Planning Division with proof of consultation with the California Department of Fish and Game and shall also submit any necessary permits or approvals for special-status and/or rare plant impacts on the project site. If the applicant does not provide proof of consultation and any necessary permits or approvals, a special-status/rare plant survey shall be conducted, at the time of year when special-status/rare plant species are both evident and identifiable, by a qualified botanist for the portions of the project site supporting wetland and riparian vegetation. Results of this survey shall be	Prior to the Issuance of Grading Permits	California Department Of Fish and Game, Planning Division	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	submitted to the City of Elk Grove Planning Department and California Department of Fish and Game for review and approval. (MM 4.9.10a)			
16.	Open fencing shall be used along the creek corridor. Open fence designs will be included in landscaping plans described in mitigation measure 4.12.1a. (MM 4.12.1c)	Prior to the Issuance of Grading Permits	Planning Division and CSD	
17.	If solid fences and walls are used, the color and material used will blend with the features of the surrounding area. Continuous fences and walls shall be softened with landscaping. Solid fence and wall designs will be included in landscaping plans described in mitigation measure MM 4.12.1a. (MM 4.12.1b)	Prior to the Issuance of Grading Permits	Planning Division and CSD	
18.	Landscaping plans for the project shall be developed and designed to preserve existing features of the surrounding development and internal components of the project including the Laguna Creek Parkway and conservation easement. The applicant shall consult with the EGCSO and the plans shall be reviewed and approved by the City of Elk Grove Planning Department prior to approval of project site grading plans. (MM 4.12.1a)	Prior to the Issuance of Grading Permits	Planning Division	
19	The portion of the landscape plans that apply to the Laguna Creek Parkway shall be approved by the Elk Grove Community Service District and the City of Elk	Prior to the Issuance of Grading Permits	Planning Division and CSD	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	Grove. (CSD and Planning Division)			
20.	Prior to construction activities, the wetland delineation prepared for the project site shall be submitted by the Corps for verification. (MM 4.9.7a)	Prior to the Issuance of Grading Permits	U.S. Army Corps of Engineers and Planning Division	
21.	<p>The following measures shall be implemented in order to minimize effects from any proposed project activities to native trees that would be retained:</p> <ul style="list-style-type: none"> • Trees to be preserved should be protected with high-visibility fencing one-foot outside the dripline. • Any authorized fill or grading occurring within the dripline of any tree to be preserved shall be supervised by an International Society of Arboriculture Certified Arborist. • City of Elk Grove permitted tree removal shall be conducted under the supervision of an International Society of Arboriculture Certified Arborist, where such removal could adversely affect trees designated for preservation. • Oak tree replacement according to the City of Elk Grove Tree Preservation and Protection Ordinance shall be used for mitigating the removal of any oak trees within the project area. • Procedures and protocols used for tree preservation and protection shall conform to standards established by the County of Sacramento Tree Preservation Ordinance. • Any future pruning, cabling, and other corrective 	Prior to the Issuance of Grading Permits	Planning Division	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>measures applied to preserved trees if necessary shall be conducted by an International Society of Arboriculture Certified Arborist, and shall conform to the pruning standards of the Western Chapter of the International Society of Arboriculture.</p> <p>The above measures shall appear as standards in the improvement plans. (MM 4.9.1b)</p>			
22.	<p>Obtain applicable State Fish and Game and U.S. Army Corps of Engineers permits prior to issuance of grading permits. (Water Resources)</p>	<p>Prior to the Issuance of Grading Permits</p>	<p>Water Resources</p>	
23.	<p>The project applicant shall place the following mitigation requirements in all construction contracts and shall require the use of Best Available Control Technologies (BACT), including but not limited to the following requirements. Proof of these contractor requirements shall be provided to the City prior to the issuance of grading permits.</p> <ul style="list-style-type: none"> • The project applicant and/or prime contractor shall comply with SMAQMD Rule 403 that requires taking reasonable precautions to prevent the emissions of fugitive dust, such as "using water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the construction of roadways, or the clearing of land" where possible and applying "asphalt, oil, water, or suitable chemicals on dirt roads, materials, stockpiles, and other surfaces 	<p>Prior to the Issuance of Grading Permits</p>	<p>Planning Division and Sac. Metropolitan Air Quality Management District</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>which can give rise to airborne dust.”</p> <ul style="list-style-type: none"> • Clean earth-moving construction equipment with water once per day. • Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less. • Use low-emission on-site stationary equipment whenever possible. • Encourage construction employees to carpool to the work site. • Minimize idling time to 10 minutes. • Maintain construction equipment through regular and proper maintenance. • All material transported offsite shall be either sufficiently watered or securely covered to prevent public nuisance. • During initial grading, earthmoving, or site preparation a 100-foot paved (or palliative-treated) apron shall be constructed, extending onto the construction site from the adjacent paved road(s) where vehicles and equipment egress. <p>(MM 4.6.1a)</p>			
<p>24. Prior to the approval of improvement and/or grading plans, the demolition of structures, and/or the disturbance of blackberry thickets, the applicant shall provide the Planning Division with proof of consultation with California Department of Fish and Game and U.S. Fish and Wildlife Service and shall also submit proof of any necessary permits or approvals regarding tricolored blackbird impacts on the project</p>	<p>No Earlier than 45 Days and no Later than 20 Days Prior to Grading</p>	<p>Monitoring by Qualified Biologist Reporting to Public Works Department</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>site. If the applicant does not provide proof of consultation and any required permits or approvals, a survey shall be conducted by a qualified biologist to determine whether tricolored blackbirds are utilizing the site. If present, consult with the CDFG and/or USFWS to determine the measures necessary to avoid or mitigate adverse impacts to the protected bird species present on the site. Mitigation measures may include flagging the nest and avoiding disturbance, passive relocation, or other measures recommended by the biologist or CDFG. (MM 4.9.6)</p>			
<p>25. No earlier than 45 days and no later than 20 days prior to the commencement of any construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of special-status birds such as white-tailed kite, Cooper's hawk, and loggerhead shrike, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone. If active nests are present, consult with CDFG and/or USFWS to determine the measures necessary to mitigate or avoid impacts to the species. Any required permits or approvals shall be obtained from CDFG and/or USFWS prior to disturbance of the site. Mitigation measures may include postponement of construction activities until the young have fledged or other measures recommended by the biologist or CDFG. (MM 4.9.5)</p>	<p>No Earlier than 45 Days and no Later than 20 Days Prior to Grading</p>	<p>Monitoring by Qualified Biologist Reporting to Public Works Department</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
26.	No earlier than 45 days and no later than 20 days prior to the commencement of any construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of special-status birds such as burrowing owl and northern harrier occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone, including the extent of the directly affected portion of the drainage ditch. If active nests are present, consult with CDFG and/or USFWS to determine the measures necessary to mitigate or avoid impacts to the species. Any required permits or approvals shall be obtained from CDFG and/or USFWS prior to disturbance of the site. Mitigation measures may include flagging the burrow and avoiding disturbance, passive relocation, active relocation to move owls from the site, or other measures recommended by the biologist or CDFG. (MM 4.9.4)	No Earlier than 45 Days and no Later than 20 Days Prior to Grading	Monitoring by Qualified Biologist Reporting to Public Works Department	
27.	No earlier than 45 days and no later than 20 days prior to the commencement of any construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of Swainson's hawk occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone. If active nests are located, results of the survey shall be reported to	No Earlier than 45 Days and no Later than 20 Days Prior to Grading	Planning Division and California Department of Fish and Game	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>CDFG and any necessary mitigation plans shall be prepared and permits or approvals shall be obtained from CDFG prior to disturbance of the site. Mitigation measures may include postponement of clearing and construction activities, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting; or other measures recommended by the biologist or CDFG. (MM 4.9.2)</p>			
<p>28. Construction personnel shall participate in a Service-approved worker environmental awareness program. Under this program, workers shall be informed about the presence of giant garter snakes and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of the Act. Prior to construction activities, a qualified biologist approved by the Service shall instruct all construction personnel about: (1) the life history of the giant garter snake; (2) the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, such as rice fields, to the giant garter snake; and (3) the terms and conditions of the biological opinion. Proof of this instruction shall be submitted to the Sacramento U.S. Fish and Wildlife Office. (MM 4.9.8d)</p>	<p>Prior to Project Grading and Construction</p>	<p>Monitoring by Qualified Biologist Reporting to City of Elk Grove Public Works Department</p>	
<p>29. Prior to the approval of improvement plans, the applicant shall provide the Planning Division with proof of consultation with the U.S. Fish and Wildlife Service and shall provide proof of any necessary</p>	<p>Within 24 Hours Prior to Grading and Construction</p>	<p>Monitoring by Qualified Biologist Reporting to U.S. Fish and Wildlife</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>permits or approvals for giant garter snake impacts on the project site. If the applicant does not provide proof of consultation and any necessary permits or approvals, within 24-hours prior to commencement of construction activities, the site shall be inspected by a qualified biologist who is approved by the Service's Sacramento Fish and Wildlife Office. The biologist will provide the Service with a field report form documenting the monitoring efforts within 24-hours of commencement of construction activities. The monitoring biologist needs to be available thereafter; if a snake is encountered during construction activities, the monitoring biologist shall have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. Giant garter snakes encountered during construction activities should be allowed to move away from construction activities on their own. Capture and relocation of trapped or injured individuals can only be attempted by personnel or individuals with current Service recovery permits pursuant to Section 10(a)1(A) of the Act. The biologist shall be required to report any incidental take to the Service immediately by telephone at (916) 979-2725 and by written letter addressed to the Chief, Endangered Species Division, within one working day. The project area shall be re-inspected whenever a lapse in construction activity of two weeks or greater has occurred. (MM 4.9.8e)</p>		<p>Service, City of Elk Grove Public Works Department</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
30.	No further mitigation is required if there are no bat species utilizing the project site as roosting habitat. However, if this species is determined to exist on the site, consultation with CDFG shall be required to determine suitable measures to avoid disturbance of roosting bats. Mitigation measures may include not removing trees while bats are occupying the trees, or other measures recommended by the biologist or CDFG. (MM 4.9.9b)	Prior to the Issuance of Grading and Demolition Permits	California Department of Fish and Game, Planning Division	
31.	Prior to construction and demolition activities, a survey shall be conducted by a qualified biologist to determine whether or not bats are utilizing the trees and abandoned buildings on the site to roost. Maternity roosts are generally occupied by mothers and young between May and August. Results of this survey shall be submitted to California Department of Fish and Game (CDFG) and the City of Elk Grove Planning Department for review. (MM 4.9.9a)	Prior to the Issuance of Grading and Demolition Permits	California Department of Fish and Game, Planning Division	
32.	Any dewatered habitat must remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat. (MM 4.9.8c)	Prior to Project Grading Construction Contractor Must Coordinate with City Public Works Department	Monitoring by Qualified Biologist Reporting to City of Elk Grove Public Works Department	
33.	Construction activities, particularly within the western portion of the site, should be conducted as much as is feasible within the active period of the snake	Prior to Project Grading Construction Contractor Must	Monitoring by Qualified Biologist Reporting to City	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program'

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	Coordinate with City Public Works Department	of Elk Grove Public Works Department	
34. A Conditional Letter of Map Revision pursuant to the City of Elk Grove Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards, shall be approved by FEMA prior to approval of improvements for the commercial component. (Water Resources)	Prior to Approval of Improvement Plans	Water Resources	
35. A Letter of Map Revision pursuant to the City of Elk Grove Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards, shall be approved by FEMA prior to issuance of the first Certificate of Occupancy for the commercial component. (Water Resources)	Prior to First Certificate of Occupancy for the Commercial Component	Water Resources and Building Inspection	
36. The proposed project shall revise residential access to the site to provide a primary public access of at least a 50-foot street and a second access of at least a 36-foot street. (MM 4.4.4a)	Prior to Approval of Grading or Improvement Plans or the Recordation of a Final Map, Whichever Occurs First	Public Works Department	
37. Street light fixtures shall be installed and shielded in	Prior to Approval of	Planning Division	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps shall be prohibited. Offsite illumination shall not exceed 2-foot candles. Street lighting plans shall be submitted with project improvement plans for City review and approval. (MM 4.12.3b)	Facility Improvement Plans for Project Roadways		
38.	Outdoor light fixtures for non-residential areas (such as the commercial, and recreation areas) shall be low-intensity, shielded and/or directed away from residential areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the City with certification that adjacent residential areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles. (MM 4.12.3a)	Prior to Approval of Facility Improvement Plans for the Recreation and Commercial Areas	Planning Division	
39.	Bare metallic surfaces on new structures shall be painted to minimize reflectance. (MM 4.12.2c)	Prior to Approval of Facility Improvement Plans for the Recreation and Commercial Areas	Planning Division	
40.	Commercial structure exterior materials shall be composed of a minimum of 50 percent low-	Prior to Approval of Facility Improvement	Planning Division	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	reflectance, non-polished finishes. (MM 4.12.2b)	Plans for the Recreation and Commercial Areas		
41.	Non-glare glass shall be used in all commercial buildings to minimize and reduce impacts from daytime glare. (MM 4.12.2a)	Prior to Approval of Facility Improvement Plans for the Recreation and Commercial Areas	Planning Division	
42.	<p>Prior to construction activities, the applicant shall acquire a Streambed Alteration Agreement from the CDFG. The Streambed Alteration Agreement shall contain resource protection conditions including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Protect and maintain the riparian, wetland, stream, or lake systems and to ensure a "no net loss" of riparian, wetland, or stream habitat value or acreage. Vegetation removal shall not exceed the minimum necessary to complete operations. • Treatment of construction materials, spoils, or fill, so that they cannot be discharged into Laguna Creek. • Streams and wetlands must be provided buffers acceptable to the Department of Fish and Game. No grading or construction activities shall be allowed within these buffers. • Restoration of the area. Restoration shall include revegetations with trees, shrubs, and grasses native to the area. 	Prior to Approval of Improvement Plans	California Department of Fish and Game, and Planning Division	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	(MM 4.9.7c)			
43.	Prior to the improvement of the site, the soil on and surrounding Areas 1, 2, and 3 shall be tested for potentially hazardous materials in accordance with local, state, and federal regulations. (MM 4.3.4)	Prior to Issuance of Permits for Site Improvements	Sacramento County Environmental Management Department	
44.	Prior to the approval of any grading and/or building permits for any development of the site, the project applicant or property owner shall obtain all applicable permits from the State Department of Fish and Game, US Fish and Wildlife Service, and the U.S. Army Corps of Engineers. A copy of any/all required CDFG, USFWS, and USAGE permits shall be submitted to the City. (MM 4.9.7d)	Prior to Approval of Grading and/or Building Permits	Planning Division, California Department of Fish and Game, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service	
45.	<p>The developer shall ensure that roadways damaged by the project are returned to pre-project conditions by incorporating the following measures into the construction contract documents:</p> <ul style="list-style-type: none"> • Prior to construction activities, a pre-construction survey of project area roadways with City of Elk Grove officials will be performed to determine existing roadway conditions. • A post-project survey of project traveled roadways with City of Elk Grove officials shall be performed to determine if any damage has occurred from construction activities. If damage has occurred, the construction contractor shall be responsible for repairing the damage to the 	Prior to Approval of Improvement Plans	Planning Division	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	satisfaction of the City of Elk Grove. (MM 4.11.4)			
46.	<p>Prior to improvement plan approval or building permit issuance, whichever occurs first, the project proponent shall:</p> <ul style="list-style-type: none"> • Preserve 0.75 acre of similar habitat for each acre lost (26.2 acres x 0.75 ratio = 19.7 acres). This land should be protected through a fee title or conservation easement acceptable to the California Department of Fish and Game (CDFG) and proof of fee title or conservation easement shall be submitted to the City of Elk Grove Planning Department; OR • Prepare and implement a Swainson's hawk mitigation plan for loss of 26.2 acres of foraging habitat to the satisfaction of the California Department of Fish and Game that includes the preservation of Swainson's hawk foraging habitat and submit copy of approved plan to the City of Elk Grove Planning Department; OR • Submit payment of the Swainson's hawk impact mitigation fee per acre impacted for 19.7 acres (26.2 acres at a 0.75 conservation ratio) to the City of Elk Grove Planning Department in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said Chapter remains in effect. (MM 4.9.3) 	Prior to Improvement Plan Approval or Building Permit Issuance	Planning Division	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
47.	The electrical transformer shall be assumed to contain PCBs and shall be removed prior to removal activities and disposed of by a licensed and certified PCB removal contractor, in accordance with local, state, and federal regulations. (MM 4.3.1)	Prior to Dismantling and Removal Activities	Sacramento County Environmental Management Department	
48.	<p>The project engineer shall consult with the City when designing the improvements to Laguna Creek and the developer shall submit the design of the Laguna Creek improvements and a drainage study to the City for review prior to the approval of the first final map. The study shall include improvements to Laguna Creek to mitigate the impacts of increased runoff from both the residential subdivision map and the commercial parcel map. Detail of improvements, such as channel widening/alteration specifics, building pad elevations, final drainage calculations, removal of vegetation, shall be included in the drainage study. There shall be no net loss of storage for any fill placed within the 100-year floodplain of Laguna Creek with in-kind replacement, or other mitigation as deemed appropriate in the drainage study.</p> <p>If the proposed improvements to Laguna Creek are limited by the conservation easement (such as limiting the removal of vegetation or methods of vegetation removal from the channel), the applicant shall submit to the City of Elk Grove a revised drainage study that includes the modeling of the channel to reflect such</p>	Prior to Approval of the First Final Map	Water Resources and Planning Division	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>vegetation growth. The drainage study shall be completed and approved by the City of Elk Grove prior to approval of the first final map. (MM 4.7.3)</p>			
<p>49. The project applicant shall consult with the Elk Grove Community Service District (EGCSD) regarding its Sale and Operating Agreement with the California State Fish and Game Department and the Wildlife Conservation Board (approved by the EGCSD Board on October 17, 1995) when designing the improvements to Laguna Creek. If the proposed improvements impact the EGCSD's responsibility to fulfill its obligation, a redesign to the drainage plan will be required or an option will be identified that is agreeable to the EGCSD. Approval of this drainage Master Plan shall be by the City of Elk Grove, in consultation with the EGCSD. An easement will be provided by the project proponent to the District's well site with all supporting facilities being protected (i.e. cistern, weir, etc.) which enables the EGCSD to fulfill its obligation under the Sale and Operating Agreement. (CSD)</p>	<p>Prior to Approval Of the First Final Map</p>	<p>CSD</p>	
<p>50. Dedicate additional right-of-way on Bond Road and Elk Grove-Florin Road (concurrently with the recordation of the final map) and install public street improvements (prior to final occupancy approval) pursuant to the Sacramento County Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency. Note: A bus turnout will be required on southbound Elk</p>	<p>Concurrently with Recordation of Final Map and Prior to Final Occupancy Approval</p>	<p>Department of Transportation</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
51. Grove-Florin Road at the intersection of Bond Road and Elk Grove-Florin Road. (Department of Transportation)	Prior to Recordation of Final Map	Department of Transportation	
52. Grant the City right-of-way on Bond Road and Elk Grove-Florin Road based on an 84-foot standard pursuant to the Sacramento County Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency. (Department of Transportation)	Non-exclusive cross access easements to parcel 116-0100-080, which is N.A.P.O.T.S., should be provided to the satisfaction of the Department of Transportation per the Sacramento County Improvement Standards. (Department of Transportation, LDSIR)	Concurrently with the Recordation of Final Map Creating Six Commercial Parcels	Department of Transportation, LDSIR, and CSD
53. Grant the City right-of-way for Elk Grove-Florin Road, Bond Road, and the indicated internal streets based upon the requirements of the Transportation Department. (LDSIR)	Prior to Recordation of Final Map	Transportation Department, LDSIR	
54. State Well Number 07N05E36A01M is located in the project area. This well has been monitored since 1958 and provides valuable information regarding groundwater trends in the area. Coordinate Sacramento County Water Agency to preserve this well casing and provide access for monitoring purposes. (Water Supply)	Prior to Recordation of Final Map	Water Supply	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>55. Developer shall negotiate with the CSD to locate the 25-foot Landscape Pedestrian Access Lot to Castello Park. This lot should include a 12-foot wide trail, and 6.5-feet of low growth landscape material on each side of the trail. Some of the design features include the following:</p> <ul style="list-style-type: none"> • A 12-foot wide, hard surface, all weather pavement will be installed. Access will be open at both ends to enable unrestricted pursuit by Sheriff's vehicles. • Proper curbing and signs shall be placed at both entrance prohibiting parking in front of the passage way. A four inch vertical curb, painted red and proper signs will discourage most unwanted traffic. • Nighttime illumination of 1.5 foot candles (minimum) shall be maintained along the foot walk. Fixtures will be vandal resistant and have shields to prevent unwanted light from entering adjacent homes. • A funding mechanism and/or CC&R's should be in place to provide funds for lighting and maintenance fees, road and fence repair, and enforcement of parking laws. • A landscape plan to be reviewed and approved by the Elk Grove Community Services District. (CSD, Sheriff's Department) 	<p>Prior to Recordation of Final Map</p>	<p>CSD, Sheriff's Department</p>	
<p>56. Dedicate Parcel 3 of the original Tentative Parcel Map</p>	<p>Prior to</p>	<p>Water Resources</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	to the City of Elk Grove to the satisfaction of the Water Resources Department. (Water Resources)	Recordation of Final Map		
57.	Prior to the recordation of the Final Map, a 20-foot landscape buffer area will be created by the developer immediately adjacent to the trail section where it abuts the commercial property. The 20-foot landscape buffers shall not drain across the improved trail sections. (CSD)	Prior to Recordation of Final Map	CSD	
58.	All real property within the boundaries of the proposed project is within a benefit zone of the District Wide Landscape and Lighting Assessment District. Prior to recording any final maps, approving improvement plans, or issuing any building permits, the owners of all real property within the boundaries of a project shall execute and deliver to the Elk Grove Community Services District a written petition in an acceptable form approved by the District consenting to: (i) the formation of the existing District Wide Assessment District and the methodology adopted to allocate the cost to the various land uses; (ii) when necessary the annexation to the appropriate zone of benefit created to fund urban services, (iii) the budget, formulas and cost of living indexes used to establish the amount of the annual assessments; and (iv) the levying of the annual assessment to fund the maintenance, operation and in some instances the existing capital costs of parks, parkways, corridors, medians, open space, trail systems, lakes, creeks and	Prior to Recordation of Final Map	CSD	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	other recreational and aesthetic amenities. (CSD)			
59.	Dedicate a 12.5-foot public utility easement for underground and overhead facilities and appurtenances adjacent to all public ways. (LDSIR, SMUD, PG&E)	Prior to Recordation of Final Map	LDSIR, SMUD, PG&E	
60.	Provide the Elk Grove Community Services District all of the Trail and Open Space Easements/Dedications necessary to successfully interlink the Trail System with all adjoining property owners and transportation projects. (CSD)	Prior to Recordation of Final Map	CSD	
61.	The creek parkway Open Space zone shall be dedicated in fee title to the Elk Grove CSD prior to recordation of a final map for the project. (CSD)	Prior to Recordation of Final Map	CSD	
62.	Provide drainage easements (prior to recordation of final map) and install facilities (prior to the issuance of building permits) pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code. The pertinent provisions of the above-referenced codes, standards, fees, and ordinances shall be applicable at the time of site improvement plan approval.	Prior to Recordation of Final Map and Prior to the Issuance of Building Permits	Water Resources	
63.	The project applicant shall prepare construction specifications that will require the contractor to	Prior to Tentative Map	Planning Division	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>perform the following tasks:</p> <ul style="list-style-type: none"> • Limit construction activities to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and the hours of 8:00 a.m. to 5:00 p.m. on Saturdays and Sundays. • Locate fixed construction equipment such as compressors and generators as far as feasibly possible from sensitive receptors. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment. <p>The construction specifications shall be submitted to the City for review and approval prior to the City's approval of the project's tentative maps. (MM 4.5.1)</p>	Approval		
<p>64. Prior to recordation of final map, dedicate a 25-foot Landscape Corridor to the Elk Grove Community Services District adjacent to the right-of-way for both Elk Grove-Florin Road and Bond Road, and prior to final occupancy approval, improve the Landscape Corridor. When improvements to the corridors and medians have been completed in accordance with plans, specifications, and the inspection procedures approved by the Elk Grove Community Services District, an easement shall be conveyed to the District for ongoing maintenance, operation, repair and replacement. Applicant shall be responsible to pay the direct cost associated with the performance of this work until such time as the District incorporates the cost of doing this work into the assessment district budget and the resulting assessments are confirmed by compliance with the balloting procedures dedicated by Proposition 218. The obligation of the</p>	<p>Prior to Recordation of Final Map and Prior to Final Occupancy Approval</p>	CSD	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
applicant may be met by entering into a subsidy agreement with the District. (CSD)			
65. Prior to building demolition, an interior inspection of the structures shall be conducted by an environmental professional to identify ACMs. If substances are detected at concentrations that could pose a health hazard, physical barriers will be installed to prevent asbestos emissions upon removal of ACMs (i.e., tenting). An onsite asbestos removal professional trained in the Asbestos Hazard Emergency Response Act (AHERA) and meeting the U.S. Environmental Protection Agency Asbestos Abatement Consultant Certification requirements shall be retained to oversee proper asbestos waste maintenance and handling. (MM 4.3.2)	Prior to Issuance of a Building Demolition Permit	Sac. County Environmental Management Dept. and Sac. County Metropolitan Air Quality Management District	
66. Prior to the issuance of demolition permits for existing onsite structures, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, state, and federal regulations. (MM 4.3.3a)	Prior to Issuance of a Building Demolition Permit	Sac. County Environmental Management Dept. and Sac. Metropolitan Air Quality Management District	
67. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with local, state, and federal regulations.	Prior to Issuance of A Building Demolition Permit and Included in Demolition and Removal Contracts	Sac. County Environmental Management Dept. and Sac. Metropolitan Air Quality Management District	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
(MM 4.3.3b)			
68. Prior to final occupancy, the project developer shall construct required frontage improvements and stripe a right turn lane along Bond Road. The resulting eastbound approach shall consist of a left turn lane, two through lanes, a bike lane, and a right turn lane. In addition, sidewalk shall be constructed along the entire Bond Road project frontage. (MM 4.4.2a)	Prior to Final Occupancy	Public Works Department	
69. Place a note on the Final Map requiring that development along the southern project boundary shall be limited to single story units.	On the Final Map	Building Division and Planning Division	
70. Place a note on the Final Map requiring development plan review for both the residential and commercial components of the project for the Planning Commission's approval. Residential development plan review shall be a staff level review and shall be limited to 71.a, 71.h, and 71.i. Commercial development plan review shall be a Planning Commission review and shall include but not be limited to 71.b through 71.g. a. Any homes along the 25-foot pedestrian access easement to Castello Park will either be orientated to face the pathway, or will be oriented to face the street with the garage on	On the Final Map	Planning Department	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>the opposite side of the easement. An open type of fence shall be installed for visibility. A vertical wrought iron or ornamental iron fence is required.</p> <p>b. The minimum building setback for the commercial buildings shall be either:</p> <ul style="list-style-type: none"> • 60-feet, as measured from the Open Space zone boundary/20-foot buffer edge, to be improved with a landscape parking lot consistent with the GC Zoning and an aesthetic transition from the creek parkway to the commercial; or • The development shall be found in substantial compliance with Attachment A. The intent of the review is to provide setbacks as stated above, or to provide wider open space areas along the creek corridor. <p>c. Trash enclosures within lots adjacent to the creek parkway may be located within 10-feet of the landscape buffer, but shall open away from the creek parkway, shall be block wall with colors consistent with the rear elevations of the buildings, and shall be screened from view from the parkway with landscaping.</p> <p>d. The elevation of any buildings that face the parkway, constructed on any lot adjacent to the creek parkway, shall be finished and landscaped in materials similar to the side of the building facing the street/front elevation, and parking lots shall be landscaped with shade trees consistent with the creek parkway design guidelines and</p>			

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>Zoning Code standards. In addition, any elevation facing the parkway shall incorporate architectural features consistent with the side of the building facing the street/front elevation.</p> <p>e. The buffer transition from open space to commercial shall be fully landscaped to provide screening of the building and an aesthetic transition from the creek parkway to the commercial development.</p> <p>f. Any/all commercial buildings located adjacent to the creek parkway shall have any/all roll-up doors located away from the creek. Any/all roll-up doors shall be painted/finished in colors consistent with the building elevation containing the roll-up doors.</p> <p>g. Exterior lighting for security considerations shall be reviewed for those lots adjacent to the parkway and will be the responsibility of the property owners. Lighting specifications will be determined during the building design review stage and shall be approved by Sacramento County Sheriff Department, the Elk Grove CSD, the Department of Parks and Recreation, and the Fire Department.</p> <p>h. The height of the masonry wall along the south side of the 36-foot access road at Elk Grove-Florin Road shall be constructed at a height of ten (10) feet.</p> <p>i. A six-foot solid block wall will be provided between Castello Park and the residential lots, subject to the approval of the Planning Division</p>			

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	and the Elk Grove Community Services District.			
71.	The project shall conform to the specific provisions of the Sacramento County Landscape Water Conservation Ordinance (Chapter 14.10 of the Sacramento County Code) to the satisfaction of the County Landscape/Oak Tree Coordinator. (Water Supply)	Prior to the Issuance of Building Permits	Water Supply	
72.	Prior to final occupancy, the project developer shall construct required frontage improvements and stripe a third lane along Elk Grove-Florin Road. The resulting southbound departure leg from the Bond Road intersection shall consist of a three through lanes and a bike lane. In addition, sidewalk shall be constructed along the entire Elk Grove-Florin Road project frontage. (MM 4.4.2b)	Prior to Final Occupancy	Public Works Department	
73.	The existing median along Elk Grove-Florin road shall be extended to prohibit left-out movements from the project site. (MM 4.4.2c)	Prior to the Issuance of Building Permits	Public Works Department	
74.	A standard bay taper shall be used to develop the left turn lanes at the Bond Road intersection. (MM 4.4.2d)	Prior to the Issuance of Building Permits	Public Works Department	
75.	The driveway width at the west driveway of the commercial portion on Bond Road shall accommodate the: <ul style="list-style-type: none"> • one inbound lane (right-turn only) 	Prior to Issuance of Building Permits	Public Works Department	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<ul style="list-style-type: none"> • one outbound lane (right turn only) • a concrete median (minimum two feet wide) to allow right turn movements only along the driveway throat. The median should extend at least 30 feet beyond the first parking aisle. <p>Right-turn-in and right-turn-out access shall be maintained for the west driveway along Bond Road. (MM 4.4.3a)</p>			
<p>76. The access driveway of the commercial portion on Elk Grove-Florin Road shall be designed to provide access of right-in and right-out movements. The existing median shall be extended to prohibit left-out movements. The concrete median shall be widened at the driveway to channel northbound left turning traffic into the driveway. (MM 4.4.3b)</p>	<p>Prior to Final Occupancy</p>	<p>Public Works Department</p>	
<p>77. Access at the commercial and residential driveways along Bond Road and Elk Grove-Florin Road shall consist of right-in, right-out movements only. (MM 4.4.3c)</p>	<p>Prior to Final Occupancy</p>	<p>Public Works Department</p>	
<p>78. The project applicants shall install a bus turnout on southbound Elk Grove-Florin Road at the intersection of Bond Road and Elk Grove-Florin Road in consultation with the City Department of Transportation. (MM 4.4.5)</p>	<p>Prior to Issuance of Building Permits</p>	<p>Department of Transportation</p>	
<p>79. The project applicant shall contribute to the project's fair share for providing a second eastbound left turn</p>	<p>Prior to Issuance of Building Permits</p>	<p>Public Works Department</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
lane and reconfigure the westbound approach to consist of a left turn lane, two through lanes, and a right turn lane at the Bond Road/Elk Grove Florin Road intersection. (MM 4.4.6a)			
80. Along the north side of Bond Road west of the Bond Road/Elk Grove-Florin Road intersection, the project applicant provide for the realignment of the westbound lanes and a ½ street improvement along the south side of Bond Road. (MM 4.4.6b)	Prior to Issuance of Building Permits	Public Works Department	
81. The developer shall provide parkland dedication and/or fees as required by Chapter 22.40, Park and Recreation Dedication and Fees, of the City Code. (MM 4.11.3, LDSIR)	Prior to Issuance of Building Permits	Planning Division	
82. Vertical wrought iron, decorative iron, or other open non-climbing fencing shall be installed where Laguna Creek Corridor abuts either residential or commercial uses. (MM 4.11.2)	Prior to Issuance of Building Permits	Planning Division	
83. Provision for the on-site collector sewer maintenance within the private road area shall be contained in a street maintenance agreement for the project. CSD-1 will provide maintenance only in easements dedicated to CSD-1, or in public right of ways. (CSD-1)	Prior to Issuance of Building Permits	CSD-1	
84. Provisions for public sewer easements may be required. If required, the sewer easement shall be	Prior to Issuance of Building Permits	CSD-1	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
dedicated to CSD-1, be a minimum of twenty (20) feet in width and ensure continuous access for maintenance. (CSD-1)			
85. The Bell South property shall be annexed into the Elk Grove/West Vineyard Public Facilities Financing Plan. Because annexation would not occur until the next Fee Program update, building permits shall not be issued unless either the project is annexed into the Elk Grove/West Vineyard Public Facilities Financing Plan or the property owner pays development fees as if the project were located within Subzone No.4 of the Elk Grove/West Vineyard Public Facilities Financing Plan area as adopted by the City of Elk Grove on July 1, 2001, including any authorized adjustments and updates thereto and any other fees adopted by the City in accordance with the requirements of Chapter 5 (commencing with Section 66000) of Division 1 of Title 7 of the Government Code or pursuant to any other enabling law. (MM 4.11.1, Infrastructure Finance Section)	Prior to Issuance of Building Permits	Infrastructure Finance Section and Building Department	
86. This development shall be subject to the Elk Grove Unified School District's residential fee in place at the time a building permit is applied for. (EGUSD)	Prior to Issuance of Building Permits	EGUSD	
87. If human remains are discovered, 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	As a Condition of Project Approval, and Implemented During Construction	Planning Division	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>are Native American, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods. (MM 4.10.2b)</p>	<p align="center">Activities</p>		
<p>88. If any prehistoric or historic artifacts, or other indications of archaeological 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, as appropriate, shall be retained to evaluate the finds and recommend appropriate mitigation measures. (MM 4.10.2a)</p>	<p align="center">As a Condition of Project Approval, and Implemented During Construction Activities</p>	<p align="center">Planning Division</p>	
<p>89. The fish ponds shall be preserved in place. If that is not feasible, the ponds shall be documented for the Historic American Engineering Record (HAER) by a qualified historian. (MM 4.10.1b)</p>	<p align="center">As a Condition of Project Approval, and Implemented During Construction Activities</p>	<p align="center">Planning Division</p>	
<p>90. The hatchery site, including its 11 contributing buildings, shall be preserved in place. If that is not feasible, the buildings shall be documented for the Historic American Building Survey (HABS) by a qualified historian. (MM 4.10.1a)</p>	<p align="center">As a Condition of Project Approval, and Implemented During Construction Activities</p>	<p align="center">Planning Division</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>91. On-site source and treatment control measures are required for this project in accordance with the latest version of the Guidance manual for On-Site Stormwater Quality Control Measures. In all cases, source control measures on the improvement plans will include provision of a permanent storm drain message "No Dumping - Flows to Creek" or other approved message at each inlet. Other on-site source and treatment control measure(s) referenced in the Manual shall be incorporated and used in accordance with the specific commercial activities associated with EG-00-004. As a condition of rezoning and prior to improvement and/or development plan approval, the final design of the proposed on-site source and treatment controls will be approved by the Department of Water Resources. (Water Resources)</p>	<p>Prior to and During Construction Activities and Throughout the Life of the Project</p>	<p>Water Resources</p>	
<p>92. The project applicant shall implement BMPs 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. The City or 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 not be limited to) initial setup, yearly maintenance, and yearly monitoring.</p> <p>During project operation, the project shall implement actions and procedures established to reduce the</p>	<p>Prior to and During Construction Activities and Throughout the Life of the Project</p>	<p>Water Resources and Planning Division</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>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 that are relevant to the Bell South project and shall be implemented include:</p> <ul style="list-style-type: none"> a) Public Education/Participation activities. Information shall be provided to new project residents and tenants regarding pollution prevention; b) Materials Management activities. The project shall implement the following measures within any common landscaping or other facilities on-site. c) Materials Use Controls, which include good housekeeping practices (storage, use and cleanup) when handling potentially harmful materials, such as cleaning materials, fertilizers, paint, and where possible using, safer alternative products; d) Material Exposure Controls, which prevent and reduce pollutant discharge to storm water by minimizing the storage of hazardous materials (such as pesticides) on site, storing materials in a designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors; and e) Material Disposal and Recycling, which includes storm drain system signs and stenciling with language to discourage illegal dumping of 			

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>unwanted materials. The project shall notify project residents of household hazardous waste and used oil recycling at collection centers and round-up activities conducted by the City.</p> <p>f) Spill Prevention and Cleanup activities which are directed toward reducing the risk of spills during the outdoor handling and transport of chemicals, and toward developing plans and programs to contain and rapidly clean up spills before they get into a storm drain system. This BMP also deals with the prevention and reduction of pollution from vehicle leaks and spills from vehicles during transport, as well as aboveground storage tanks;</p> <p>g) 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;</p> <p>h) 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).</p> <p>i) Street and storm drain maintenance activities. These activities control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain</p>			

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>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.) (MM 4.7.2a)</p>			
<p>93. Development activities at the project site will not block or obstruct bus access on Elk Grove-Florin Road and Bond Road. Any temporary obstruction to transit operations shall be communicated to Regional Transit in a timely manner. Please contact Deidre Brown at (916) 321-2894. (Regional Transit)</p>	<p>Prior to and During Construction Activities</p>	<p>Regional Transit</p>	
<p>94. Construction contracts for the project shall include the following measure, as required in the project's AQ-15 Plan, to be monitored by the City and SMAQMD:</p> <p><u>Category 1: Reducing NOx emissions from off-road diesel powered equipment.</u></p> <p>The prime contractor 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, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet</p>	<p>Prior to and During Construction Activities</p>	<p>Planning Division and Sacramento Metropolitan Air Quality Management District</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>average; and</p> <p>The prime contractor shall submit to the City of Elk Grove and 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 the construction project. The inventory shall include the horsepower rating, engine production year, and 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.</p> <p>and:</p> <p><u>Category 2: Controlling visible emissions from off-road diesel powered equipment.</u></p> <p>The prime contractor 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 shall be repaired immediately, and the City of Elk Grove 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 to the City and SMAQMD throughout the duration of the project.</p>			

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>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 supercede other SMAQMD or state rules or regulations. (MM 4.6.1B)</p>			
<p>95. Prior to construction activities on the site, the project applicant shall conduct a soil sample and laboratory test to determine the expansion potential and stability of the soil for commercial and residential components (Parcels 1 and 4 of Tentative Parcel Map1) of the site as well as Parcel 3 of Tentative Parcel Map 1, if soil from that Parcel will be used as fill for the commercial and residential components. If it is determined that the area contains expansive soils, the following mitigation measures shall be employed:</p> <ul style="list-style-type: none"> • Expansive soils can be excavated and replaced with non-expansive materials. The required depth of excavation shall be specified by a registered civil engineer based on actual soil conditions; • Expansive soils may be treated in place by mixing them with lime. Lime-treatment alters the chemical composition of the expansive clay minerals such that the soil becomes non-expansive; or, 	<p align="center">Prior to Construction Activities</p>	<p align="center">Public Works Department</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<ul style="list-style-type: none"> Implement other engineering practices for mitigation of expansive soil conditions considered appropriate by the City of Elk Grove Public Works Department. (MM4.8.2) 			
<p>96. Biofilter swales and vegetated strips shall be utilized in providing biofiltration of pollutants in project runoff prior to entering Laguna Creek. The project engineer shall consult with the City when designing storm water conveyance facilities, and the developer shall submit designs of the areas to these agencies for review and approval prior to approval of the Final Map. (MM 4.7.2b)</p>	<p align="center">Design shall be Submitted Prior to Construction Activities</p>	<p align="center">Water Resources and Planning Division</p>	
<p>97. Sound walls shall be constructed along Bond Road as shown in Figure 4.5-5 (except for along the west side of Laguna Creek) of the Draft EIR. Sound wall design shall include extensions perpendicular to Bond Road. The extensions shall be implemented on either side of the project entrance. The height of the sound wall may be reduced gradually over the extension length to a height of 6 feet above pad elevation. (MM 4.5.2)</p>	<p align="center">Prior to Final Occupancy Approval</p>	<p align="center">Building Department</p>	
<p>98. Install public street improvements on Bond Road and Elk Grove-Florin Road pursuant to the Sacramento County Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency. Note: Elk Grove-Florin Road is designated as a thoroughfare standard north of Bond Road and through the intersection; therefore,</p>	<p align="center">Prior to Final Occupancy Approval</p>	<p align="center">Department of Transportation</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
the intersection will have a non-standard design configuration. Please verify the intersection configuration with the Department of Transportation. (Department of Transportation)			
99. Construction of public collector sewer will be required. Sacramento County Improvement Standards apply to on-site sewer construction. (CSD-1)	Prior to Final Occupancy Approval	CSD-1	
100. Destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells on the improvement plans for the project. (Water Supply)	Prior to Issuance of Grading and Demolition Permits	Water Supply	
101. Prior to the recordation of the Final Map, provide a tree replacement plan so that replacement shall occur on site to the maximum extent feasible.	Prior to the Recordation of the Final Map	Planning Division	
102. Provide public water service to each parcel. Elk Grove Water Works is the retail water provider in this area. (Water Supply)	Prior to Final Occupancy Approval	Water Supply	
103. Install public street improvements on Elk Grove-Florin Road, Bond Road, and the indicated internal streets pursuant to the Elk Grove City Improvement Standards. (LDSIR)	Prior to Final Occupancy Approval	Transportation Department, LDSIR	
104. The water system for this subdivision shall be connected to the secondary water mains at two	Prior to Final Occupancy	Fire Department	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
separate and remote points in order to minimize the negative effects of a single impairment diminishing available water supply for firefighting efforts and to maximize flow dynamics for the development. (Fire Department)	Approval		
105. Landscape Corridors and the 20-foot landscape buffer adjacent to the Parkway shall be constructed and installed in accordance with plans and specifications approved by the Elk Grove Community Services District and shall be consistent with the Elk Grove Community Services District "General Guidelines for Landscape Corridor Design" and other CSD projects in close vicinity to the area. Corridors will be inspected by District employees and include meandering or bifurcated sidewalks, subject to EGCS D approval. Any proposed deviation from CSD's specifications would need to be submitted to the CSD and be approved in writing. (CSD)	Prior to Final Occupancy Approval	CSD	
106. For all residential and commercial lots adjacent to the creek parkway, fencing shall be installed within the lots adjacent to the buffer and shall be black, wrought iron. Fencing size and specifications shall be subject to approval by the Elk Grove CSD, the Planning Division, County Sheriff's and Fire Departments. The owners of the individual lots shall maintain fencing. Applicant shall be responsible for removal of all chain link fencing adjacent to the Laguna Creek Parkway. (CSD)	Prior to Final Occupancy Approval	Planning Division and CSD	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>107. Prior to the recordation of the Final Map, developer shall submit improvement plans for review and approval for the Laguna Creek/Open Space Corridor. Prior to final occupancy approval, developer shall be responsible for developing and improving the Corridor including but not limited to the following:</p> <ul style="list-style-type: none"> • Resurfacing of the Laguna Creek Trail (10-feet of asphalt with 2-foot decomposed granite shoulders and a 5-foot wide equestrian system. Trail shall be located out of the 10-year floodplain. The intent of this 10-year floodplain requirement is to ensure that flood conditions with respect to the trail are not degraded as a result of the project.) • Landscaping Plan and installation. • Two interpretive kiosks and two benches. One of the interpretive kiosks shall document the history of the prior fish hatchery function. • All improvements shall be built with plans and specifications being approved by the Elk Grove Community Services District. • Signage for the trail will be funded and provided by the developers in accordance with the EGCSO specifications (i.e. Sign Manual). • New fencing and landscaping adjacent to the well site. (CSD) 	<p>Prior to Recordation of the Final Map and Prior to Final Occupancy Approval</p>	<p>CSD and Planning Division</p>	
<p>108. Access driveway from the LC parcels onto Bond Road west of Elk Grove-Florin Road will be restricted to right-turn-in and right-turn-out only. Access driveway from the LC parcels onto Elk Grove-Florin Road south of</p>	<p>Prior to Final Occupancy Approval</p>	<p>Transportation Department</p>	

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
109. A sound wall, constructed of solid material such as masonry or concrete blocks and 6 feet above pad elevation, shall be constructed between the proposed residential area and the existing James McKee Elementary School/Preschool, as shown in Figure 4.5-6 of the Draft EIR. (MM 4.5.3)	Prior to Final Occupancy Approval	Building Department	
110. Place a note on the Final Map requiring disclosure to residents that a transit stop may be constructed at or near the corner of Bond Road and Elk Grove-Florin Road in the future. (Regional Transit)	On the Final Map	Regional Transit	

General Information and Compliance Items

The following items are noted for the applicant's information. These items are required by other local agencies, the City, state or federal agencies, and are not conditions of approval of the project.

- a. Construction of public sewer within Bond Road will be required. The approximate length of the required sewer in Bond Road is 800 feet. (CSD-1)
- b. An approved sewer study to the satisfaction of CSD-1 shall be required prior to submittal of improvement plans. (CSD-1)
- c. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk at 875-6679 for sewer impact fee information. (CSD-1)
- d. The proposed development is wholly within the Florin Resource Conservation District / Elk Grove Water Works (FRCD/EGWW) service area as identified by Sacramento County, and is not included in the Sacramento County Water Agency (SCWA) Zone 40 area. The proposed development is subject to the fees, taxes, etc. as defined by FRCD/EGWW. This development will be supplied groundwater from FRCD/EGWW production facilities until treated surface water is available on a conjunctive use basis. The water supply required for the proposed development is currently available from existing FRCD/EGWW wells. The existing distribution system may not be adequately sized to meet the proposed development demands (maximum day demand plus appropriate fire flow requirement as determined by the Elk Grove Fire Department) while maintaining acceptable system pressures. A more accurate assessment of system capabilities can be made after the development plan is approved by the City of Elk Grove. Depending on the fire flow requirements, the development could be connected to existing 8-12" pipelines adjacent to the development in the easterly, southerly and westerly directions. Site-specific comments will be provided upon formal request for water service to the development, and after all applicable FRCD/EGWW fees (i.e. - Plan Check Deposit) have been made in accordance with FRCD/EGWW Plan Submittal and Development Standards. (FRCD/EGWW)
- e. All commercial buildings exceeding 3,599 square feet shall be equipped with an approved automatic fire sprinkler system. (Fire Department)
- f. Permits and/or fees are required for the following reviews: site plan, civil plans, architectural plans, fire sprinkler plans, special extinguishing plans, and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project. (Fire Department)
- g. A permit release letter from the Elk Grove Community Services District Fire Department (EGCSDFD) shall be required prior to the Elk Grove Building Department issuing any construction permits. (Fire Department)
- h. This development is required to provide a fire flow from public water system capable of delivering as a minimum 50 PSI static pressure and 3,000 gpm at 20 psi residual pressure in commercial areas and 50 PSI static pressure and 1,000 GPM at 20 PSI

residual pressure in residential, single-family home areas. Hydrants shall be spaced a maximum of 300 feet apart. Buildings of certain types of construction, size and use may need additional fire flow or the application of mitigating efforts to meet fire flows above this minimum. (Fire Department)

- i. Dead-end streets in excess of 150 feet require approved emergency vehicle turn-arounds. (Fire Department)
- j. All required roadways, street signs, addresses, water mains, fire hydrants and fire flow shall be provided prior to the existence of any combustible construction or storage in this development. The roadways shall be constructed to a 20-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage. (Fire Department)
- k. The installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, shall meet the standards of the EGCSDFD and the water purveyor having jurisdiction. (Fire Department)
- l. The installation of addresses, landscaping, pipe bollards, masonry sound walls, tree wells, traffic calming devices, and/or traffic islands are subject to standards outlined by the EGCSDFD. (Fire Department)
- m. Traffic pre-emption devices, approved by the EGCSDFD, shall be installed on all signal devices erected or modified by this development. These devices shall be installed and functioning prior to any occupancy and at no cost to the EGCSDFD. (Fire Department)
- n. Required fire alarm systems (other than on single family dwellings) shall be connected to a UL listed central station approved by the Sacramento Regional Fire/EMS Communications Center. (Fire Department)
- o. The wetlands/riparian corridors of creeks and open spaces create an unusual fire hazard and challenge to emergency responders. The following requirements apply:
 - Provide non-combustible fences along all developed areas adjacent to wetlands/creeks/open spaces.
 - Provide access to all wetland corridors at the end of cul-de-sacs via rolled curbs and gates with pipe bollards. Bike lanes adjacent to creeks shall be a minimum of 10 feet wide with a turning radius of not less than 35 feet inside and 45 feet outside. All bike paths shall be paved with 2 inches of AC over 4 inches of AB compacted to 95 percent.
 - Any bridges over creeks or wetland areas shall be capable of supporting 65,000 GVW.
 - Provide at least 10 feet of greenbelt or other defensible space between noncombustible fences and the creek/wetland areas. (Fire Department)
- p. Though not required, it is recommended that all single family dwellings be equipped with an automatic fire sprinkler system. As approximately 80% of all fire deaths occur in residential dwellings, these life safety systems drastically improve the occupant's chance of surviving a fire. (Fire Department)

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program

- q. Commercial developments in excess of 10,000 square feet require looped fire mains of a minimum of eight (8) inch diameter to supply fire hydrants spaced at a maximum of 300-foot intervals. This on-site fire main shall be connected to the municipal water main at not less than two (2) points. (Fire Department)
- r. All landscape corridor walls shall be of masonry construction. Wall design and materials shall be subject to CSD approval. Graffiti resistant materials shall be used. (Check planning area for type of material for masonry wall.) (CSD)
- s. Landscape Corridors shall be constructed and installed in accordance with plans and specifications approved by the Elk Grove Community Services District and shall be consistent with the Elk Grove Community Services District "General Guidelines for Landscape Corridor Design" and other CSD projects in close vicinity to the area. Corridors will be inspected by District employees and include meandering or bifurcated sidewalks, subject to EGCSO approval. Any proposed deviation from CSD's specifications would need to be submitted to the CSD and be approved in writing. (CSD)
- t. Homes that have attached garages with side or rear doors shall have solid core or metal covered doors with dead bolt locks. (Sheriff's Department)
- u. Sky-light side panels that are placed next to entrance doors will not be on the same side as the lock mechanism of the door. Only one panel may be installed per door, adjacent to the hinges. (Sheriff's Department)
- v. All external door frames, including the side garage, shall have screws that are a minimum of three inches long in the strike plate. Strike plates should be anchored with a minimum of four screws. (Sheriff's Department)
- w. The Sheriff's Department highly recommends that homes be designed with the front of the garage aligned with or set back from the front of the house. This will improve visibility from inside the home of the entire block. Homes with covered front porches promote resident involvement with neighbors which in turn helps reduce crime. (Sheriff's Department)
- x. Patrol officers should be able to see the entire cul-de-sac from the intersection. Large radius curves will be permitted if they meet the visibility from intersection criteria. (Sheriff's Department)
- y. If homes are adjacent to open areas, then vertical wrought iron or decorative iron fencing will be installed. This is to enhance viewing of the open area in addition to making it more difficult to climb over the fence. (Sheriff's Department)
- z. The size, number, and location of driveways shall be to the satisfaction of the Department of Transportation of the Public Works Agency. Note: Driveway widths of 45 feet should be provided on major streets. (Department of Transportation)
- aa. Applicant shall add a note to the Final Map indicating that the Pacific Bell Underground Service Alert should be called at 800-642-2444 two working days before digging in the proximity of telephone plant. (Pacific Bell)

Exhibit B: FINAL Conditions of Approval / Mitigation Monitoring and Reporting Program

- 1 Pursuant to Section 21081.6 of the Public Resources Code and Chapter 20.02 of the City of Elk Grove Code, a Mitigation Monitoring and Reporting Program, City Control Number EG-00-003 and EG-00-004, has been established for the project entitled "**BELL SOUTH**".

The purpose of this program is to assure diligent and good faith compliance with the Mitigation Measures which have been recommended in the environmental document, and adopted as part of the project or made conditions of project approval, in order to avoid or mitigate potentially significant effects on the environment.

It shall be the responsibility of the project applicant to provide written notification to the Environmental Coordinator, in a timely manner, of the completion of each Mitigation Measure as identified on the preceding pages. The City of Elk Grove Planning Department will verify, within ten (10) business days of notification, that the project is in compliance. Any non-compliance will be reported to the project applicant, and it shall be the project applicant's responsibility to rectify the situation by bringing the project into compliance and re-notifying the Environmental Coordinator. Any indication that the project is proceeding without good-faith compliance could result in the imposition of administrative, civil and/or criminal penalties upon the project applicant in accordance with Chapter 20.02 of the City of Elk Grove Code.

It shall be the responsibility of the project applicant to reimburse the City for all expenses incurred in the implementation of the Mitigation Monitoring and Reporting Program, including any necessary enforcement actions. The initial estimate of City monitoring costs for this project is **\$9,500**, which must be paid to the City of Elk Grove Planning Department. If actual City monitoring costs are less than the initial estimate, the difference will be refunded to the applicant; and if the actual City monitoring costs exceed the initial estimate, a revised estimate and/or supplemental bill(s) will be submitted to the applicant.

Pursuant to Section 20.02.060 of the City of Elk Grove Code, upon the determination of the Environmental Coordinator that compliance with the terms of the approved Mitigation Monitoring and Reporting Program has been achieved, and that there has been full payment of all fees for the project, the Environmental Coordinator shall issue and the City Clerk shall record a Program Completion Certificate for the project.

In order to record the adopted Mitigation Monitoring and Reporting Program with the County Recorder as required by Section 20.02.050(b)(2) of the City of Elk Grove Code, the project applicant shall provide to the City of Elk Grove Planning Department a Legal Description for the real property that is the subject of the project.

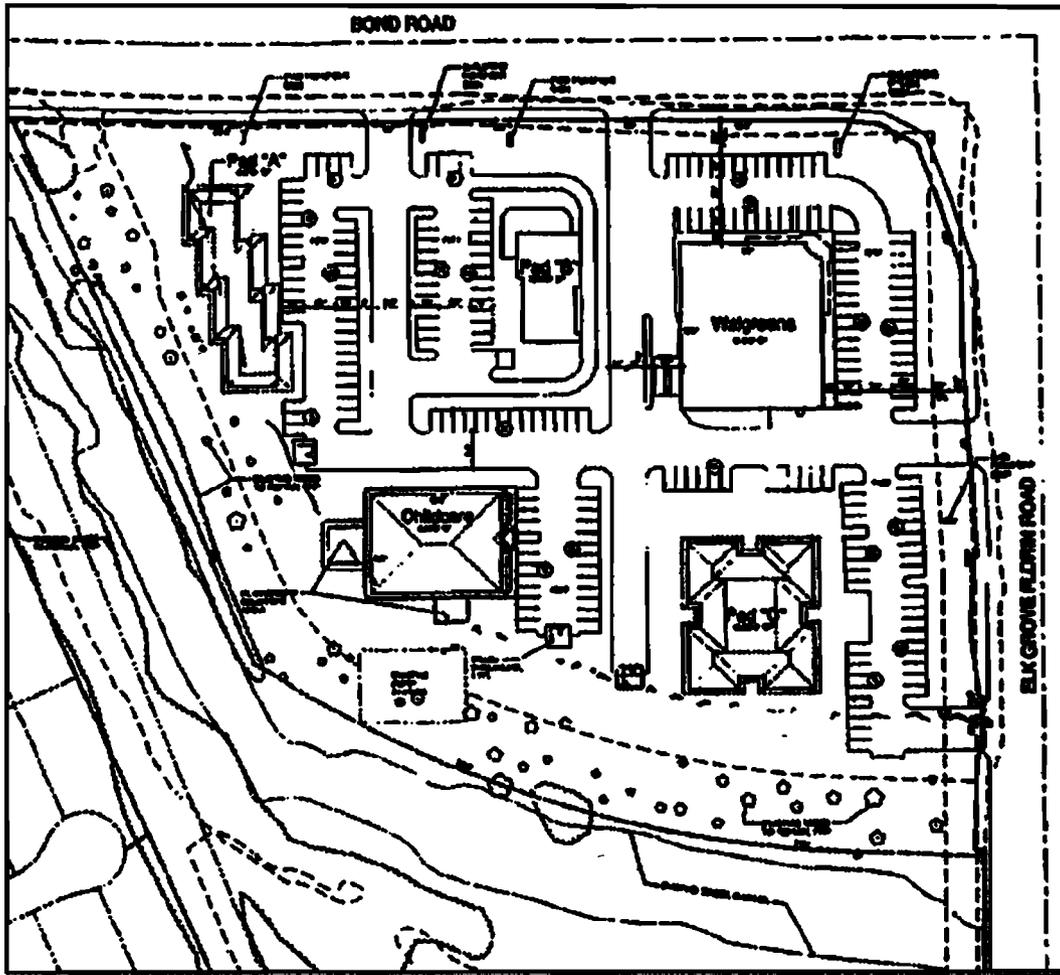
The requirements of this adopted Program run with the real property that is the subject of the project, as described in **Attachment B**. Successive owners, heirs and assigns of this real property are bound to comply with all of the requirements of the adopted Program.

Prior to any lease, sale, transfer or conveyance of any portion of the real property that is the subject of the project, the record owner(s) at the time of the application

for the project, or his or her successor's in interest, shall provide a copy of the adopted Program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

Chapter 20.02 of the City of Elk Grove Code permits civil remedies and criminal penalties to be imposed in the event of non-compliance with an adopted Mitigation Monitoring and Reporting Program. The civil remedies, which are found in Section 20.02.090 of the City of Elk Grove Code, include injunctive relief, stop work orders, revocation of any special permit granted concurrently with the approval of a Program, and the abatement of any resulting nuisance. The criminal penalties, which are found in Section 20.02.080 of the City of Elk Grove Code, include a fine not to exceed five hundred dollars or imprisonment in the County jail not to exceed six months, or both.

Attachment A – Conceptual Site Plan for Parcels 1-6



Attachment B – Legal Description

THE NE ¼ OF THE NE ¼ OF SEC 36, T7N R5E, MDB&M EXC THAT POR DESC AS BEG AT A PT LOC S00°36'04"E 492.33' AND S89°23'56"W 504.63' FR THE NE COR SD SEC 36; TH S89°23'56"W 42.50'; TH S00°36'04"E 60'; TH N89°23'56"E 85'; TH N00°36'04"W 60'; TH S89°23'56"W 42.50' TO P.O.B.

EXC R/W REC ON 990310-603

CONTG 39.11 AC