

## RESOLUTION NO. 2009-46

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE MAKING FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING AN AMENDMENT TO THE ELK GROVE GENERAL PLAN AMENDING THE GENERAL PLAN LAND USE MAP FOR APNS 115-0162-010, -011, -019, -021, -023, -024, -027, -031, 115-0150-064, -067, -073, 116-0030-045, -068, -069, -089 FROM LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL AND HIGH DENSITY RESIDENTIAL FOR THE SHELDON/99 GPA AND REZONE PROJECT AND AMEND THE LAND USE OF THE NORTHERN 4.68 ACRES OF APN 121-0190-009 FROM ESTATE RESIDENTIAL TO COMMERCIAL FOR THE SHOPS AT CALVINE PROJECT (EG 08-018)**

**WHEREAS**, the City of Elk Grove has initiated a General Plan Amendment (also known as the Sheldon/99 General Plan Amendment and Rezone project and referred to herein as "Project") to revise and update the Elk Grove General Plan; and

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

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

**WHEREAS**, the City of Elk Grove determined that the Project required review pursuant to the California Environmental Quality Act (CEQA, Public Resources Code 21000 et seq.) and that an Environmental Impact Report (EIR) be prepared to evaluate the potential environmental effects of the project; and

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

**WHEREAS**, the Planning Commission considered the proposed General Plan Amendment at a public hearing on February 5, 2009, and provided a recommendation to the City Council regarding the Sheldon/99 General Plan Amendment and Rezone project; and

**WHEREAS**, Armstrong Development Properties, Inc. (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a project known as Shops at Calvine, which includes requests for General Plan Amendment, Rezone, Tentative Parcel Map, Conditional Use Permit, Variance, Design Review, and Uniform Sign Program; and

**WHEREAS**, the Shops at Calvine project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN: 121-0190-009; and

**WHEREAS**, the City determined that the Shops at Calvine Project was subject to the California Environmental Quality Act and prepared an Initial Study evaluating the potential environmental effects of the project; and

**WHEREAS**, a Mitigated Negative Declaration was prepared and circulated, and the Applicant has agreed to implement the proposed mitigation measures to reduce the potentially significant adverse effects related to biological resources to a less than significant level; and

**WHEREAS**, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation; and

**WHEREAS**, the Planning Commission considered the Sheldon/99 General Plan Amendment and Rezone project and the Shops at Calvine project at a duly noticed public hearing on February 5, 2009 and recommended City Council approval of the project; and

**WHEREAS**, the City Council duly advertised and considered the Planning Commission recommendation and all of the testimony presented to it, including staff reports, environmental documents and public testimony, at a public hearing on February 25, 2009.

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

1. Findings on Impacts for the Sheldon/99 GPA and Rezone project

The City Council makes the findings with respect to environmental impacts related to the Sheldon/99 General Plan Amendment and Rezone Project as set forth in Exhibit A, attached hereto and incorporated herein by reference.

2. Statement of Overriding Considerations for the Sheldon/99 GPA and Rezone project

The City Council adopts the Statement of Overriding Considerations findings with respect to significant and unavoidable environmental impacts related to the Sheldon/99 General Plan Amendment and Rezone Project as set forth in Exhibit A, attached hereto and incorporated herein by reference.

3. Findings on Alternatives for the Sheldon/99 GPA and Rezone project

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

4. Mitigation Monitoring and Reporting Program for the Sheldon/99 GPA and Rezone project

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

5. Approval of the General Plan Amendment for the Sheldon/99 GPA and Rezone project

The City Council hereby approves the Amendment to the Elk Grove General Plan Land Use Policy Map for APNs 115-0180-002 and 115-0180-020, located at 8770 and 8786 Calvine Road, from Low Density Residential to High Density Residential as indicated in Exhibit C.

6. Findings of consistency for the General Plan Amendment for the Shops at Calvine project

The change of the land use designation for the Shops at Calvine development site to Commercial is not inconsistent with the surrounding area as the property located to the north is designated for commercial use, and the adjacent roads are designated to serve as major thoroughfare roads. The proposed project is also consistent with the Economic Element of the General Plan Policies, which encourage full and efficient use of vacant and underutilized parcels. The project will bring commercial uses to an area of the community which is currently underserved by those services

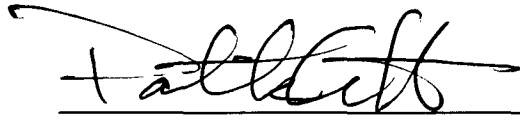
7. Approval of the General Plan Amendment for the Shops at Calvine project

The City Council hereby approves the Amendment to the Elk Grove General Plan Land Use Policy Map for a 4.68 acre portion of APN 121-0190-009, located at the southwestern corner of Calvine and Bradshaw Roads, from Estate Residential to Commercial as indicated in Exhibit D.

8. Other Findings

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

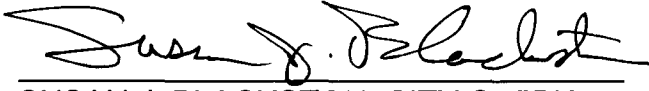
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 25th day of February 2009.



PATRICK HUME, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



SUSAN J. BLACKSTON, CITY CLERK



SUSAN COCHRAN, CITY ATTORNEY

**EXHIBIT A**  
**FINDINGS OF FACT AND STATEMENT OF OVERRIDDING CONSIDERATIONS**

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

**I. Introduction**

Environmental Document. The City of Elk Grove (City) prepared a Draft and Final Environmental Impact Report (Final EIR) for the proposed Sheldon/99 General Plan and Rezone Project (Project). The Project includes a change in the General Plan land use and zoning designations of 18 parcels (5 of the 18 parcels are for rezoning only), totaling 44.95 acres, affected by the Sheldon Road/SR 99 Interchange Improvement Project. Ten of the 18 parcels are located within the Calvine/99 Special Planning Area (SPA) and will require an amendment to the land use exhibit of the SPA. Existing and proposed land use designations for the parcels included in the Project site are listed in **Table 1**, below.

**TABLE 1  
SHELDON/99 GPA AND REZONE PARCELS**

<b>Parcel</b>	<b>Acres</b>	<b>Existing GP Land Use Designation</b>	<b>Proposed GP Land Use Designation</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
115-0162-010	4.94	LDR	HDR	SPA	RD-20
	1.35	LDR	C	SPA	GC
115-0162-011	1.58	LDR	HDR	SPA	RD-20
115-0162-012	1.29	LDR	HDR	SPA	RD-20
	0.36	LDR	C	SPA	GC
115-0162-013	1.47	LDR	C	SPA	GC
115-0162-014	2.74	LDR	C	SPA	GC
115-0162-015	1.01	LDR	C	SPA	GC
115-0150-057	9.75	MDR	C	SPA	GC
115-0150-064	2.17	MDR	HDR	SPA	RD-20
115-0150-067	1.87	MDR	C	SPA	LC
116-0030-069	1.80	MDR	C	AR-5	GC
116-0030-045	0.72	MDR	C	AR-5	GC
116-0030-007	0.49	MDR	C	AR-5	GC
116-0030-068	1.12	MDR	C	AR-5	GC
115-0162-016	2.51	C	C	SPA	GC
116-0030-005	2.30	C	C	AR-5	GC
116-0030-011	2.69	C	C	AR-5	GC
116-0030-031	2.40	C	C	AR-5	GC
116-0030-014	2.39	C	C	AR-5	GC
<b>Total</b>	<b>44.95</b>				

The Final EIR prepared for the Project addresses the environmental impacts associated with the general plan amendment and rezone of the parcels identified in **Table 1**.

Project Location. The Sheldon/99 GPA and Rezone Project site is located in the City of Elk Grove on the east side of the Sheldon Road/SR 99 interchange. The site consists of 18 parcels which are located on both the north and south sides of Sheldon Road, to the east of East Stockton Boulevard and SR 99. The Project site is located in an urbanized area and is developed with rural

residential and agricultural uses. The parcels that compose the Project site do not contain any topographic features such as steep slopes and are mostly flat.

Findings and Statement of Overriding Considerations. The Findings of Fact and Statement of Overriding Considerations set forth below for the Project (Findings) are made by the City of Elk Grove City Council, constituting the City's findings under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.). The Findings provide the written analysis and conclusions of the City Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in the City Council's view, justify approval of the Sheldon/99 General Plan Amendment and Rezone, despite its environmental effects.

## **II. General Findings and Overview**

### **A. Relationship to the City of Elk Grove General Plan and the Sheldon/99 GPA and Rezone Project**

The Sheldon/99 General Plan Amendment and Rezone Project is partially located in the Calvine/99 Special Planning Area (SPA) as designated in the City's General Plan. The General Plan provides the long-term vision or blueprint for development of the City; all subsequent land use approvals are required to be consistent with the goals, objectives, and policies embodied in the General Plan.

### **B. Procedural Background**

The Draft Environmental Impact Report (referred to as, the Draft EIR) was published for public review and comment on August 15, 2008 and was filed with the State Office of Planning and Research under State Clearinghouse No. 2007122045. The Draft EIR was made available for review and comment by interested persons and public agencies from August 15, 2008, through September 29, 2008.

The City prepared written responses to the comments received during the comment period and included these responses in a separate volume entitled "Sheldon/99 General Plan Amendment and Rezone Final Environmental Impact Report." The Final EIR consists of the Draft EIR (incorporated by reference), Introduction, List of Agencies and Persons Commenting, Comments and Responses, and Errata. The Final EIR was made available for public review on January 26, 2009.

### **C. Project History**

The City of Elk Grove, in cooperation with the City of Sacramento, the County of Sacramento Department of Transportation, the California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA), certified the Sheldon Road/SR 99 Interchange Improvement Project Final Environmental Impact Report/Environmental Assessment (SCH. No. 2001012046) in 2005. The Sheldon Road/SR 99 Interchange Improvement Project includes reconstruction of the current State Route 99 (SR 99) interchange at Sheldon Road and the realignment of East Stockton Boulevard. In August of 2006, the Elk Grove City Council initiated the proposed Sheldon/99 GPA and Rezone Project after a citywide office and retail analysis indicated that the interchange project would cause several parcels east of the Sheldon Road/SR 99 interchange to have increased commercial potential as a result of the interchange improvements and realignment of East Stockton Boulevard.

#### **D. Record of Proceedings and Custodian of Record**

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

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the Sheldon/99 General Plan Amendment and Rezone EIR (e.g., Notice of Availability).
- The 2003 General Plan Draft EIR, associated appendices to the Draft EIR, and technical materials cited in the Draft EIR.
- The Sheldon/99 General Plan Amendment and Rezone Draft EIR, associated appendices to the Draft EIR, and technical materials cited in the Draft EIR.
- The Sheldon/99 General Plan Amendment Final EIR, including comment letters, oral testimony, and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Elk Grove and consultants.
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City of Elk Grove Planning Commission and City Council.
- Staff reports associated with Planning Commission and City Council meetings on the General Plan Amendment.
- The Elk Grove General Plan.

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

#### **E. Consideration of the Environmental Impact Report**

In adopting these Findings, the City Council finds that the Final EIR was presented to the Council, which reviewed and considered the information in the Final EIR prior to reaching a decision to approve the Sheldon/99 GPA and Rezone Project. By these findings, the City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The Final EIR represents the independent judgment of the City.

#### **F. Severability**

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Sheldon/99 General Plan Amendment and Rezone Project, shall continue in full force and effect unless amended or modified by the City.

#### **G. CEQA Findings**



Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (Emphasis added.) The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid or substantially lessen* such significant effects." (Emphasis added.) Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings regarding the significant effects before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors*, ("Goleta II") (1990) 52 Cal.3d 553, 565.)

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

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council*, (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

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

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

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. However, project modification or alternatives are not required, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a)(1) and (a)(2).)

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

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

### **III. Findings and Recommendations Regarding Significant and Unavoidable Impacts**

#### **A. TRAFFIC AND CIRCULATION**

##### **1. Intersection Operations (EIR Impact 4.5.1)**

- (a) **Potential Impact:** Implementation of the proposed Project would result in a decline in service at four intersections along Sheldon Road as discussed on pages 4.5-22 through 4.5-26 of the Draft EIR.
- (b) **Mitigation Measures:** None feasible to reduce the impact.
- (c) **Findings:** Based on the FEIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect associated with LOS at the intersections of Sheldon Road/Bruceville Road, Sheldon Road/Lewis Stein Road, Sheldon Road/East Stockton Boulevard, and Sheldon Road/Elk Grove-Florin Road. However, no mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable.
  - (1) **Significance of Impact:** This impact could be mitigated in part by modifying the signal timing of each of the intersections to reduce the delay to within five seconds of the no Project delay. However, the isolated fixed intersection signal timing could cause other signals to operate unacceptably and would not allow the flexibility for each signal to adjust to the demands of traffic as will be possible with the fully interconnected system dynamically controlled through the City's Traffic Operation Center. While isolated fixed intersections signal timing could be used to address the specific impacts associated with the Project, it would result in an overall worsening of traffic operations. For these reasons, the City will not put in a fixed timing for each intersection. There are no other feasible measures that could reduce impacts to operations of these intersections. Therefore, impacts to intersection operations at the intersection of Sheldon Road/Bruceville Road, Sheldon Road/Lewis Stein Road, Sheldon Road/East Stockton Boulevard and Sheldon Road/Elk Grove-Florin Road are cumulatively considerable and significant and unavoidable.
  - (2) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override any significant adverse cumulative impact of the Project to intersection operations, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

## 2. Cumulative Intersection Impacts (EIR Impact 4.5.3)

- (a) **Potential Impact:** Implementation of the proposed Sheldon Road/SR 99 Project, in combination with other planned, approved and reasonably foreseeable projects, would result in a decline in LOS at nine intersections under cumulative conditions as discussed on pages 4.5-35 through 4.5-40 of the Draft EIR.
- (b) **Mitigation Measures:** None feasible to reduce the impact.

(c) **Findings:** Based on the FEIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect associated with cumulative intersection impacts. However, no mitigation is available to render the effects less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.

(1) **Significance of Impact:** The signal timing of each of the intersections can be modified to reduce the delay to within five seconds of the no Project delay under cumulative conditions. However, the isolated fixed intersection signal timing could cause other signals to operate unacceptably and would not allow the flexibility for each signal to adjust to the demands of traffic as will be possible with the fully interconnected system dynamically controlled through the City's Traffic Operation Center. While isolated fixed intersection timing could be used to address the specific impacts associated with the Project, this approach would result in an overall worsening of traffic operations. For this reason, the City will not install fixed timing for each intersection. Therefore, the Project will have a cumulatively considerable contribution to the significant and unavoidable impact on intersection LOS at the intersections of Sheldon Road/Bruceville Road, Sheldon Road/Lewis Stein Road, Sheldon Road/West Stockton Boulevard, Sheldon Road/East Stockton Boulevard, Sheldon Road/Power Inn Road, Sheldon Road/Vytina Drive, Sheldon Road/Freesia Drive, Sheldon Road/Elk Grove-Florin Road, and the Sheldon Road/SR-99 NB Off-Ramp.

(2) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override any significant adverse cumulative impact of the Project to cumulative intersection operations, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

### 3. Cumulative Roadways Section Operations (EIR Impact 4.5.4)

(a) **Potential Impact:** Implementation of the proposed Project, in combination with other planned, approved and reasonably foreseeable projects, would result in cumulatively significant impacts to levels of service along two roadway segments as discussed on pages 4.5-40 through 4.5-43 of the Draft EIR.

(b) **Mitigation Measures.** None feasible to reduce the impact.

(c) **Findings:** Based on the FEIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect associated with cumulative roadway section operations. However, no mitigation is available to render the effects less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.

- (1) **Significance of Impact.** Impacts to roadway section operations would be mitigated by providing additional capacity at the impacted roadway segments. This would not be a feasible means of mitigation because it would require demolishing and reconstructing existing infrastructure and improvements such as the Sheldon/ SR99 overpass, which is currently under construction, in addition to street landscape strips and possibly private property. Furthermore, the increased capacity at the impacted segments that would result from these necessary improvements may have unintended environmental consequences in other street segments. Since there are no feasible means to improve traffic flows along the segment of Sheldon Road between West Stockton Boulevard and East Stockton Boulevard and between East Stockton Boulevard and Elk Grove-Florin Road, the Project would have a cumulatively considerable contribution to the significant and unavoidable impacts projected for the two segments of Sheldon Road.
  
- (2) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override any significant adverse cumulative impact of the Project to cumulative roadway segment operations, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

**B. AIR QUALITY**

**1. Long-term Increases of Criteria Air Pollutants (EIR Impact 4.7.3)**

- (a) **Potential Impact:** Implementation of conceptual development associated with the proposed General Plan Amendment and Rezone would result in long-term increases in criteria air pollutants as discussed on pages 4.7-26 through 4.7-28 of the Draft EIR.
  
- (b) **Mitigation Measures:** The following mitigation measures are hereby adopted and will be implemented by the Mitigation Monitoring and Reporting Program:

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.7.3a and MM 4.7.3b.

- MM 4.7.3a would lower emissions for ROG, NO<sub>x</sub>, and PM<sub>10</sub>, impacts associated with long-term increases in criteria air pollutants by developing an Air Quality Management Plan specifying means to reduce emissions including carpool parking spaces, bicycle storage areas, prohibiting wood burning fireplaces and installation of Energy Star appliances.
  
- MM 4.7.3b would require the Project applicant to submit a site specific air quality study identifying the amount of particulate matter and toxic air contaminants to which users of the site would be exposed.

(c) **Findings:** Based on the Draft EIR and the entire record before the City Council, the City Council finds that:

(1) **Significance of Mitigation:** The impact of long-term increases in criteria air pollutants would be mitigated by the requirement that the applicant coordinate with SMAQMD and the City of Elk Grove to develop a Project Air Quality Mitigation Plan (AQMP) to reduce criteria emissions associated with potential development by a minimum of 15 percent compared to the unmitigated baseline Project. However, the impact cannot be completely mitigated and would remain significant and unavoidable.

(2) **Remaining Impacts:** While implementation of mitigation measures MM 4.7.3a and MM 4.7.3b would lower emissions for ROG, NO<sub>x</sub>, and PM<sub>10</sub>, the impact of long-term increases in criteria pollutants cannot be completely mitigated. Therefore, the Project would still result in a significant and unavoidable impact on air quality with regard to long-term increases of criteria air pollutants.

(3) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override any significant adverse long-term increases of criteria air pollutants, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

## 2. Regional Air Plan Impacts (EIR Impact 4.7.4)

(a) **Potential Impact:** Implementation of the proposed Project in combination with growth throughout the air basin would exacerbate existing regional problems with ozone and particulate matter as discussed on pages 4.7-26 through 4.7-28 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.7.1a through MM 4.7.1f.

- MM 4.7.1a requires that the Project contractors water all exposed surfaces, graded areas, storage piles, and haul roads at least twice daily during construction.
- MM 4.7.1b requires that the Project contractor limit vehicle speed for on-site construction vehicles to 15 mph when winds exceed 20 miles per hour.
- MM 4.7.1c requires that the Project contractor wash dirt off construction vehicles and equipment within the staging area prior to leaving the construction site.

- MM 4.7.1d requires that two feet of freeboard be maintained by the contractor when transporting soil or other materials by truck during construction activities and that the materials be covered.
- MM 4.7.1e requires the Project contractor to pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- MM 4.7.1f requires paved streets adjacent to construction sites to be washed or swept daily to remove accumulated dust.

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

(1) **Significance of Mitigation:** Impacts to a regional air plan are addressed through implementation of mitigation measures MM 4.7.1a through MM 4.7.1f identified for construction-related air quality impacts. These measures would be helpful to reduce the level of air pollution emissions through various dust control measures, reducing on-site speed of construction equipment, watering the site, etc. However, the regional air plan impacts cannot be completely mitigated and would remain significant and unavoidable.

(2) **Remaining Impacts:** While implementation of mitigation measures MM 4.7.1a through MM 4.7.1f would generate a reduced level of air pollution emissions, implementation of the proposed Project would have a cumulatively considerable contribution to emissions that affect the region's ability to attain state and federal air quality standards and the cumulative impact would be significant and unavoidable.

(3) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override any significant adverse regional air plan impacts, as more fully stated in the Statement of Overriding Considerations in Section VIII.

3. **Potential Increase in Long-Term Atmospheric Greenhouse Gas Emissions (EIR Impact 4.7.5)**

(a) **Potential Impact.** Implementation of the proposed Project, in addition to existing, approved, proposed and reasonably foreseeable development in the Sacramento Valley Air Basin, may contribute to an increase in greenhouse gas (GHG) emissions in the earth's atmosphere. Higher concentrations of GHGs have been linked to the phenomenon of climate change as discussed on pages 4.7-29 through 4.7-34 of the Draft EIR.

(b) **Mitigation Measures.** None feasible to reduce the impact.

(c) **Findings.** Based on the FEIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect associated with greenhouse gas emissions. However, no mitigation is available to render the effects less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.

(1) **Significance of Impact.** Until there are thresholds of significance for which to compare the City's GHGs contribution, it must be logically inferred that any increase in GHGs will lead to a change in climate. While methods to decrease GHGs are being studied, no mitigation measures are currently available to eliminate or reduce the potential increase in long-term atmospheric GHG emissions to levels that would result in less than significant impacts. Therefore, this impact is considered significant and unavoidable and the proposed Project would have a cumulatively considerable contribution.

(2) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override potential increases in long-term atmospheric greenhouse gas emissions, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

## C. VISUAL RESOURCES/AESTHETICS

### 1. Degrade Existing Visual Character (EIR Impact 4.11.1)

(a) **Potential Impact.** Future development resulting from implementation of the proposed Project would convert the existing visual character of the Project site from rural residential land to developed urban uses and would substantially alter the current views of the site to travelers on the surrounding arterial roadways as discussed on pages 4.11-9 through 4.11-10 of the Draft EIR.

(b) **Mitigation Measures.** None feasible to reduce the impact.

(c) **Findings.** Based on the FEIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effect associated with global warming. However, no mitigation is available to render the effects less than significant. The effects (or some of the effects) therefore remain significant and unavoidable.



- (1) **Significance of Impact.** Impacts to the existing visual character of the Project site would be mitigated in part through adherence to the Elk Grove Design Guidelines and the Calvine/Highway 99 SPA Design Guidelines. These guidelines ensure physical, visual, and functional compatibility between uses and ensure high quality architectural design and development to enhance the character of the City. Nevertheless the proposed Project would result in development that would permanently alter the visual character of the site by introducing uses with a greater mass and density than the existing rural residential uses.
  
- (2) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override potential degradation of existing visual character, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

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

**A. BIOLOGICAL AND NATURAL RESOURCES**

**1. Potential Loss or Disturbance of Special-Status Plant Species (EIR Impact 4.3.2)**

- (a) **Potential Impact.** Full build out of the proposed Project would result in the loss or disturbance of approximately 45 acres of land, in addition to individual mature trees as discussed on pages 4.3-26 through 4.3-27 of the Draft EIR.
  
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement Sheldon/99 GPA and Rezone mitigation measure MM 4.3.2.

- MM 4.3.2 requires focused surveys to be conducted to determine the presence of special-status plant species with potential to occur in the Project area. If special-status plant species are found within the Project site, the site plans shall be revised, if determined feasible by the City, to avoid the special-status plant species and provide an adequate buffer suitable to the long-term retention and maintenance of these species on the Project site. If any special-status plant species are found within the Project site cannot be avoided, the applicant shall consult with the USFWS and/or CDFG, as applicable, to determine appropriate mitigation measures, including off-site transplanting or replacement planting.

(c) **Findings.** Based upon the FEIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation.** Impacts related to potential loss or disturbance of special-status plant species will be mitigated to a less than significant level by the mitigation measure described above because the measure requires focused surveys to be conducted to determine the presence of special-status plant species with potential to occur in the Project area. This measure will require either avoidance on-site or off-site transplanting or replacement planting and would be implemented prior to development plan approval.

(2) **Remaining Impacts.** The Project will be required to perform either on-site avoidance of special-status plant species, off-site transplanting or replacement planting. Any remaining impacts related to potential loss or disturbance of special-status plant species would not be significant.

2. **Potential Loss or Disturbance of Special-Status Wildlife Species (EIR Impact 4.3.3)**

(a) **Potential Impact.** Full build out of the proposed Project would result in the loss or disturbance of approximately 45 acres of wildlife habitat. Project implementation could result in direct and indirect impacts on special-status wildlife species and their associated habitats as discussed on pages 4.3-27 through 4.3-30 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.3.3a, MM 4.3.3b, MM 4.3.3c, MM 4.3.3d, and MM 4.3.3e.

- MM 4.3.3a recommends USFWS protocol-level surveys (USFWS 1996b) for special-status vernal pool species within suitable habitat areas prior to commencement of any activities that could impact vernal pool species.
- MM 4.3.3b requires the applicant to implement one of the City of Elk Grove's approved mitigation alternatives which include preserving 1.0 acre of similar habitat; submitting a mitigation fee; or submitting proof of Swainson's hawk foraging mitigation credits;

- MM 4.3.3c requires that the applicant conduct construction activities and vegetation clearing to avoid raptor nesting activities, where feasible.
- MM 4.3.3d requires a qualified biologist to conduct a burrow survey within 30 days prior to the start of any construction activity, outside of the Western Burrowing Owl breeding season (September–January).
- MM 4.3.3e requires that a pre-construction bat survey be performed by a wildlife biologist or other qualified professional prior to initiation of construction activity.

(c) **Findings.** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation.** Impacts related to potential loss or disturbance of special-status wildlife species will be mitigated to a less than significant level by the mitigation measures described above because the measures require site-specific surveys for special status species, ensuring that if the species is present they must either be avoided or mitigated in accordance with state and federal agency requirements. This requirement will ensure that sensitive areas are protected from construction activities.

(2) **Remaining Impacts.** The Project will be required to comply with the provisions of state and federal requirements regarding special status species as identified in mitigation measures MM 4.3.3a, MM 4.3.3b, MM 4.3.3c, MM 4.3.3d, and MM 4.3.3e. Any remaining impacts related to potential loss or disturbance of special-status wildlife species would not be significant.

### 3. Potential Impacts to Jurisdictional Waters and Sensitive Habitats (EIR Impact 4.3.4)

(a) **Potential Impact:** Development of the proposed Project could result in direct and indirect impacts to jurisdictional waters of the United States as well as the loss of sensitive habitat areas as discussed on pages 4.3-31 through 4.3-34 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.3.4a, MM 4.3.4b, MM 4.3.4c, MM 4.3.4d, and MM 4.3.4e.

- MM 4.3.4a requires the Project applicant to conduct a wetland delineation to determine wetland and vernal pool features,

including jurisdictional and non-jurisdictional features, located within the Project area.

- MM 4.3.4b requires all heavy equipment operated adjacent to riparian habitat, wetlands and vernal pools to be checked and maintained daily, to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic or plant life.
- MM 4.3.4c requires raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic or plant life, resulting from Project-related activities, to be prevented from contaminating the soil and/or entering sensitive areas.
- MM 4.3.4d requires erosion control and water pollution control measures to be adopted and maintained in order to prevent deleterious materials from entering any sensitive areas including vernal pools, wetlands, waterways or other aquatic habitat.
- MM 4.3.4e requires a tree survey to be conducted by an arborist certified by the International Society of Arboriculture (ISA) to enumerate and evaluate all trees on the site that meet the standards in the City of Elk Grove Tree Preservation and Protection Ordinance.

(c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation:** Impacts related to potential impacts to jurisdictional waters and sensitive habitats will be mitigated through avoidance of wetlands or payment of compensation; requiring proper maintenance of construction equipment and spill clean up; preventing hazardous substances from contaminating the soil and/or entering the sensitive areas; providing adequate erosion control and water pollution control measures on the Project site; and avoiding/preserving all trees on the site that meet the criteria contained in the City's Tree Preservation and Protection Ordinance. These measures will ensure that potential impacts to jurisdictional waters and sensitive habitats are avoided during construction activities.

(2) **Remaining Impacts:** Implementation of mitigation measures MM 4.3.4a, MM 4.3.4b, MM 4.3.4c, MM 4.3.4d, and MM 4.3.4e as well as adherence to federal, state, and local laws governing jurisdictional waters and sensitive resources, would reduce the impacts to jurisdictional

waters and other sensitive habitats to a level that is considered less than significant.

**4. Cumulative Biological Resource Impacts (Impact 4.3.5)**

(a) **Potential Impact:** Development of this Project would contribute cumulatively to the loss of biological resources in the region and the ongoing urbanization in southern Sacramento County as discussed on page 4.3-37 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.3.2, MM 4.3.3a, MM 4.3.3b, MM 4.3.3c, MM 4.3.3d, MM 4.3.3e, MM 4.3.4a, MM 4.3.4b, MM 4.3.4c, MM 4.3.4d, and MM 4.3.4e.

(c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation:** Cumulative impacts related to biological resources will be mitigated to a less than significant level by avoidance, on-site or off-site transplanting, or replacement planting and would be implemented prior to development plan approval. Impacts related to potential impacts to jurisdictional waters and sensitive habitats will be mitigated through avoidance of wetlands or payment of compensation; requiring proper maintenance of construction equipment and spill clean up; preventing hazardous substances from contaminating the soil and/or entering the sensitive areas; providing adequate erosion control and water pollution control measures on the Project site; and avoiding/preserving all trees on the site that meet the criteria contained in the City's Tree Preservation and Protection Ordinance. These measures will ensure that cumulative impacts to biological resources are avoided.

(2) **Remaining Impacts:** Implementation of mitigation measures MM 4.3.2, MM 4.3.3a, MM 4.3.3b, MM 4.3.3c, MM 4.3.3d, MM 4.3.3e, MM 4.3.4a, MM 4.3.4b, MM 4.3.4c, MM 4.3.4d, and MM 4.3.4e as well as adherence to federal, state, and local laws governing jurisdictional waters and sensitive resources, would reduce the impacts to biological resources to less than cumulatively considerable.

**B. NOISE**

**1. Exposure to Short-term Construction Noise/Temporary Increase in Ambient Noise Levels (EIR Impact 4.6.1)**

(a) **Potential Impact:** Short-term construction-generated noise levels could result in a substantial increase in ambient noise levels at nearby noise-sensitive land uses as discussed on pages 4.6-14 through 4.6-16 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measure MM 4.6.1.

- MM 4.6.1 would reduce construction-generated noise levels at nearby land uses by limiting construction, requiring proper maintenance of equipment and utilizing noise-reduction intake and exhaust mufflers and engine shrouds, and locating construction equipment staging areas at the furthest distance possible from nearby noise-sensitive land uses.

(c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation:** Impacts related to exposure to short-term construction noise/temporary increases in ambient noise levels will be mitigated to a less than significant level by the mitigation measure described above. The measure provides ways to reduce construction generated noise levels at nearby land uses by limiting hours of construction, proper maintenance of construction equipment, and locating staging areas as far as possible from nearby noise sensitive land uses.

(2) **Remaining Impacts:** The proposed mitigation measures would limit construction activities to the less noise-sensitive periods of the day. Use of mufflers would reduce individual equipment noise levels by approximately 10 dBA. Implementation of these measures would reduce exposure to short-term construction noise/temporary increases in ambient noise levels to less than significant.

2. **Exposure of Sensitive Receptors to or Generation of Excessive Stationary-Source Noise Levels (EIR Impact 4.6.3)**

(a) **Potential Impact:** Exposure to noise levels generated by future on-site stationary sources associated with the proposed Project could exceed the City's noise standards at noise-sensitive land uses as discussed on pages 4.6-17 and 4.6-18 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measure MM 4.6.3.

- MM 4.6.3 requires preparation of an acoustical assessment addressing City noise standards and identifying noise attenuation measures acceptable to the City that are sufficient to achieve compliance with City noise standards at nearby noise-sensitive land uses.

- (c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effects as identified in the Final EIR.

(1) **Effects of Mitigation:** Impacts related to exposure of sensitive receptors to excessive stationary-source noise levels would be reduced to a less than significant level by the mitigation measure described above because the measure requires noise attenuation measures (setbacks, sound barriers, berms, or equipment enclosures; limits on the hours of operation associated with specific equipment or activity operations; and/or site redesign) acceptable to the City that are sufficient to achieve compliance with City noise standards at nearby noise-sensitive land uses if warranted by the results of an acoustical assessment.

(2) **Remaining Impacts:** The proposed mitigation measure would require that an acoustical assessment be prepared for future development of proposed commercial land uses located within the Project area. The acoustical assessment would identify noise-reduction measures necessary to reduce noise impacts at nearby noise-sensitive land uses to within acceptable levels. Implementation of mitigation measure MM 4.6.3 would reduce exposure to long-term stationary noise sources to less than significant.

3. **Compatibility of Proposed Land Uses with Projected On-Site Noise Levels (EIR Impact 4.6.4)**

- (a) **Potential Impact:** Projected on-site transportation noise levels at proposed on-site residential development would exceed the City's noise standards for land use compatibility as discussed on pages 4.6-20 and 4.6-21 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measure MM 4.6.4.

- MM 4.6.4 requires that an acoustical analysis be conducted which identifies noise-reduction measures sufficient to achieve compliance with applicable noise standards for residential development. Such measure may include, but are not limited to, the incorporation of setbacks, sound barriers, or incorporation of building components with increased exterior-to-interior noise-reduction potential.

(c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation:** Impacts of projected on-site transportation noise levels at proposed on-site residential development would be mitigated to a less than significant level through preparation of an acoustical assessment addressing City noise standards and identifying noise-reduction measures sufficient to achieve compliance with applicable noise standards for residential development. The Project applicant shall be responsible for incorporating the noise reduction measures such as setbacks, sound barriers, or building components with increased exterior-to-interior noise-reduction potential into the residential development plans to the satisfaction of the City.

(2) **Remaining Impacts:** The proposed mitigation measure would require that an acoustical assessment be prepared which would identify noise-reduction measures necessary to reduce noise impacts to noise-sensitive residential land uses to within acceptable levels. Implementation of mitigation measure MM 4.6.3 would reduce exposure to long-term stationary noise sources to less than significant.

## C. AIR QUALITY

### 1. Construction-Related Air Quality Impacts (EIR Impact 4.7.1)

(a) **Potential Impact:** Construction activities associated with the development of the proposed Project would result in a short-term increase in criteria air pollutants during construction as discussed on pages 4.7-22 through 4.7-26 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.7.1a, 4.7.1b, 4.7.1c, 4.7.1d, 4.7.1e and 4.7.1f.



- MM 4.7.1a requires that the Project contractors water all exposed surfaces, graded areas, storage piles, and haul roads at least twice daily during construction.
- MM 4.7.1b requires that the Project contractor limit vehicle speed for on-site construction vehicles to 15 mph when winds exceed 20 miles per hour.
- MM 4.7.1c requires that the Project contractor wash dirt off construction vehicles and equipment within the staging area prior to leaving the construction site.
- MM 4.7.1d requires that two feet of freeboard be maintained by the contractor when transporting soil or other materials by truck during construction activities and that the materials be covered.
- MM 4.7.1e requires the Project contractor to pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- MM 4.7.1f requires paved streets adjacent to construction sites to be washed or swept daily to remove accumulated dust.

(c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation:** Impacts of construction activities resulting in short-term increases in criteria air pollutants would be reduced to less than significant levels through watering exposed surfaces, limiting vehicle speed, washing dirt off construction vehicles, requiring two feet of freeboard, applying soil stabilizers, achieving a fleet-wide average 45 percent particulate reduction, ensuring that diesel powered equipment used on the Project site does not exceed 40 percent opacity; and washing dirt off paved streets daily.

(2) **Remaining Impacts:** The proposed mitigation measures required best management practices to be implemented during construction to reduce short-term criteria air pollutants during construction. Implementation of mitigation measures MM 4.7.1a, 4.7.1b, 4.7.1c, 4.7.1d, 4.7.1e and 4.7.1f would reduce exposure to construction air quality pollutants to less than significant.

## D. HYDROLOGY AND WATER QUALITY

### 1. Drainage Patterns, Surface Runoff, and Flooding (EIR Impact 4.8.1)

(a) **Potential Impact:** Future development of the proposed Project site would result in increased surface runoff that could exceed the

capacity of existing stormwater drainage systems and contribute to localized flooding as discussed on pages 4.8-16 and 4.8-17 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measure MM 4.8.1.

- MM 4.8.1 requires that a drainage plan and hydrology study be prepared that meets City requirements and that is consistent with General Plan Policies CAQ-18 and SA-23. The plan shall require that post development peak stormwater run-off discharge rates and velocities be designed to prevent or reduce downstream erosion and to protect stream habitat; incorporate runoff control to minimize peak flows of runoff; and require the Project to assist in its fair share of financing improvements for or otherwise implement Comprehensive Drainage Plans.

- (c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

- (1) **Effects of Mitigation:** Impacts of the proposed Project on drainage facilities would be reduced to less than significant levels through implementing improvements and mitigation measures identified in hydrology and drainage studies prepared for the proposed Project consistent with General Plan Policies CAQ-18 and SA-23. These measures would ensure that post development peak stormwater run-off discharge rates and velocities be designed to prevent or reduce downstream erosion and to protect stream habitat; incorporate runoff control mechanisms to minimize peak flows of runoff; and require the Project to assist in its fair share of financing improvements for/or otherwise implement Comprehensive Drainage Plans.

- (2) **Remaining Impacts:** Implementation of mitigation measure MM 4.8.1 would reduce drainage patterns, surface runoff, and flooding to less than significant.

## 2. Degrade Water Quality/Urban Runoff (EIR Impact 4.8.2)

- (a) **Potential Impact:** Constituents found in increased urban runoff resulting from implementation of the Project may degrade surface water quality as discussed on pages 4.8-17 through 4.8-20 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.8.2a, 4.8.2b and 4.8.2c.

- MM 4.8.2a requires identification of measures that comply with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance. Specific BMPs shall be identified to ensure that long-term water quality is protected. The BMPs shall be designed, constructed, and maintained to meet a performance standard established by the City and shall conform to the provisions of the City's NPDES permit. The Project applicant shall retain a qualified specialist to monitor the effectiveness of the BMPs selected. Each individual development project shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. Source control BMPs may include public education/participation activities; illegal dumping controls; stormwater pollution source controls to provide a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each storm drain inlet; and street and storm drain maintenance activities.
- MM 4.8.2b requires that measures be identified that comply with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance including the requirement that grading plans be consistent with the City's NPDES permit (#CAS082597).
- MM 4.8.2c requires that development plans shall demonstrate compliance with City requirements for detention basin design, stormwater conveyance facilities and compatible uses within stream corridors.

- (c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR:

- (1) **Effects of Mitigation:** Increased urban runoff and pollutants resulting from development of urban uses on the Project site would be reduced to less than significant levels through compliance with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance; implementing specific BMPs to ensure that long-term water quality is protected; requiring each individual development project to reduce the pollutant loadings in storm drain systems; providing public education/participation activities addressing ways to avoid polluting waterways; implementing illegal

dumping controls through covenants, conditions, and restrictions (CC&Rs); requiring street and storm drain maintenance activities to control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, and street sweeping, and by regularly removing illegally dumped material from storm channels and creeks; demonstrating conformance with the City's NPDES permit (#CAS082597) and City requirements for detention basin design; limiting uses in stream corridors to recreation and agriculture and consulting with the City when designing biofiltration systems.

- (2) **Remaining Impacts.** The proposed mitigation measures address degradation of water quality and increased urban runoff through a variety of mechanisms including BMPs and compliance with City standards. Implementation of mitigation measures MM 4.8.2a, 4.8.2b and 4.8.2c would reduce impacts associated with degradation of water quality and increased urban runoff to less than significant.

### 3. Cumulative Water Quality and Drainage Impacts (EIR Impact 4.8.4)

- (a) **Potential Impact:** Implementation of the proposed Sheldon/99 GPA and Rezone Project, along with the potential development of the surrounding areas, could contribute to cumulative water quality and drainage impacts as discussed on pages 4.8-22 of the Draft EIR.
- (b) **Mitigation Measures:** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.8.1, MM 4.8.2a, MM 4.8.2b and MM 4.8.2c.

- MM 4.8.1 requires that a drainage plan and hydrology study be prepared that meets City requirements and that is consistent with General Plan Policies CAQ-18 and SA-23. The plan shall require that post development peak stormwater runoff discharge rates and velocities be designed to prevent or reduce downstream erosion and to protect stream habitat; incorporate runoff control to minimize peak flows of runoff; and require the Project to assist in its fair share of financing improvements for or otherwise implement Comprehensive Drainage Plans.
- MM 4.8.2a requires identification of measures that comply with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance. Specific BMPs shall be identified to ensure that long-term water quality is protected. The BMPs shall be designed, constructed,

and maintained to meet a performance standard established by the City and shall conform to the provisions of the City's NPDES permit. The Project applicant shall retain a qualified specialist to monitor the effectiveness of the BMPs selected. Each individual development Project shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. Source control BMPs may include public education/participation activities; illegal dumping controls; stormwater pollution source controls to provide a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each storm drain inlet; and street and storm drain maintenance activities.

- MM 4.8.2b requires that measures be identified that comply with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance including the requirement that grading plans be consistent with the City's NPDES permit (#CAS082597).
- MM 4.8.2c requires that development plans shall demonstrate compliance with City requirements for detention basin design, stormwater conveyance facilities, and compatible uses within stream corridors.

(c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation:** Cumulative water quality and drainage impacts would be reduced to less than cumulatively considerable levels through implementing improvements and mitigation measures identified in hydrology and drainage studies prepared for the proposed Project consistent with General Plan Policies CAQ-18 and SA-23 and through compliance with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance; implementing specific BMPs to ensure that long-term water quality is protected; requiring each individual development project to reduce the pollutant loadings in storm drain systems; providing public education/participation activities; implementing illegal dumping controls through covenants, conditions, and restrictions (CC&Rs); requiring street and storm drain maintenance activities to control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, and street sweeping, and by regularly removing illegally dumped material from storm channels and creeks; demonstrating conformance with the City's NPDES permit (#CAS082597) and City requirements for detention basin design; limiting uses in stream corridors to recreation and

agriculture and consulting with the City when designing biofiltration systems.

- (2) **Remaining Impacts:** The proposed mitigation measures address cumulative water quality and drainage impacts through requiring runoff control measures to minimize peak flows of runoff, BMPs, etc. Implementation of mitigation measures MM 4.8.1 and MM 4.8.2a through MM 4.8.2c would reduce impacts associated with cumulative water quality and drainage impacts to less than cumulatively considerable.

## E. CULTURAL AND PALEONTOLOGICAL RESOURCES

### 1. Undiscovered Prehistoric Resources, Historic Resources, and Human Remains (EIR Impact 4.9.1)

- (a) **Potential Impact:** Implementation of actions under the Sheldon/99 GPA and Rezone Project could result in the potential destruction or damage of cultural resources (i.e., prehistoric sites, historic sites, historic buildings/structures, and isolated artifacts) and human remains as discussed on pages 4.9-11 and 4.9-12 of the Draft EIR.
- (b) **Mitigation Measures:** The following mitigation measure are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.9.1a and MM 4.9.1b.

MM 4.9.1a requires that work be halted immediately within 50 feet of the any prehistoric or historic resources discovered during construction. The City Planning Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history will be retained to determine the significance of the discovery.

MM 4.9.1b requires that the County Coroner be notified according to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code if human remains are discovered and that all work be halted immediately within 50 feet of the discovery.

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

- (1) **Effects of Mitigation:** Impacts to prehistoric sites, historic sites, and isolated artifacts discovered during grading or construction activities on the Project site would be mitigated by immediately halting work within 50 feet of the discovery, notifying the City Planning Department, and retaining a professional archaeologist that meets the

Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history to determine the significance of the discovery. Impacts to human remains discovered during construction will be mitigated through immediately halting work within 50 feet of the discovery, notifying the City Planning Department and the County Coroner. The coroner will notify the Native American Heritage Commission if the remains are determined to be Native American, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

- (2) **Remaining Impacts:** The proposed mitigation measures address potential impacts to undiscovered prehistoric resources, historic resources, and human remains through halting construction and consulting with the proper authorities if such resources are discovered. Implementation of mitigation measures MM 4.9.1a and MM 4.9.1b would reduce impacts associated with undiscovered prehistoric resources, historic resources, and human remains to less than significant levels.

## 2. Undiscovered Paleontological Resources (EIR Impact 4.9.2)

- (a) **Potential Impact:** Implementation of actions under the Sheldon/99 GPA and Rezone Project could result in the potential destruction or damage of paleontological resources (i.e., fossils and fossil formations) as discussed on pages 4.9-12 and 4.9-13 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measure MM 4.9.2.

MM 4.9.2 requires grading or construction activities on the Project site to be halted within 50 feet of the discovery of paleontological resources. The City Planning Department shall be immediately notified and the City will coordinate any necessary investigation of the discovery with a qualified paleontologist.

- (c) **Findings.** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

- (1) **Effects of Mitigation.** Impacts to potential paleontological resources (fossils), if discovered during grading or construction activities on the Project site, would be mitigated through halting work immediately within 50 feet of the discovery, and notifying the City Planning

Department immediately. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist.

- (2) **Remaining Impacts.** The proposed mitigation measure addresses potential impacts to undiscovered paleontological resources through requiring halting of construction activities and consultation with a qualified paleontologist. Implementation of mitigation measure MM 4.9.2 would reduce impacts associated with undiscovered paleontological resources to less than significant.

3. **Prehistoric Resources, Historic Resources, and Human Remains (EIR Impact 4.9.3)**

- (a) **Potential Impact:** Implementation of actions under the Sheldon/99 GPA and Rezone Project could result in the cumulative disturbance of cultural resources (i.e., prehistoric sites, historic sites, historic buildings/structures, and isolated artifacts and features) and human remains as discussed on pages 4.9-13 and 4.9-14 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.9.1a and 4.9.1b.

MM 4.9.1a requires that work be halted immediately within 50 feet of the any resources discovered during construction. The City Planning Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history will be retained to determine the significance of the discovery.

MM 4.9.1b requires that the County Coroner be notified according to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code if human remains are discovered and that all work be halted immediately within 50 feet of the discovery.

- (c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

- (1) **Effects of Mitigation:** Impacts to cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts) discovered during grading or construction activities on the Project site would be mitigated through halting work immediately within 50 feet of the discovery, notifying the City Planning Department and retaining a professional



archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards. Impacts to human remains would be mitigated through halting all work immediately within 50 feet of the discovery, notifying the City Planning Department and the County Coroner. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

- (2) **Remaining Impacts:** The proposed mitigation measures address potential impacts to undiscovered prehistoric resources, historic resources, and human remains through halting construction and consulting with the proper authorities if such resources are discovered. Implementation of mitigation measures MM 4.9.1a and MM 4.9.1b would reduce impacts associated with undiscovered prehistoric resources, historic resources, and human remains to less than cumulatively considerable levels.

#### 4. Paleontological Resources (EIR Impact 4.9.4)

- (a) **Potential Impact:** Implementation of actions under the Sheldon/99 GPA and Rezone Project could result in the disturbance of paleontological resources (i.e., fossils and fossil formations) as discussed on page 4.9-14 of the Draft EIR.

Implement Sheldon/99 GPA and Rezone mitigation measure MM 4.9.2.

MM 4.9.2 requires grading or construction activities on the Project site to be halted within 50 feet of fossils and fossil formations. The City Planning Department shall be immediately notified and the City will coordinate any necessary investigation of the discovery with a qualified paleontologist.

- (c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

Implement Sheldon/99 GPA and Rezone mitigation measure MM 4.9.2.

MM 4.9.2 requires grading or construction activities on the Project site to be halted within 50 feet of the discovery of paleontological resources. The City Planning Department shall be immediately notified and the City will coordinate any necessary investigation of the discovery with a qualified paleontologist.

- (c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.
- (1) **Effects of Mitigation:** Impacts to paleontological resources (fossils) discovered during grading or construction activities on the Project site would be mitigated through halting work immediately within 50 feet of the discovery, and the City Planning Department shall be notified immediately. The City will coordinate any necessary investigation of the discovery with a qualified paleontologist.
- (2) **Remaining Impacts:** The proposed mitigation measure addresses potential cumulative impacts to undiscovered paleontological resources through requiring halting of construction activities and consultation with a qualified paleontologist. Implementation of mitigation measure MM 4.9.2 would reduce impacts associated with undiscovered paleontological resources to less than cumulatively considerable.

**F. PUBLIC SERVICES AND UTILITIES**

**1. Adequate Water Pressure (EIR Impact 4.10.1.2)**

- (a) **Potential Impact:** Implementation of the proposed Project could result in development that would require adequate water pressure for firefighting as discussed on pages 4.10-6 through 4.10-8 of the Draft EIR.
- (b) **Mitigation Measures:** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.10.1.2a, MM 4.10.1.2b and MM 4.10.1.2c.

MM 4.10.1.2a ensures that water mains, fire hydrants, and fire flow requirements necessary to serve the Project are provided prior to the existence or storage of any combustible construction material on the Project site, and that the installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, meets the standards of the CCSD Fire Department and the water purveyor.

MM 4.10.1.2b requires that the Project applicant demonstrate that an adequate water connection has been provided across SR 99 on Sheldon Road.

MM 4.10.1.2c requires that the water supply system plans for the subdivisions be reviewed by the City to ensure adequate fire flows for the Project as specified by the CCSD Fire Department.

(c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR:

(1) **Effects of Mitigation:** Impacts associated with adequate water pressure would be mitigated by requiring that all necessary water mains, fire hydrants, and fire flow requirements necessary to serve the Project are provided prior to the existence or storage of any combustible construction material on the Project site, and that the installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, meets the standards of the CCSD Fire Department and the water purveyor; 2) that an adequate water connection has been provided across SR 99 on Sheldon Road; and 3) that the water supply system plans for the subdivisions shall be reviewed by the City to ensure adequate fire flows for the Project as specified by the CCSD Fire Department.

(2) **Remaining Impacts:** The proposed mitigation measures address potential impacts to water pressure through ensuring that adequate infrastructure is in place in compliance with standards of the CCSD Fire Department and water purveyor. Implementation of mitigation measures MM 4.10.1.2a, MM 4.10.1.2b and MM 4.10.1.2c would reduce impacts associated with water pressure to less than significant levels.

## 2. Water Supply and Water System Facilities (EIR Impact 4.10.4.1)

(a) **Potential Impact:** The proposed Sheldon/99 GPA and Rezone Project could result in development that would increase the annual water demand on the Project site. Increases in water demand can adversely affect water supplies and can result in the need for additional water system facilities as discussed on pages 4.10-32 through 4.10-35 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measures MM 4.10.4.1a and MM 4.10.4.1b.

- MM 4.10.4.1a requires the Project applicant to provide a water supply plan, consistent with General Plan Policies CAQ-1, PF-3, and PF-5, that identifies: water supply and delivery systems, (including a "will serve" letter from the appropriate water

service provider); sufficient water flow and pressure to meet domestic firefighting needs; and use of reclaimed water for irrigation purposes.

- MM 4.10.4.1b requires Conditions of Approval on future development projects on the Sheldon/99 GPA and Rezone Project site including a water use efficiency review for water-intensive commercial and industrial projects; demonstrate the utilization of efficient cooling systems, re-circulating pumps for fountains and ponds, and water recycling systems for vehicle washing as a condition of service.

(c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation:** Impacts to water supply and water system facilities will be mitigated through requiring: that the Project applicant provide a water supply plan, consistent with General Plan Policies CAQ-1, PF-3, and PF-5; and placing Conditions of Approval on future development projects on the Sheldon/99 GPA and Rezone Project site.

(2) **Remaining Impacts:** The proposed mitigation measures address potential impacts to water supply and water system facilities by requiring that the Project applicant prepare a water supply plan and condition future development projects to provide water use efficiency measures and demonstrate the utilization of efficient cooling systems, re-circulating pumps for fountains and ponds, and water recycling systems for vehicle washing as a condition of service. Implementation of mitigation measures MM 4.10.4.1a and MM 4.10.4.1b would reduce impacts associated with water supply and water system facilities to less than significant levels.

3. **Increase in Demand for Wastewater Treatment and Conveyance (EIR Impact 4.10.5.1)**

(a) **Potential Impact:** Implementation of the proposed Sheldon/99 GPA and Rezone Project would increase wastewater flows and the demand for wastewater treatment over that anticipated for the site by the Elk Grove General Plan. The current infrastructure contains sufficient capacity to convey and treat additional wastewater flows. However, capacity availability could change prior to development on the Project site as discussed on pages 4.10-43 through 4.10-47 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measure MM 4.10.5.1.

- MM 4.10.5.1 requires that the Project applicant provide a wastewater services plan that includes an Environmental/Financial Sewer Study (Level One); a Specific/Community Master Plan (Level Two); and a Subdivision Sewer Study (Level Three).

(c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation:** Impacts associated with the increase in demand for wastewater treatment and conveyance would be mitigated by providing a wastewater services plan that is consistent with the SASD (formerly CSD-1) Minimum Sewer Study Requirements dated April 3, 2006 as well as An Environmental/Financial Sewer Study (Level One), a Specific/Community Master Plan (Level Two), and a Subdivision Sewer Study (Level Three).

(2) **Remaining Impacts:** The proposed mitigation measures address potential impacts to wastewater infrastructure. Implementation of mitigation measure MM 4.10.5.1 would reduce impacts associated with water supply and water system facilities to less than significant levels.

#### 4. Project Consistency with Elk Grove Trails Plan (EIR Impact 4.10.7.2)

(a) **Potential Impact:** The proposed Project would require the addition of off-street trails consistent with the approved City of Elk Grove Trails Master Plan. The potential for future projects to develop without providing the required trails is discussed on pages 4.10-32 through 4.10-35 of the Draft EIR.

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

Implement Sheldon/99 GPA and Rezone mitigation measure MM 4.10.7.2.

- MM 4.10.7.2 requires the applicant to incorporate a trail system consistent with the approved City of Elk Grove Trails Master Plan to the satisfaction of the CCSD.

(c) **Findings:** Based upon the EIR and the entire record before the City Council, the Council finds that changes or alterations have been required in, or incorporated into, the Project which avoid the significant environmental effect as identified in the Final EIR.

(1) **Effects of Mitigation:** Impacts to Project consistency with the Elk Grove Trails Master Plan would be mitigated by incorporating a trail system consistent with the approved City of Elk Grove Trails Master Plan to the satisfaction of the CCSD.

(2) **Remaining Impacts:** The proposed mitigation measure addresses Project consistency with the Elk Grove Trails Master Plan by requiring incorporation of a trail system through the Project site. Implementation of mitigation measure MM 4.10.7.2 would reduce impacts associated with consistency with the Elk Grove Trails Plan to less than significant levels.

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

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

1. **Land Use:** The following specific impacts were found to be less than significant: 4.1.1 and 4.1.2.

2. **Population, Housing and Employment:** The following specific impacts were found to be less than significant: 4.2.1, 4.2.2 and 4.2.3.

3. **Biological and Natural Resources:** The following specific impacts were found to be less than significant: 4.3.1.

4. **Geology and Soils:** The following specific impacts were found to be less than significant: 4.4.1 and 4.4.2.

5. **Traffic and Circulation:** The following specific impacts were found to be less than significant: 4.5.2.

6. **Noise:** The following specific impacts were found to be less than significant: 4.6.2, 4.6.5 and 4.6.6.

7. **Air Quality:** The following specific impacts were found to be less than significant: 4.7.2 and 4.7.6.

8. **Hydrology and Water Quality:** The following specific impacts were found to be less than significant: 4.8.3, and 4.8.5.

9. **Public Services and Utilities:** The following specific impacts were found to be less than significant: 4.10.1.1, 4.10.1.3, 4.10.2.1, 4.10.2.2, 4.10.3.1, 4.10.3.2, 4.10.4.2, 4.10.5.2, 4.10.6.1, 4.10.6.2, 4.10.7.1, 4.10.7.3, 4.10.8.1, and 4.10.8.2.

**10. Visual Resources/Aesthetics:** The following specific impact was found to be less than significant: 4.11.2.

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

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

1. The EIR determined that the impact is less than significant for the Project.
2. The Project entitlements result in new impacts that were less than significant.
3. Feasible mitigation measures are available to reduce the effects of the impact to less than significant.

## **VI. Project Alternatives**

### **A. Background – Legal Requirements**

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of a project prior to approval (Public Resources Code § 21002). With the exception of the “no project” alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA “establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose” (*Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d. 553, 556 (1990)). The legislative purpose of CEQA is to protect public health, welfare, and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian (Public Resources Code §§ 21000 and 21001). In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development. This objective has been largely accomplished in the Project through the inclusion of Project modifications and mitigation measures that reduce the potentially significant impacts to an acceptable level. The courts have held that a public agency “may approve a developer’s choice of a project once its significant adverse environmental effects have been reduced to an acceptable level – that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable” (*Laurel Hills Homeowners Assoc. v. City*, 83 Cal.App.3d 515, 521 (1978)).

### **B. Identification of Project Alternatives**

The CEQA Guidelines state that the “range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the project. CEQA Guidelines § 15126.6(a). Thus, an evaluation of the Project objectives is key to determining which alternatives should be assessed in the EIR.

The general goal of the proposed Project is to designate the Project site for uses that are appropriate and economically viable given the approved realignment of East Stockton Boulevard and improvements to the Sheldon Road and SR 99 interchange.

Three specific Project objectives are discussed on page 3.0-2 of the Draft EIR and are incorporated herein by reference.

### **C. Alternatives Analysis in Draft EIR**

The CEQA Guidelines state that the EIR must describe a "range of reasonable alternatives to the project...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project" (CEQA Guidelines Section 15126.6(a)). The City evaluated the alternatives listed below.

#### **1. No Project Alternative (Alternative 1)**

Alternative 1 is the No Project Alternative. CEQA Guidelines Section 15126.6(e)(1) states that a No Project Alternative shall be analyzed along with its impact. 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.

**(a) Findings:** The No Project Alternative (Alternative 1) is rejected as an alternative because:

- This alternative would not allow the same amount of uses that are appropriate and economically viable given the approved realignment of East Stockton Boulevard and improvements to the Sheldon Road and SR 99 interchange.

**(b) Explanation:** Draft EIR pages 6.0-2 through 6.0-10 provide an analysis of Alternative 1 as compared to the proposed Sheldon/SR 99 GPA and Rezone Project. Environmental benefits of this alternative over the proposed Sheldon/SR 99 GPA and Rezone Project include less severe impacts to biological and natural resources, geology and soils, traffic and circulation, noise, air quality, hydrology and water quality, wastewater service, and visual impacts.

The No Project alternative was determined to have less adverse environmental impacts than the proposed Project on most issues and only three impacts that were considered worse than the proposed Project. However, Alternative 1 would not provide as much high density housing or commercial opportunities as the proposed Project and would therefore not be as effective in meeting one of the key objectives of the proposed Project to provide uses that are appropriate and economically viable given the approved realignment of East Stockton Boulevard and improvements to the Sheldon Road and SR 99 interchange. For these economic, social, and other reasons, the proposed Project is deemed superior to Alternative 1.



## 2. Reduced Residential Density Alternative (Alternative 2)

Under Alternative 2, 11.85 acres of the Project site would be designated for medium density residential (7.1 to 15.0 du/ac) land uses rather than the high density residential land use designation proposed by the Project. The acreage of land designated for commercial land uses would remain unchanged from the proposed Project (33.10 acres). Under Alternative 2, the intensity of development allowed on the Project site would be less intensive and result in less multi-family housing. The amount of acreage devoted to residential uses would be unchanged, but the residential uses would be less dense. This would result in a reduction in population and housing, air quality, public services, traffic, and noise impacts compared to the proposed Project.

(a) **Findings:** The Reduced Residential Density Alternative (Alternative 2) is rejected as an alternative because:

- This alternative would not provide as much land for high-density residential uses as the proposed Project.

(b) **Explanation:** Draft EIR pages 6.0-10 through 6.0-17 provide an analysis of Alternative 2 as compared to the proposed Sheldon/99 GPA and Rezone Project. Environmental benefits of this alternative over the proposed Sheldon/99 GPA and Rezone Project include less severe impacts in terms of population/employment and housing, traffic and circulation, noise, long-term increases of criteria air pollutants, regional air plan impacts, potential increase in long-term atmospheric greenhouse gas emissions, public schools, water service, wastewater service, and parks and recreation.

Alternative 2 was determined to have less adverse or similar environmental impacts than the proposed Project on most issues overall. Alternative 2 has no environmental impacts that are worse than those under the proposed Project. However, Alternative 2 would not provide as much high density housing as the proposed Project and would therefore not be as effective in meeting one of the key objectives of the proposed Project to provide land for high density uses to increase the variety of the City's housing stock. For these economic, social, and other reasons, the proposed Project is deemed superior to Alternative 2.

## 3. Open Space Alternative (Alternative 3)

Under Alternative 3, 7.81 acres of land northeast of the future East Stockton Boulevard would be designated as Open Space. The proposed Project designates this land as high density residential land uses. The remainder of the Project site would remain unchanged from the proposed Project, which includes 33.10 acres of land designated for commercial land uses and 4.04 acres of land designated for high density residential land uses. Under Alternative 3, the number of housing units allowed on the Project site would decrease by 157 units as compared to the proposed Project and the amount of open space would increase, thus resulting in less impacts to population/housing/employment, biological and natural resources, geology and soils, air quality, hydrology and water quality, cultural resources, public services, and visual resources. In addition, the open space would serve as a buffer between commercial uses to the south of the future East Stockton Boulevard. While the Sheldon/99 GPA and Rezone

Project proposes to increase the intensity of development on the entire Project site, Alternative 3 would still allow for the development of land uses compatible with the realignment of East Stockton Boulevard and the Sheldon/99 interchange while offsetting the more intense development with an area designated as Open Space.

**(a) Findings:** The Open Space Alternative (Alternative 3) is rejected as an alternative because:

- This alternative would not provide as much land for high-density residential uses as the proposed Project and the overall number of housing units would decrease.

**(b) Explanation:** Draft EIR pages 6.0-18 through 6.0-25 provide an analysis of Alternative 3 as compared to the proposed Sheldon/99 GPA and Rezone Project. Environmental benefits of this alternative over the proposed Sheldon/99 GPA and Rezone Project include less severe impacts in terms of population/employment and housing, biological and natural resources, geology and soils, traffic and circulation, noise, long-term increases of criteria air pollutants, regional air plan impacts, potential increase in long-term atmospheric greenhouse gas emissions, hydrology and water quality, cultural resources, public schools, water service, wastewater service, solid waste, parks and recreation, and visual impacts.

Alternative 3 was determined to have less adverse or similar environmental impacts than the proposed Project on most issues overall. Alternative 3 has no environmental impacts that are worse than those under the proposed Project. However, Alternative 3 would not provide as much high density housing as the proposed Project and would instead replace this use with open space. Therefore Alternative 3 would not be as effective in meeting one of the key objectives of the proposed Project to provide land for high density uses to increase the variety of housing stock in the City. For these economic, social, and other reasons, the proposed Project is deemed superior to Alternative 3.

#### **4. Reduced Commercial Alternative (Alternative 4)**

Alternative 4 contains all of the uses included as part of the proposed Project with the exception that the amount of acreage designated for commercial uses would be reduced approximately 10 percent (4.79 acres of the total 44.95). Under Alternative 4, APN 116-0030-31 (2.40 acres) and APN 116-0030-014 (2.39 acres) would undergo a General Plan Amendment (GPA) and Rezone to designate them as high density residential uses rather than commercial uses with zoning of AR-20 rather than A-5. These parcels are located the farthest east from the interchange along Sheldon Road. The land use designations of all other parcels as identified under the proposed Project would remain unchanged for Alternative 4. The net effect of the GPA and Rezone would be a reduction in the amount of commercial uses on the Project site (28.31 acres of commercial land uses and 16.64 acres of high density residential land uses) and an increase in the number of housing units allowed on the site to 332 (an increase of 95 units compared to the proposed Project). While Alternative 4 would still allow for land designated for commercial development, the reduction of acreage devoted to

commercial uses on the site would result less impacts associated with traffic, air quality, noise, and hydrology and water quality.

(a) **Findings:** The Reduced Commercial Alternative (Alternative 4) is rejected as an alternative because:

- This alternative would not designate as many acres for commercial services to retain and increase sales and transient occupancy taxes to benefit revenue to the General Fund and maximize the economic viability of the improvements to the Sheldon Road/SR 99 interchange.

(b) **Explanation:** Draft EIR pages 6.0-25 through 6.0-33 provide an analysis of Alternative 4 as compared to the proposed Sheldon/99 GPA and Rezone Project. Environmental benefits of this alternative over the proposed Sheldon/99 GPA and Rezone Project include less severe impacts in terms of traffic and circulation, long-term increases of criteria air pollutants, regional air plan impacts, and hydrology and water quality.

Alternative 4 was determined to have less adverse or similar environmental impacts than the proposed Project on most issues overall. Alternative 4 has three environmental impacts that are worse than those under the proposed Project. However, Alternative 4 would not provide as much commercial acreage as the proposed Project and would instead replace this use with high density residential uses. Therefore Alternative 4 would not be as effective in meeting one of the key objectives of the proposed Project to provide land for commercial services to retain and increase sales tax and transient occupancy revenue to benefit the General Fund and maximize the economic viability of the improvements to the Sheldon Road/SR 99 interchange. For these economic, social, and other reasons, the proposed Project is deemed superior to Alternative 4.

## VII. **Statements of Overriding Considerations Related to the Sheldon/99 GPA and Rezone Project Findings**

- A. **Employment Opportunities.** The proposed Sheldon/99 GPA and Rezone Project would allow for approximately 504,643 square feet of commercial uses. The increases in commercial land use designation proposed by the Project would allow for job-generating development that would provide additional employment opportunities in the City.
- B. **Increased Housing Opportunities.** The proposed Sheldon/99 GPA and Rezone Project would increase the City's housing stock through the addition of high density residential uses. The Project proposes development of a maximum of 237 residential housing units which would provide for more housing options for residents of Elk Grove. An added benefit is that the housing would be located in close proximity to commercial uses.
- C. **Increased Commercial Opportunities.** The proposed Sheldon/99 GPA and Rezone would increase the amount of commercial opportunities in the City. The Project's location adjacent to the Sheldon/99 interchange makes it suitable to provide a variety of commercial offerings that are easily accessible from the freeway.

- D. Compatibility with Surrounding Land Uses.** The proposed Project would allow for commercial and high density residential uses in close proximity to the Sheldon/99 interchange. The land uses proposed are compatible with the proximity of the site to the freeway and would provide shopping opportunities for the proposed high density residential uses included as part of the Project.
  
- E. Increased Tax Revenues.** The Sheldon/99 GPA would allow City revenues to increase through sales tax revenues from the commercial development included as part of the Project.

Based upon the objectives identified for the Project, review of the Project, review of the EIR, and consideration of public and agency comments, the City Council has determined that the Project should be approved and that any remaining unmitigated environmental impacts attributable to the Project are outweighed by the specific social, environmental, land use, and other overriding considerations.

The City Council has determined that any environmental detriment caused by the Sheldon/99 GPA and Rezone Project has been minimized to the extent feasible through the mitigation measures identified herein, and, where mitigation is not feasible, has been outweighed and counterbalanced by the significant social, environmental, and land use benefits to be recognized by the City.

**EXHIBIT B**

**MITIGATION MONITORING AND REPORTING PROGRAM**

**DRAFT MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION  (ACTION BY THE PROJECT APPLICANT):	ENFORCEMENT/ MONITORING AND VERIFICATION (ACTION BY THE CITY):  (DATE & SIGN)
<b>SUBSEQUENT DEVELOPMENT PROJECTS</b>		
<p>1. <b>MM 4.3.4a Wetland Delineation Determination</b></p> <p>Prior to approval of development plans for subsequent projects, the project applicant shall conduct a wetlands delineation to determine wetland and vernal pool features, including jurisdictional and non-jurisdictional features, located within the project area. The wetland delineation shall be submitted to the Army Corps of Engineers for verification.</p> <p>If the Army Corps of Engineers does determine that there are jurisdictional waters on the Project site, the applicant shall ensure that the Project will result in no-net-loss of waters of the US by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact. Compensatory mitigation may consist of: (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that will conduct wetland, stream or other aquatic resource restoration, creation, enhancement, or preservation activities; these programs are generally administered by government agencies or non-profit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants; and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The Project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project.</p> <p>If the Army Corps of Engineers determines that the water features on the site are not subject to their regulatory jurisdiction, the applicant shall ensure no-net-loss of wetland and vernal pool habitat. Acre-for-acre in-kind wetland habitat shall be created, restored, or preserved on either existing agricultural or otherwise undeveloped property within the Elk Grove Creek watershed through the purchase</p>	<p>Prior to submittal of site plans.</p>	<p>City of Elk Grove Development Services, Planning</p>

<p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	<p style="text-align: center;"><b>TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):</b></p>	<p style="text-align: center;"><b>ENFORCEMENT/ MONITORING AND VERIFICATION (ACTION BY THE CITY):  (DATE &amp; SIGN)</b></p>
<p>of such property and the establishment of a contingent in-perpetuity conservation easement. Alternatively, if no such property is available or the particular arrangements prove impracticable, then the City may allow the option of offsite wetland mitigation credit purchases from a local or regional mitigation bank.</p> <p>If wetlands and vernal pools are retained on the project site and avoided by development activities, the wetlands and other waters shall be protected from disturbance during project construction by 50-foot buffer zones. Each zone will begin from the outer bank edge of the seasonal drainages. Wetlands shall be marked with orange construction barrier fencing or stakes and flags. Buffer zones shall be demarcated in the field by an environmental monitor. Construction activities such as road or pipeline installation that must occur within the buffer zone shall be supervised by the monitor to ensure that construction equipment/personnel do not enter the wetland and/or waters boundary within the buffer. The monitor shall also verify that barrier fencing and flagging are properly located and installed. The monitor shall have the authority to halt all construction activities in the vicinity of wetlands if these guidelines are violated. The locations of wetlands and other waters shall be clearly identified on the construction drawings. Fencing or other barriers shall remain in place until all construction and restoration work that involves heavy equipment is complete. Construction vehicles, equipment, or materials shall not be parked or stored within the fenced area.</p>		
<p>2. <b>MM 4.6.3 Acoustical Assessment for any Non-residential Uses</b></p> <p>Prior to approval of development plans for any non-residential uses on the project site, an acoustical assessment addressing City noise standards and criteria shall be performed. Where the acoustical analysis determines that stationary source noise levels would exceed applicable City noise standards, the acoustical analysis shall identify noise attenuation measures acceptable to the City that are sufficient to achieve compliance with City noise standards at nearby noise-sensitive land uses. Such measure may include, but are not limited to, the incorporation of</p>	<p>Implemented prior to design review approval for subsequent non-residential development projects</p>	<p>City of Elk Grove, Development Services, Planning</p>

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<p>setbacks, sound barriers, berms, or equipment enclosures; limits on the hours of operation associated with specific equipment or activity operations; and/or site redesign. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures, including the use of distance from noise sources, have been integrated into the project. The project applicant shall incorporate the noise reduction measures into the development plans to the satisfaction of the City.</p>		
<p><b>3. MM 4.6.4 Acoustical Assessment for Residential Uses</b></p> <p>Prior to approval of development plans for any residential uses on the project site, an acoustical assessment addressing City noise standards and criteria shall be performed. Where the acoustical analysis determines that onsite noise levels would exceed applicable noise standards, the analysis shall identify noise-reduction measures sufficient to achieve compliance with applicable noise standards for residential development. Such measure may include, but are not limited to, the incorporation of setbacks, sound barriers, or incorporation of building components with increased exterior-to-interior noise-reduction potential. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures, including the use of distance from noise sources, have been integrated into the project. The project applicant shall incorporate the noise reduction measures into the residential development plans to the satisfaction of the City.</p>	<p>Implemented prior to design review approval for subsequent non-residential development projects.</p>	<p>City of Elk Grove, Development Services, Planning.</p>
<p><b>4. MM 4.7.3a Air Quality Mitigation Plan</b></p> <p>At the time of development application, the project applicant will coordinate with SMAQMD and the City of Elk Grove and develop a project Air Quality Mitigation Plan (AQMP). In accordance with City of Elk Grove General Plan Policy CAQ-30, the AQMP shall reduce criteria emissions associated with potential development</p>	<p>At the time of development application</p>	<p>City of Elk Grove Development Services; SMAQMD.</p>



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<p>by a minimum of 15 percent compared to the unmitigated baseline project (an “unmitigated baseline project” is a development project which is built and/or operated without the implementation of emission reduction features). Project applicants shall coordinate with SMAQMD to determine the specific mitigation measures to be included in the AQMP and shall reference the Recommended guidance for Land Use Emissions Reductions document prepared by the SMAQMD in formulating mitigation measures. The AQMP shall be reviewed and approved by SMAQMD staff prior to project implementation. Available measures to be included in the AQMP include, but are not limited to, the following:</p> <p><u>Commercial Facilities</u></p> <ul style="list-style-type: none"> <li>• Provide preferential carpool/vanpool parking spaces.</li> <li>• Provide transit facility improvements (e.g., pedestrian shelters, route information, benches, lighting).</li> <li>• Provide bicycle storage/parking facilities.</li> <li>• Provide shower/locker facilities.</li> <li>• Provide incentives to employees to rideshare or take public transportation.</li> <li>• Provide a parking lot that provides clearly marked and shaded pedestrian pathways between transit facilities, pedestrian walkways and trails, and building entrances.</li> </ul> <p><u>Residential Uses</u></p> <ul style="list-style-type: none"> <li>• Prohibit use of wood-burning stoves or fireplaces within interior and exterior areas. Install only USEPA-certified gas-fired fireplaces.</li> <li>• Install Energy Star or ground source heat pumps.</li> <li>• Install Energy Star labeled roof materials.</li> <li>• Exceed Title 24 energy standards.</li> <li>• Include incentives for purchasers of new residential dwellings to incorporate solar-powered energy systems.</li> </ul>		

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5.	<p><b>MM 4.7.3b Site Specific Air Quality Study</b></p> <p>As part of the design review process for parcels 115-0162-010 and 115-0162-012, which are proposed to be designated for High Density Residential uses, the project applicant shall submit a site specific air quality study identifying the amount of particulate matter and toxic air contaminants to which users of the site would be exposed. Mitigation measures shall be identified for any potential adverse health effects, and shall be incorporated into project design to bring exposure to particulate matter and toxic air contaminants to acceptable levels.</p>	Implemented prior to design review approval for subsequent non-residential development projects.	City of Elk Grove Development Services; SMAQMD
6.	<p><b>MM 4.8.1 Drainage and Hydrology Mitigation</b></p> <p>In conjunction with future project application(s) and prior to approval of design review for the project(s) within the Sheldon/99 GPA and Rezone4 site, a drainage plan and hydrology study shall be submitted that meets City requirements and demonstrates the following, consistent with General Plan Policies CAQ-18 and SA-23:</p> <ul style="list-style-type: none"> <li>• Post development peak stormwater run-off discharge rates and velocities shall be designed to prevent or reduce downstream erosion and to protect stream habitat.</li> <li>• Runoff control measures shall be incorporated to minimize peak flows of runoff.</li> <li>• The project shall assist in its fair share of financing improvements for or otherwise implementing Comprehensive Drainage Plans.</li> </ul> <p>All mitigation measures and recommendations included in any drainage and hydrology studies shall be implemented.</p>	Prior to approval of design review for each individual development project within the Sheldon/99 GPA and Rezone project site	City of Elk Grove Development Services, Planning, and Public Works

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<p>7. <b>MM 4.8.2a Land Grading, Erosion Control and Stormwater Management and Discharge Control Ordinance Mitigation</b></p> <p>In conjunction with future project application(s) and prior to approval of design review for the project(s) within the Sheldon/99 GPA and Rezone site, measures must be identified that comply with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance. The projects shall demonstrate conformance with the following, as well as applicable City codes, policies, and regulations:</p> <ul style="list-style-type: none"> <li>• Specific BMPs shall be identified to ensure that long-term water quality is protected. The BMPs shall be designed, constructed, and maintained to meet a performance standard established by the City and shall conform to the provisions of the City's NPDES permit. The project applicant shall retain a qualified specialist to monitor the effectiveness of the BMPs selected. Monitoring activities, along with funding for monitoring, shall be established and shall include, but not be limited to, initial setup, annual maintenance, and annual monitoring.</li> <li>• Each individual development project shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. The two main categories of these BMPs are "source control" and "treatment control." Source control BMPs are usually the most effective and economical in preventing pollutants from entering storm and non-storm runoff. Source control BMPs relevant to the proposed Sheldon/99 GPA and Rezone project that shall be implemented include (but are not limited to): <ul style="list-style-type: none"> <li>1) Public education/participation activities. Information shall be provided to new project residents regarding pollution prevention.</li> <li>2) Illegal dumping controls. The covenants, conditions, and restrictions (CC&amp;Rs) for any residential project shall include a prohibition on the dumping of waste products (solid waste/liquid</li> </ul> </li> </ul>	<p>Prior to approval of design review</p>	<p>City of Elk Grove Development Services, Planning</p>

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	<p>waste and yard trash) into storm drain systems, open space areas, and creeks.</p> <p>3) Stormwater pollution source controls shall be conditioned to provide a permanent storm drain message “No Dumping – Flows to Creek” or other approved message at each storm drain inlet. This may be accomplished with a stamped concrete impression (for curbs) or manufactured colored tiles, which are epoxied in place adjacent to the inlet (for parking lots and areas without curbs).</p> <p>4) Street and storm drain maintenance activities. These activities control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, and 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.)</p>		
8.	<p><b>MM 4.8.2c Detention Basin, Stream Corridors and Stormwater Conveyance Facility Design</b></p> <p>In conjunction with future project application(s) and prior to approval of design review for the project(s) within the Sheldon/99 GPA and Rezone site, the development plans shall demonstrate compliance with the following measures:</p> <ul style="list-style-type: none"> <li>• If detention basins are required, the project applicant for each development project shall consult with the City when designing the proposed detention basin. Detention basin designs and proposed plantings in and around the detention basin shall be submitted for review and approval by the City.</li> <li>• Uses in the stream corridors shall be limited to recreation and agricultural</li> </ul>	Design shall be submitted and approved by the City prior to project design review approval.	City of Elk Grove Development Services, Planning; RWQCB

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<p>uses compatible with resource protection and flood control measures. Roads, parking, and associated fill slopes shall be located outside of the stream corridor, except at stream crossings (General Plan Policy SAQ-23).</p> <ul style="list-style-type: none"> <li>The project applicant for individual development projects on the Sheldon/99 GPA and Rezone site shall consult with the City when designing stormwater conveyance facilities. Designs of the areas shall be submitted to these agencies for review and approval prior to approval of the Final Map for each individual project. The project applicant shall retain a qualified specialist to assist in designing the features to maximize their effectiveness in removing pollutants. Biofilter swales and vegetated strips shall be placed in the bottom of drainage channels and be designed to provide biofiltration of pollutants during project runoff.</li> </ul>		
<p>9. <b>MM 4.10.4.1a Water Supply Plan</b></p> <p>At the time of development plan review for future development projects on the Sheldon/99 GPA and Rezone project site, the project applicant shall provide a water supply plan, consistent with General Plan Policies CAQ-1, PF-3, and PF-5, that demonstrates:</p> <ul style="list-style-type: none"> <li>Identification of water supply and delivery systems, including a “will serve” letter from the appropriate water service provider indicating that there is sufficient water capacity to serve the project, as well as to serve the existing and approved development in the service area.</li> <li>Sufficient water flow and pressure will be provided to the project at levels that meet domestic firefighting needs.</li> <li>Reclaimed water will be used for irrigation purposes wherever feasible.</li> </ul>	<p>Prior to approval of development plan review for future development projects on the Sheldon/99 GPA and Rezone project site</p>	<p>City of Elk Grove Development Services, Planning.</p>

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10.	<p><b>MM 4.10.4.1b Water Use Efficiency Review</b></p> <p>The following Conditions of Approval shall be placed on future development projects on the Sheldon/99 GPA and Rezone project site:</p> <ul style="list-style-type: none"> <li>• Prior to development plan approval for water-intensive commercial and industrial projects, including but not limited to hotels, restaurants, cleaning services, food and beverage industries, and paper products industries, the project applicant shall conduct a water use efficiency review that identifies areas where water use efficiency measures can be implemented and submit the findings in required environmental documentation for the project. The City shall require identified water efficiency measures to the maximum extent practicable.</li> <li>• Prior to development plan approval, the project applicant shall demonstrate the utilization of efficient cooling systems, re-circulating pumps for fountains and ponds, and water recycling systems for vehicle washing as a condition of service.</li> </ul>	Prior to development plan approval	City of Elk Grove, Development Services, Planning.
11.	<p><b>MM 4.10.5.1 Wastewater Services Plan</b></p> <p>At the time of development plan review for individual development projects on the proposed Sheldon/99 GPA and Rezone project site, the project applicant shall provide a wastewater services plan that includes the following as required by SASD, consistent with the SASD (formerly CSD-1) Minimum Sewer Study Requirements dated April 3, 2006, or successor:</p> <ul style="list-style-type: none"> <li>• An <b>Environmental/Financial Sewer Study (Level One)</b> is completed to ensure technical compliance with the CSD-1 Master Plan and to demonstrate it is possible to provide sewer service to the project. The study focus is on Major Topography, Major Phasing &amp; Timing, Interceptors (and their capacity), Major Trunks (and their capacity), and Sewer Sheds. Schematic lines will cover the remainder of the site and upstream areas.</li> </ul>	Prior to approval of development plan review for development projects on the Sheldon/99 GPA and Rezone project site.	City of Elk Grove, Public Works.

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<p>The study NEED NOT include minor trunks, collectors, manholes, reservations and easements, and subdivision layouts.</p> <ul style="list-style-type: none"> <li>• A <b>Specific/Community Master Plan (Level Two)</b> is completed to establish the backbone trunk system and sheds, locate and size pump/lift stations, and establish depth of pipes and verify cover. The study focus is on Topography, Phasing &amp; Timing, Interceptors (and their capacity), Trunks (and their capacity), and to define Reservations and Shed Shifts needed for approval. Schematic lines will cover the remainder of the site and upstream areas. This level of study is generally not sufficient for trunk design.</li> <li>• A <b>Subdivision Sewer Study (Level Three)</b> is the design analysis of the sewer system for a specific project site, and forms the basis for the improvement plans. The study focus is on everything required for a Level Two study, plus Collector Pipes, Residential Street Layout, Manhole Details, and any Exceptions to Policy. Any request for non-standard facilities must include supporting documentation.</li> </ul>		
<p>12. <b>MM 4.10.7.2 Trails System</b></p> <p>Prior to approval of subsequent development projects, the applicant shall incorporate a trail system consistent with the approved City of Elk Grove Trails Master Plan and to the satisfaction of the CCSD.</p>	<p>Prior to approval subsequent development projects.</p>	<p>City of Elk Grove Development Services Department, Planning and CCSD.</p>

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<b>GRADING PERMIT AND IMPROVEMENT PLAN</b>			
13.	<p><b>MM 4.3.2a Special-status Plant Species Pre-construction Survey</b></p> <p>Prior to approval of development plans associated with any subsequent entitlement requests for the project site, focused surveys shall be conducted to determine the presence of special-status plant species with potential to occur in the project area. Surveys shall be conducted in accordance with CDFG <i>Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities</i> (CDFG 2000). These guidelines require rare plant surveys to be conducted at the proper time of year when rare or endangered species are both "evident" and identifiable. Field surveys shall be scheduled to coincide with known blooming periods, and/or during periods of physiological development that are necessary to identify the plant species of concern. If no special-status plant species are found, no additional mitigation measures per direct impacts are necessary.</p> <p>If special-status plant species are found within the project site, the site plans shall be revised, if determined feasible by the City, to avoid the special-status plant species and provide an adequate buffer suitable to the long-term retention and maintenance of these species on the project site.</p> <p>If any special-status plant species are found within the project site and cannot be avoided, the applicant shall consult with the USFWS and/or CDFG, as applicable, to determine appropriate mitigation measures, including off-site transplanting or replacement planting.</p>	Prior to development plan review approval.	City of Elk Grove Development Services, Planning
14.	<p><b>MM 4.3.3a Special-status Vernal Pool Species Survey</b></p> <p>USFWS protocol-level surveys (USFWS 1996b) for special-status vernal pool species within suitable habitat areas are recommended prior to commencement of any activities that could impact vernal pool species. Otherwise, if suitable habitat is located within 250-feet of the proposed project, the applicant may assume</p>	Prior to construction and site grading activities	City of Elk Grove Development Services, Planning



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<p>presence of special-status species and mitigate accordingly.</p> <p>Prior to construction, the applicant shall obtain authorization from the USFWS for incidental take of listed vernal pool branchiopod species that have suitable habitat affected by the proposed project. The authorization for incidental take would be initiated by formal consultation under Section 7 or Section 10 of the federal ESA.</p> <p>If impacts to vernal pool habitat as a result of the proposed project cannot be avoided, the applicant shall compensate for direct and/or indirect effects to listed vernal pool species through consultation with the USFWS. The applicant shall implement all measures included in the Biological Opinion issued as a result of this consultation. For every acre of habitat directly or indirectly affected, at least two vernal pool credits would be dedicated within a USFWS approved preservation bank, or based on USFWS evaluation of site specific conservation values, three acres of vernal pool habitat may be preserved within the proposed project site or on another non-bank site as approved by USFWS. Final determinations of the amount of mitigation acreage to be provided, and if mitigation will be accomplished through on-site replacement or compensatory mitigation, shall be determined during consultation with USFWS. Mitigation shall occur so as to achieve no net loss of vernal pool habitat, as determined by the USFWS. A comprehensive plan for avoidance, on-site mitigation, off-site mitigation, or other compensation will be developed in cooperation with relevant state and federal agencies.</p>		
<p>15. <b>MM 4.3.3b Swainson's Hawk Foraging Habitat Mitigation</b></p> <p>In order to mitigate for the loss of Swainson's hawk foraging habitat, the applicant shall implement one of the following City of Elk Grove's approved mitigation alternatives.</p> <ul style="list-style-type: none"> <li>• Preserve 1.0 acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the CDFG and the City of Elk Grove as set forth in Chapter 16.130.040 of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect, OR</li> </ul>	<p>Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p>	<p>City of Elk Grove Development Services-Planning in consultation with CDFG.</p>

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<ul style="list-style-type: none"> <li>• Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove 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, OR</li> <li>• Submit proof that Swainson's hawk foraging mitigation credits have been purchased at a California Department of Fish and Game approved mitigation bank.</li> </ul>		
<p>16. <b>MM 4.3.3c Raptor Nesting Activity Pre-construction Survey</b></p> <p>The applicant shall conduct construction activities and vegetation clearing (including shrubs and bushes) to avoid raptor nesting activities, where feasible. No action is necessary if construction will occur during the non-breeding season (September 1st through February 28th).</p> <ol style="list-style-type: none"> <li>1) If proposed construction activities (including earthmoving or vegetation removal) are planned to occur during the nesting seasons for raptors and migratory birds (typically March 1st through August 31st), the applicant shall retain a qualified biologist to conduct a focused survey for active nests of raptors and migratory birds within and in the vicinity of no less than 500 feet outside project boundaries, where possible.</li> <li>2) Surveys shall occur no more than two weeks prior to ground disturbance or tree removal.</li> <li>3) If active nests are located during preconstruction surveys, USFWS and/or CDFG shall be notified regarding the status of the nests.</li> <li>4) Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or a qualified biologist</li> </ol>	<p>Prior to construction and site grading activities</p>	<p>City of Elk Grove Development Services, Planning</p>

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<p>deems disturbance potential to be minimal (in consultation with USFWS and/or CDFG.</p> <ol style="list-style-type: none"> <li>5) Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment) at a minimum radius of 100-feet around any raptors nest, and 50-feet around the nest for other migratory birds.</li> <li>6) Restrictions may also include the alteration of the construction schedule.</li> <li>7) In addition, a qualified wildlife biologist shall monitor the nest(s) to determine when the young have fledged and submit bi-weekly reports to the City Planning Department throughout the nesting season. The biological monitor shall have the authority to cease construction if there is any sign of distress to the raptor or migratory bird.</li> <li>8) Reference to this requirement and the MBTA shall be included in the construction specifications.</li> </ol>		
<p>17. <b>MM 4.3.3d Burrowing Owl Pre-construction Survey</b></p> <p>Within 30 days prior to the start of any construction activity, outside of the western burrowing owl breeding season (September–January), a qualified biologist shall conduct a burrow survey to determine if burrowing owls are present within the project area.</p> <ol style="list-style-type: none"> <li>1) If burrowing owls are observed on the site, measures such as flagging the burrow and avoiding disturbance, passive relocation, or active relocation to move owls from the site, shall be implemented to ensure that no owls or active burrows are inadvertently buried during construction. All measures shall be determined by a qualified biologist and approved by the CDFG.</li> <li>2) All burrowing owl surveys shall be conducted according to CDFG protocol. The protocol requires, at a minimum, four field surveys of the entire site and areas within 500 feet of the site by walking transects close enough that the entire site is visible. The survey should be at least three hours in length, either from one hour before sunrise to two hours after or two hours</li> </ol>	<p>Prior to construction and site grading activities.</p>	<p>City of Elk Grove Development Services, Planning.</p>

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	before sunset to one hour after. Surveys shall not be conducted during inclement weather, when burrowing owls are typically less active and visible.		
18.	<p><b>MM 4.3.3e Bat Roosting Habitat Pre-construction Survey</b></p> <p>If the project site contains suitable bat roosting habitat (e.g. abandoned buildings, rock crevices, under tree bark, hollow trees, culverts, under bridges, or other dark crevices), prior to initiation of construction activity, a pre-construction bat survey shall be performed by a wildlife biologist or other qualified professional.</p> <ol style="list-style-type: none"> <li>1) If bat roosts are identified on site, the City shall require that the bats be safely flushed from the sites where roosting habitat is planned to be removed prior to maternity roosting season (typically <u>May to August</u>) of each construction phase prior to the onset of construction activities.</li> <li>2) If a female or maternity colony of bats are found on the project site, the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in an area not planned for removal), a wildlife biologist shall determine what physical and timed buffer zones shall be employed to ensure the continued success of the colony.</li> <li>3) Such buffer zones may include a construction-free barrier of 250 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (typically <u>May to August</u>).</li> <li>4) If an active nursery roost is known to occur on site and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from the site after August and before May to prevent the formation of maternity colonies. Non-breeding bats shall be safely evicted, under the direction of a bat specialist.</li> </ol>	Prior to construction and site grading activities	City of Elk Grove Development Services, Planning.
19.	<b>MM 4.3.4b Heavy Equipment Monitoring Near Sensitive Areas</b>	This measure shall be	City of Elk Grove

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<p>Prior to working near sensitive areas (i.e., riparian habitat, wetlands, vernal pools), all heavy equipment shall be closely examined for oil and fuel discharges. All equipment operated adjacent to these areas shall be checked and maintained daily, to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic or plant life. Petroleum from project-related activities shall be prevented from contaminating the soil and or/entering sensitive areas. Any of these materials placed within or where they may enter the sensitive areas shall be removed immediately. Regulatory agencies shall be notified immediately if a spill occurs, and shall provide consultation regarding clean-up procedures.</p>	<p>implemented during all construction phases of the project and shall also be included as a note on all construction plans.</p>	<p>Development Services, Planning.</p>
<p>20. <b>MM 4.3.4c Hazardous Materials Monitoring Near Sensitive Areas</b></p> <p>Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic or plant life, resulting from project-related activities, shall be prevented from contaminating the soil and/or entering the sensitive areas. Any of these materials placed within or where they may enter these areas shall be removed immediately.</p>	<p>This measure shall be implemented during all construction phases of the project and shall also be included as a note on all construction plans.</p>	<p>City of Elk Grove Development Services, Planning</p>
<p>21. <b>MM 4.3.4d Sensitive Area Protection Mitigation</b></p> <p>Adequate erosion control and water pollution control measures shall be adopted and maintained in order to prevent deleterious materials from entering any sensitive areas including vernal pools, wetlands, waterways or other aquatic habitat. The siltation curtain shall be of effective design to limit and abate heavily silted material from impacting these sensitive areas.</p>	<p>During construction activities This measure shall be implemented during all construction phases of the project and shall also be included as a note on all construction plans.</p>	<p>City of Elk Grove Development Services, Planning.</p>
<p>22. <b>MM 4.3.4e Tree Survey</b></p>	<p>Prior to any site</p>	<p>City of Elk Grove</p>

<p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	<p style="text-align: center;"><b>TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):</b></p>	<p style="text-align: center;"><b>ENFORCEMENT/ MONITORING AND VERIFICATION (ACTION BY THE CITY):  (DATE &amp; SIGN)</b></p>
<p>A tree survey shall be conducted by an arborist certified by the International Society of Arboriculture (ISA) to enumerate and evaluate all trees on the site that meet the standards in the City of Elk Grove Tree Protection Ordinance. All tree locations shall be mapped on construction plans of the proposed project.</p> <p>All trees that meet the criteria contained in the City's Tree Preservation Ordinance shall be avoided by construction and protected during all construction activity, if feasible. Trees to be retained shall be protected by implementation of the following measures:</p> <ol style="list-style-type: none"> <li>1) Before initiating any construction activity near protected trees, install barrier fencing or a similar protective barrier at least one foot outside the drip line of each tree or as far as possible from the tree trunk where the existing road is within the tree drip line. The barrier fencing will remain in place for the duration of construction activity.</li> <li>2) No vehicles, construction equipment, mobile home/office, supplies, materials, or facilities shall be driven, parked, stockpiled, or located within the drip lines of trees.</li> <li>3) Conduct any work necessary within the drip lines by hand.</li> <li>4) Paving within the drip lines of trees shall be stringently minimized. When paving is absolutely necessary, porous material shall be used or a piped aeration system shall be installed under the supervision of a certified arborist.</li> </ol> <p>The above requirements shall be implemented prior to and during construction activities. Improvement and construction plans shall specifically note this measure.</p> <p>For trees that meet the criteria contained in the City's Tree Preservation and Protection Ordinance that are planned to be removed, a tree mitigation plan shall</p>	<p>disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p>	<p>Development Services, Planning.</p>

<p style="text-align: center;"><b>MITIGATION MEASURES</b></p>	<p style="text-align: center;">TIMING, IMPLEMENTATION AND NOTIFICATION  (ACTION BY THE PROJECT APPLICANT):</p>	<p style="text-align: center;">ENFORCEMENT/ MONITORING AND VERIFICATION (ACTION BY THE CITY):  (DATE &amp; SIGN)</p>
<p>be developed. Protected trees shall be replaced on an inch-per-inch ratio of trees lost. Tree mapping will delineate all protected trees planned to be removed. Mitigation areas, if needed, shall be within the project area limits if feasible. However, if on-site mitigation is not feasible, off-site mitigation within the city limits will be acceptable. The mitigation project shall include the following components:</p> <ol style="list-style-type: none"> <li>1) Number, location, size, and species of the replacement trees to be planted;</li> <li>2) Methods of irrigation for planted trees;</li> <li>3) Planting and maintenance schedule; and</li> <li>4) Plan for care of planted trees for a three-year establishment period and replacement of any planted trees that do not survive.</li> </ol>		
<p>23. <b>MM 4.6.1 Construction Generated Noise Mitigation</b></p> <p>The following measures shall be implemented to reduce construction-generated noise levels at nearby land uses:</p> <ul style="list-style-type: none"> <li>• Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 6 a.m. and 8 p.m., Monday through Friday, and between the hours of 7 a.m. and 8 p.m. on Saturday and Sunday, in accordance with the City of Elk Grove Noise Ordinance.</li> <li>• Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations.</li> <li>• Construction equipment staging areas shall be located at the furthest distance possible from nearby noise-sensitive land uses.</li> </ul>	<p>This measure shall be implemented during all construction phases of the project and shall be included as note on all construction plans</p>	<p>City of Elk Grove, Development Services, Planning.</p>
<p>24. <b>MM 4.7.1a Construction Mitigation – Water Exposed Surfaces</b></p>	<p>During all grading and construction phases of</p>	<p>City of Elk Grove Development</p>

	<b>MITIGATION MEASURES</b>	<b>TIMING, IMPLEMENTATION AND NOTIFICATION  (ACTION BY THE PROJECT APPLICANT):</b>	<b>ENFORCEMENT/ MONITORING AND VERIFICATION  (ACTION BY THE CITY):  (DATE &amp; SIGN)</b>
	The project applicant shall require that the contractors water all exposed surfaces, graded areas, storage piles, and haul roads at least twice daily during construction.	the project and included a note in all construction plans.	Services, Planning; SMAQMD.
25.	<b>MM 4.7.1b Construction Mitigation – Limit Vehicle Speed on Windy Days</b>  The project applicant shall require that the contractor limit vehicle speed for on-site construction vehicles to 15 mph when winds exceed 20 miles per hour.	During all grading and construction phases of the project and included a note in all construction plans.	City of Elk Grove Development Services, Planning; SMAQMD
26.	<b>MM 4.7.1c Construction Mitigation – Wash Construction Vehicles</b>  Wash dirt off construction vehicles and equipment within the staging area prior to leaving the construction site.	During all grading and construction phases of the project and included a note in all construction plans.	City of Elk Grove Development Services, Planning; SMAQMD
27.	<b>MM 4.7.1d Construction Mitigation – Transporting Soil</b>  The project applicant shall require that, when transporting soil or other materials by truck during construction activities, two feet of freeboard shall be maintained by the contractor, and that the materials are covered.	During all grading and construction phases of the project and included a note in all construction plans.	City of Elk Grove Development Services, Planning; SMAQMD
28.	<b>MM 4.7.1e Construction Mitigation – Pave, Apply Water or Apply Soil</b>	During all grading and	City of Elk Grove



MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION  (ACTION BY THE PROJECT APPLICANT):	ENFORCEMENT/ MONITORING AND VERIFICATION  (ACTION BY THE CITY):  (DATE & SIGN)
<p><b>Stabilizers</b></p> <p>Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas, and staging areas. This requirement shall be noted in project improvement plans</p>	<p>construction phases of the project and included a note in all construction plans.</p>	<p>Development Services, Planning; SMAQMD.</p>
<p>29. <b>MM 4.7.1f Construction Mitigation – Wash &amp; Sweep Streets</b></p> <p>The project applicant shall require paved streets adjacent to construction sites to be washed or swept daily to remove accumulated dust. This requirement shall be included as a note on the improvement plans.</p>	<p>During all grading and construction phases of the project and included as a note on all construction plans</p>	<p>City of Elk Grove Development Services, Planning; SMAQMD.</p>
<p>30. <b>MM 4.8.2b - Land Grading, Erosion Control and Stormwater Management and Discharge Control Ordinance Mitigation</b></p> <p>At the time grading plans are submitted for individual development projects on the Sheldon/99 GPA and Rezone project site, measures must be identified that comply with the City's Land Grading and Erosion Control Ordinance and Stormwater Management and Discharge Control Ordinance. Projects shall demonstrate conformance with the following:</p> <ul style="list-style-type: none"> <li>Grading plans shall be consistent with the City's NPDES permit (#CAS082597) which requires the City to impose water quality and watershed protection measures for all development projects.</li> </ul>	<p>As part of grading plan review and approval</p>	<p>City of Elk Grove Development Services, Planning.</p>
<p>31. <b>MM 4.9.1a – Cultural Resources</b></p>	<p>As a condition of project approval and</p>	<p>City of Elk Grove Development</p>

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION  (ACTION BY THE PROJECT APPLICANT):	ENFORCEMENT/ MONITORING AND VERIFICATION  (ACTION BY THE CITY):  (DATE & SIGN)
<p>If cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts) are discovered during grading or construction activities on the project site, work shall be halted immediately within 50 feet of the discovery, the City Planning Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history shall be retained to determine the significance of the discovery.</p> <p>The City shall consider mitigation recommendations presented by a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history for any unanticipated discoveries. The City and project applicant shall consult and agree upon implementation of a measure or measures that the City deems feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project proponent shall be required to implement any mitigation necessary for the protection of cultural resources.</p>	<p>implemented during ground-disturbing activities and shall also be included as a note on all construction plans.</p>	<p>Services, Planning .</p>
<p>32. <b>MM 4.9.1b – Cultural Resources Mitigation</b></p> <p>If, during the course of implementing actions under the Sheldon/99 GPA and Rezone project, human remains are discovered, all work shall be halted immediately within 50 feet of the discovery, the City Planning Department shall be notified, and the County Coroner must be notified according to Section 5097.98 of the State PRC and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.</p>	<p>As a condition of project approval and implemented during ground-disturbing activities and shall also be included as a note on all construction plans.</p>	<p>City of Elk Grove Development Services, Planning.</p>
<p>33. <b>MM 4.9.2 – Paleontological Resources</b></p>	<p>As a condition of</p>	<p>City of Elk Grove</p>

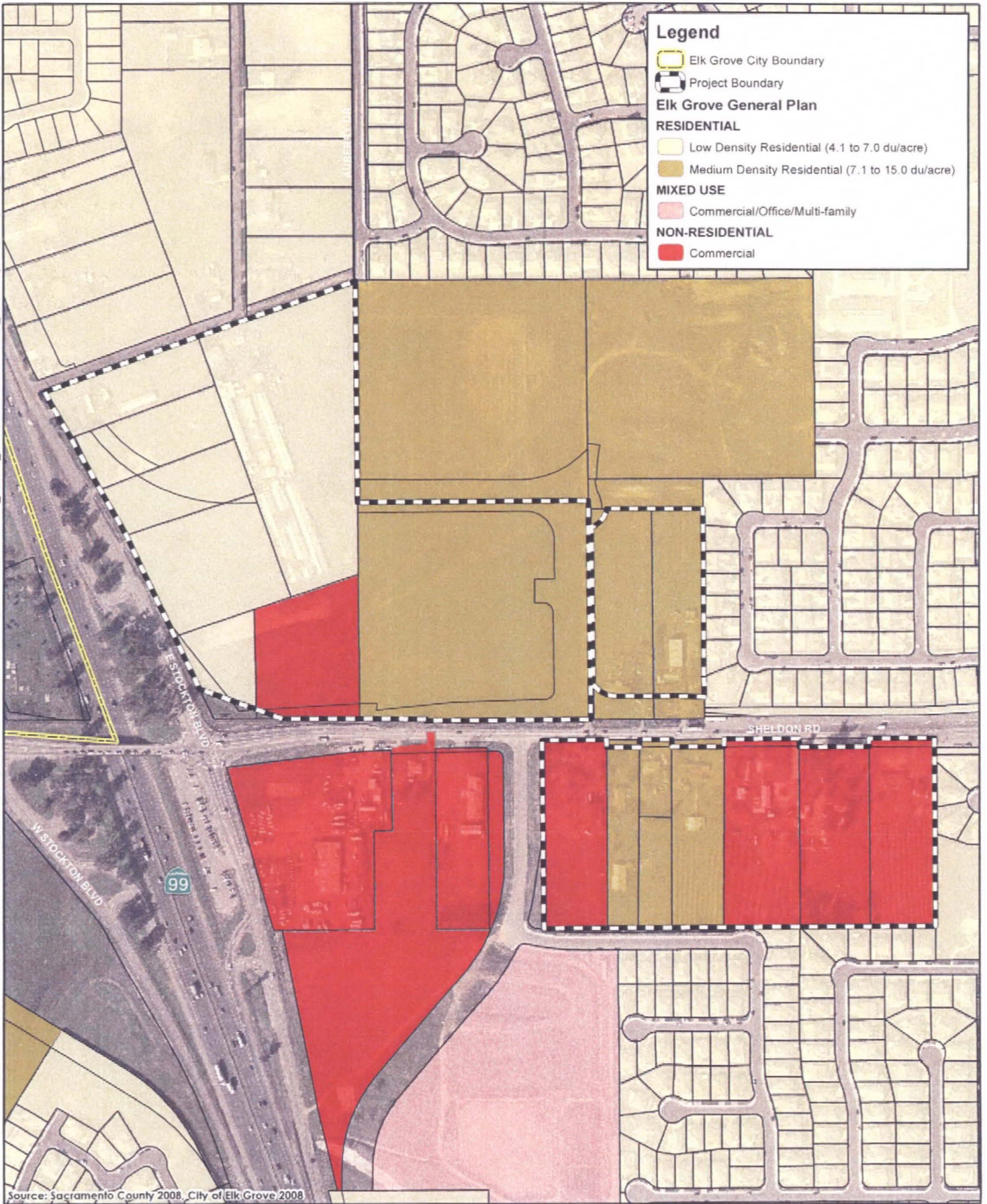
MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION  (ACTION BY THE PROJECT APPLICANT):	ENFORCEMENT/ MONITORING AND VERIFICATION  (ACTION BY THE CITY):  (DATE & SIGN)
<p>If any paleontological resources (fossils) are discovered during grading or construction activities on the project site, work shall be halted immediately within 50 feet of the discovery, and the City Planning Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist.</p> <p>The City shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources. The City and project applicant shall consult and agree upon implementation of a measure or measures that the City deems feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project proponent shall be required to implement any mitigation necessary for the protection of paleontological resources.</p>	<p>project approval and implemented during ground-disturbing activities and shall also be included as a note on all construction plans.</p>	<p>Development Services, Planning.</p>
<p>34. <b>MM 4.10.1.2a - Water Mains, Fire Hydrants, and Fire Flow Requirements</b></p> <p>Prior to approval of improvement plans of future development projects on the Sheldon/99 GPA and Rezone project site, the project applicant shall demonstrate that all required water mains, fire hydrants, and fire flow requirements necessary to serve the project are provided prior to the existence or storage of any combustible construction material on the project site, and that the installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, meets the standards of the CCSD Fire Department and the water purveyor.</p>	<p>Prior to approval of improvement plans</p>	<p>CCSD and City of Elk Grove Development Services, Planning</p>
<p>35. <b>MM 4.10.1.2b – Water Connection</b></p>	<p>Prior to approval of improvement plans</p>	<p>CCSD and City of Elk Grove</p>

<b>MITIGATION MEASURES</b>		<b>TIMING, IMPLEMENTATION AND NOTIFICATION  (ACTION BY THE PROJECT APPLICANT):</b>	<b>ENFORCEMENT/ MONITORING AND VERIFICATION  (ACTION BY THE CITY):  (DATE &amp; SIGN)</b>
	Prior to approval of improvement plans of future development projects on the Sheldon/99 GPA and Rezone project site, the project applicant shall demonstrate that an adequate water connection has been provided across SR 99 on Sheldon Road.		Development Services, Planning
36.	<p><b>MM 4.10.1.2c – Water Supply System Plans</b></p> <p>Prior to approval of improvement plans, the water supply system plans for the subdivisions shall be reviewed by the City to ensure adequate fire flows for the project as specified by the CCSD Fire Department.</p>	Prior to approval of improvement plans	CCSD and City of Elk Grove Development Services, Planning.
<b>BUILDING PERMIT</b>			
37.	<p><b>MM 4.5.1 – Freeway Mitigation Fee Program</b></p> <p>Future project applicants shall be required to pay the Freeway Mitigation Fee Program fee that is in effect at the time of issuance of building permits.</p>	At the time of issuance of building permit	City of Elk Grove, Development Services, Planning.

**EXHIBIT C**

**GENERAL PLAN AMENDMENT EXHIBITS FOR THE SHELDON/99 GPA AND  
REZONE PROJECT**

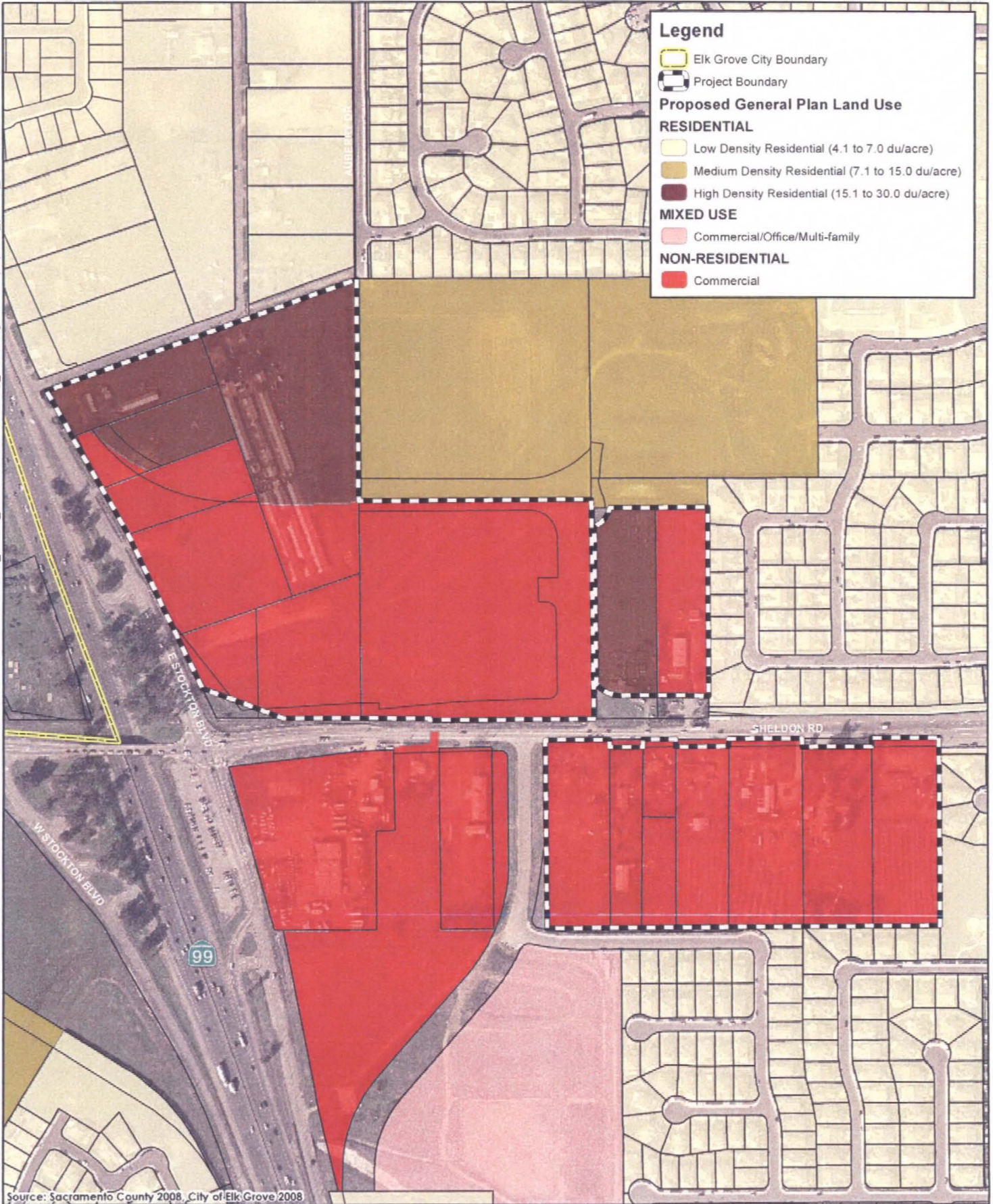




City of Elk Grove  
Development Services

**FIGURE 3**  
Existing General Plan  
Land Use Designations





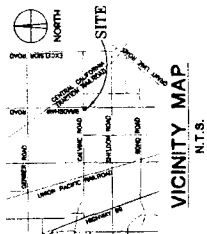
**FIGURE 5**  
Proposed General Plan  
Land Use Designations

**EXHIBIT D**

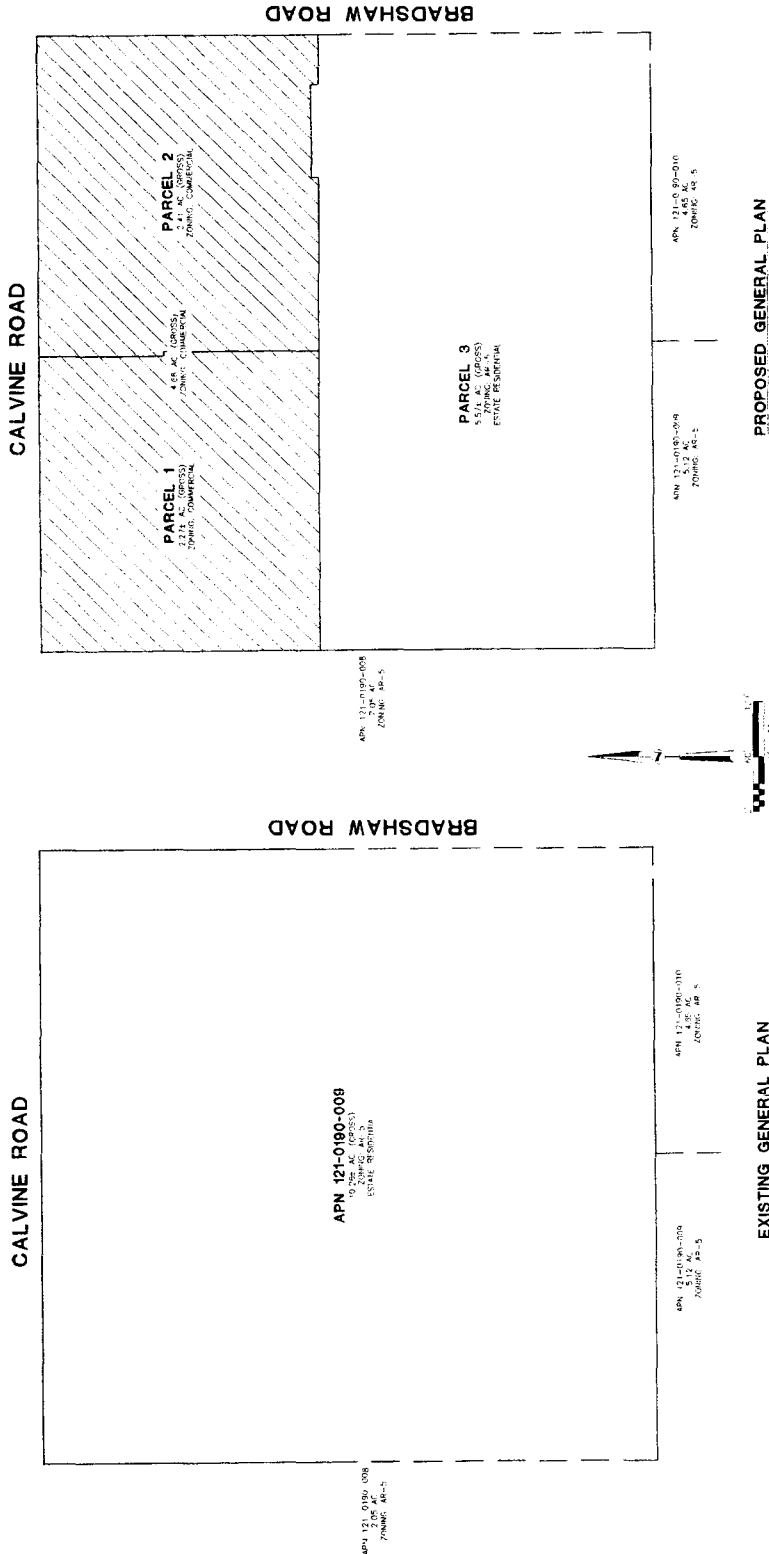
**GENERAL PLAN AMENDMENT EXHIBITS FOR THE SHOPS AT CALVINE  
PROJECT**



# PROPOSED REZONE / GENERAL PLAN AMENDMENT EXHIBIT SHOPS AT CALVINE #08-018 CITY OF ELK GROVE, CA



**LEGEND**  
AREA TO BE REZONED COMMERCIAL



**PROPOSED GENERAL PLAN**

**EXISTING GENERAL PLAN**

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-46**

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

*I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 25, 2009 by the following vote:*

**AYES :**        **COUNCILMEMBERS:**     *Hume, Scherman, Cooper, Detrick*

**NOES:**        **COUNCILMEMBERS:**     *Davis*

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

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



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