

## **RESOLUTION NO. 2001-43**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REGARDING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR APPROVAL OF A GENERAL PLAN AMENDMENT, GENERAL PLAN TRANSPORTATION DIAGRAM AMENDMENT, AND TENTATIVE SUBDIVISION MAP FOR THE LENT RANCH MARKETPLACE PROJECT**

WHEREAS, M & H Realty Partners III, L.P. has proposed development of about 3.1 million square feet of building space consisting of a regional shopping mall, community commercial uses, office and entertainment uses, and visitor commercial uses, and about 280 multi-family residential units (the "Lent Ranch Marketplace Project" or "Project"); and

WHEREAS, the project site is located in the southern portion of the City of Elk Grove, and is bounded by West Stockton Boulevard and State Route 99 (SR 99) on the east, and Kammerer Road generally along the southern boundary, and

WHEREAS, in compliance with *Public Resources Code §21080.4*, a Notice of Preparation (NOP) was prepared by the City of Elk Grove and was distributed to the State Clearinghouse, Office of Planning and Research, responsible agencies and other interested parties on August 28, 2000; and

WHEREAS; the Initial Study accompanying the NOP identified specific areas where the Project could have adverse environmental effects and indicated that an Environmental Impact Report ("EIR") would be prepared to analyze these effects; and

WHEREAS; the Notice of Completion ("NOC") and Draft EIR for the Project were published on October 27, 2000 (SCH# 1997122002) and the official public notice announcing (1) the availability of the Draft EIR for review and comment by the public and agencies and (2) how to obtain copies of the Draft EIR, appeared in the Sacramento Bee, the local paper of public record, on October 27, 2000; and

WHEREAS, the 45-day circulation period for the Draft EIR required under *Public Resources Code §21091* extended from October 27, 2000 through December 15, 2000 and during that time, the Draft EIR was reviewed by various governmental agencies, as well as interested individuals and organizations, and numerous comment letters were received; and

WHEREAS; the City of Elk Grove Planning Commission held a public hearing on November 30, 2000 to provide information and receive public comment on the Draft EIR and the Lent Ranch Marketplace Project; and

WHEREAS, on February 8, February 22 and March 8, 2001 the City of Elk Grove Planning Commission held public hearings to receive public testimony and comments on the Final EIR and the Lent Ranch Marketplace Project; and

WHEREAS, on April 5, 2001, the City of Elk Grove Planning Commission made a recommendation to the City Council to approve the proposed General Plan Amendment, General Plan Transportation Diagram Amendment, and Tentative Subdivision Map for the Lent Ranch Marketplace, as well as a Change of Zone and Amendment to the Zoning Code to incorporate the Lent Ranch Marketplace Special Planning Area document;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

In adopting the General Plan Amendment, General Plan Transportation Diagram Amendment, and approving the Tentative Subdivision Map, a Change of Zone and Amendment to the Zoning Code to incorporate the Lent Ranch Marketplace Special Planning Area document for the Lent Ranch Marketplace Project, the City Council hereby makes the following findings:

**1. Findings of Fact Regarding the Final Environmental Impact Report and Statement of Overriding Considerations.**

The following Findings are hereby adopted by the City Council of the City of Elk Grove as required by *Public Resources Code* §§21081, 21081.5 and 21081.6, and CEQA Guidelines §§15091 through 15093, in conjunction with the approval of the Project. The Lent Ranch Marketplace Final Environmental Impact Report ("Final EIR"), State Clearinghouse No. 1997122002, identified significant impacts associated with the Project. Approval of a project with significant impacts requires that findings be made by the Lead Agency. Significant impacts of the Project would either: (1) be mitigated to a less than significant level pursuant to the mitigation measures identified in this EIR; or (2) mitigation measures notwithstanding, have a residual significant impact that requires a Statement of Overriding Consideration. Specifically, CEQA Guidelines Section 15091 requires lead agencies to make one or more of the following written findings:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

These Findings accomplish the following: (a) they address the significant environmental effects identified in the EIR for the Project; (b) they incorporate mitigation measures associated with these significant impacts identified in either the Draft EIR or the Final EIR; (c) they indicate whether a significant effect is avoided or reduced by the adopted mitigation measures to a less-than-significant level or remains significant and unavoidable, either because there are no feasible mitigation measures or because, even with implementation of mitigation measures, a significant impact will occur, or because such changes or alterations are within the responsibility and jurisdiction of another public agency; and, (d) they address the feasibility of all project alternatives and mitigation measures identified in the EIR. For any effects which will remain significant and unavoidable, a "Statement of Overriding Considerations" is presented. The conclusions presented in these Findings are based on the Final EIR and other evidence in the administrative record.

In compliance with *Public Resources Code §21080.4*, a Notice of Preparation (NOP) was released on August 28, 2000. The 30-day response period for the NOP ended on September 27, 2000. The Draft EIR (Volumes 1-3) and Notice of Availability were released on October 27, 2000. A minimum 45-day circulation period was required under *Public Resources Code §21091*. The Draft EIR public comment hearing was held on November 30, 2000 before the Planning Commission. The public review period was extended by the Planning Commission from December 11, 2000 to December 15, 2000. Final EIR (Volume 4) was released on January 30, 2001. Oral comments were received on the Final EIR at the February 8, February 22, March 8 and March 22, 2001 Planning Commission hearings, and the May 9 and 16, 2001 City Council hearings. Final EIR (Volume 5) (Responses to Comments Received After the Final EIR Release Date) was released on May 1, 2001. Additional Responses to Comments received after the Final EIR were attached to the Staff Report prepared for the June 27, 2001 City Council hearing.

Section 1(A) addresses those effects of the Project which are not significant or which can feasibly be mitigated to a level of insignificance. Section 1(B) discusses the significant unavoidable environmental effects of the Project which cannot be effectively mitigated to a level of insignificance. Section 1(C) discusses the growth-inducing impacts of the Project. Section 1(D) contains Findings regarding the Mitigation Monitoring and Reporting Program for the Project. Section 1(E) provides Findings regarding the Alternatives to the Project discussed in the Final EIR or suggested by Comments. Section 1(F) provides Findings regarding Mitigation Measures suggested by Comments. Section 1(G) contains the Statement of Overriding Considerations. Section 1(H) identifies the location of the record of proceedings, and the Findings required by *CEQA Guidelines §15091* are contained in Section 1(I). The Findings set forth in each section are supported by facts established in the administrative record of the Project.

Having received, reviewed and considered the foregoing information, as well as any and all other information in the record, the City Council hereby makes Findings based on

substantial evidence pursuant to and in accordance with Section 21081.5 of the *Public Resources Code* as follows.

**A. Significant Impacts Identified in the EIR that are Reduced to Less Than Significant by Mitigation Measures Incorporated into the Project**

The Final EIR identifies the following significant impacts associated with the Project which are reduced to a less-than-significant level by mitigation measures identified in the EIR. The impacts and mitigation measures identified are fully disclosed in the Final EIR which is based on substantial evidence. The City finds that the significant environmental impacts which these mitigation measures address will be mitigated to a less-than-significant level or avoided by incorporation of the mitigation measures into the Project.

**1. TRANSPORTATION AND CIRCULATION**

**Existing Plus Project Roadway System Operation:**

**Impact 4.2-2** West Stockton Boulevard between the project's main driveway and Kammerer Road is projected to be 39,800 vehicles per day ("VPD") with the project, which exceeds the capacity of 11,000 VPD for rural two-lane roadways. This is considered a **potentially significant** impact.

**Finding:** Mitigation Measures Feasible and Required. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. Based on City Average Daily Trip (ADT) guidelines, this improvement would provide sufficient capacity to accommodate the projected daily volume and would result in LOS C operations. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:

**MM 4.2-2:** Widen the section of West Stockton Boulevard between the project's main driveway and Kammerer Road from one lane to three lanes in each direction.

**Impact 4.2-3:** West Stockton Boulevard between Poppy Ridge Road and the project's main driveway is projected to be 24,500 VPD with the project, which exceeds the capacity of 11,000 VPD for rural two-lane roadways. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. Based on City Average Daily Trip (ADT) guidelines, this improvement would provide sufficient capacity to accommodate the projected daily volume and would result in LOS B operations. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:

**MM 4.2-3:** Widen the section of West Stockton Boulevard between Poppy Ridge Road and the project's main driveway from one lane to two lanes in each direction.

**Impact 4.2-4:** West Stockton Boulevard between Elk Grove Boulevard and Poppy Ridge Road is projected to be 18,000 VPD with the project, which exceeds the capacity of 11,000 VPD for rural two-lane roadways. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. This improvement would provide sufficient capacity to accommodate the projected daily volume and would result in LOS E operations. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:

**MM 4.2-4:** Improve the existing substandard cross-section of West Stockton Boulevard between Elk Grove Boulevard and Poppy Ridge Road to a Class C Typical Street Section (minimum) with 12-foot travel lanes and six-foot usable shoulder.

**Impact 4.2-5:** Implementation of the project would cause LOS F operations at the SR 99 Northbound Ramps/E. Stockton Boulevard intersection (at the SR 99/Grant Line Road interchange) during the p.m. peak hour. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. These improvements would provide LOS B operations in the a.m. and p.m. peak hours and would eliminate the deficiency. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:

**MM 4.2-5:** Reconstruct the SR 99 Northbound Ramps/E. Stockton Boulevard intersection to intersect with Grant Line Road to form the northbound off-ramp. Signalize and provide the following lane configuration at the intersection:

- Two left-and right-turn lanes on the northbound off-ramp;
- Two through lanes on the eastbound approach; and
- Three through lanes on the westbound approach.

**Impact 4.2-6:** Implementation of the project would cause LOS F operations at the Grant Line Road/E. Stockton Boulevard intersection during the a.m. and p.m. peak hours. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. These improvements would provide LOS C operations in the a.m. and p.m. peak hours, and eliminate the deficiency. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:

**MM 4.2-6:** The Grant Line Road/E. Stockton Boulevard intersection would be relocated 900 feet to the east to coincide with the existing Grant Line Road/Survey Road intersection. Signalize and provide the following lane configuration at the intersection:

- One left turn lane, three through lanes and a separate right turn lane on the eastbound approach;
- One left turn lane, two through lanes and a shared through/right-turn lane on the westbound approach; and
- One left turn, one through and one right turn lane on the northbound and southbound approaches.

**Impact 4.2-7:** Implementation of the project would cause LOS F operations at the SR 99 Southbound Ramps/W. Stockton Boulevard intersection (at the SR

99/Grant Line Road interchange) during the p.m. peak hour. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. These improvements would provide acceptable intersection operations in the a.m. and p.m. peak hours, and eliminate the deficiency. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant level**:

**MM 4.2-7:** Reconstruct the SR 99 Southbound Ramps/W. Stockton Boulevard intersection to intersect with Grant Line Road. Signalize and provide the following lane configuration at the intersection:

- One left-turn lane, one shared left/right-turn lane and one separate right turn lane on the southbound off-ramp;
- Three through lanes on the eastbound approach; and
- Two through lanes on the westbound approach.

**Impact 4.2-8:** Implementation of the project would cause LOS F operations at the Grant Line Road/W. Stockton Boulevard intersection during the a.m. and p.m. peak hours. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. These improvements would provide acceptable intersection operations in the a.m. and p.m. peak hours, and eliminate the deficiency. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant level**:

**MM 4.2-8:** The Grant Line Road/W. Stockton Boulevard intersection is the main access to and from the proposed project site. This intersection would be relocated approximately 850 feet west of its current location to provide better spacing between the new SR 99 Southbound off-ramp intersection. Signalize and provide the following lane configurations at the intersection:

- Three left-turn lanes, one through lane and one shared through/right-turn lane on the southbound approach;

- One left-turn lane, two through lanes and one shared through/right-turn lane on the eastbound approach;
- One left-turn lane, two through lanes one shared through/right-turn lane and a free right-turn lane on the westbound approach; and
- One left-turn, one through lane and one right-turn lane on the northbound approach.

**Impact 4.2-11:** Implementation of the project would cause LOS E operation at the SR 99 southbound off-ramp junction with Grant Line Road in the p.m. peak hour. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:

**MM 4.2-11:** Construct two lanes on the SR 99 southbound off-ramp to Grant Line Road.

#### **Year 2003 Plus Project Roadway System Operation:**

**Impact 4.2-12:** West Stockton Boulevard between the Project's main driveway and Kammerer Road is projected to be 41,700 Vehicles Per Day with initial development of the Lent Ranch Marketplace, which exceeds the capacity of 11,000 VPD for rural two-lane roadways. This is considered a **potentially significant** impact

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. Based on City Average Daily Trip (ADT) guidelines, this improvement would provide sufficient capacity to accommodate the projected daily volume and would eliminate the deficiencies. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:



**MM 4.2-2:** Widen the section of West Stockton Boulevard between the Project's main driveway and Kammerer Road from one lane to three lanes in each direction.

**Impact 4.2-13:** Implementation of the project would cause LOS F operations at the SR 99 Northbound Ramps/E. Stockton Boulevard intersection (at the SR 99/Grant Line Road interchange) during the p.m. peak hour. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. These improvements would provide LOS B operations in the a.m. and p.m. peak hours. This would eliminate the deficiency. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:

**MM 4.2-5:** Reconstruct the SR 99 Northbound Ramps/E. Stockton Boulevard intersection to intersect with Grant Line Road to form the northbound off-ramp. Signalize and provide the following lane configuration at the intersection:

- Two left-and right-turn lanes on the northbound off-ramp;
- Two through lanes on the eastbound approach; and
- Three through lanes on the westbound approach.

**Impact 4.2-14:** Implementation of the project would cause LOS F operations at the Grant Line Road/E. Stockton Boulevard intersection during the a.m. and p.m. peak hours. This is considered a **potentially significant** impact

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. These improvements would provide LOS C operations in the a.m. and p.m. peak hours, and eliminate the deficiency. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:

**MM 4.2-6:** The Grant Line Road/E. Stockton Boulevard intersection would be relocated 900 feet to the east to coincide with the existing Grant Line

Road/Survey Road intersection. Signalize and provide the following lane configuration at the intersection:

- One left turn lane, three through lanes and a separate right turn lane on the eastbound approach;
- One left turn lane, two through lanes and a shared through/right-turn lane on the westbound approach; and
- One left turn, one through and one right turn lane on the northbound and southbound approaches.

**Impact 4.2-15:** Implementation of the project would cause LOS F operations at the SR 99 Southbound Ramps/W. Stockton Boulevard intersection (at the SR 99/Grant Line Road interchange) during the p.m. peak hour. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. These improvements would provide acceptable intersection operations in the a.m. and p.m. peak hours, and eliminate the deficiency. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:

**MM 4.2-7:** Reconstruct the SR 99 Southbound Ramps/W. Stockton Boulevard intersection to intersect with Grant Line Road. Signalize and provide the following lane configuration at the intersection:

- One left-turn lane, one shared left/right-turn lane and one separate right turn lane on the southbound off-ramp;
- Three through lanes on the eastbound approach; and
- Two through lanes on the westbound approach.

**Impact 4.2-16:** Implementation of the project would cause LOS F operations at the Grant Line Road/W. Stockton Boulevard intersection during the a.m. and p.m. peak hour. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. These

improvements would provide acceptable intersection operations in the a.m. and p.m. peak hours, and eliminate the deficiency. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant level**:

**MM 4.2-8:** The Grant Line Road/W. Stockton Boulevard intersection is the main access to and from the proposed project site. This intersection would be relocated approximately 850 feet west of its current location to provide better spacing between the new SR 99 Southbound off-ramp intersection. Signalize and provide the following lane configurations at the intersection:

- Three left-turn lanes, one through lane and one shared through/right-turn lane on the southbound approach;
- One left turn lane, two through lanes and one shared through/right-turn lane on the eastbound approach;
- One left turn lane, two through lanes one shared through/right-turn lane and a free right-turn lane on the westbound approach; and
- One left turn, one through lane and one right-turn lane on the northbound approach.

**Impact 4.2-18:** Implementation of the project would cause LOS E operations at the SR 99 Southbound off-ramp junction to West Stockton Boulevard at the SR 99/Grant Line Road interchange. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR (which occurs only during the p.m. peak hour) to an insignificant level. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant level**.

**MM 4.2-11:** Construct two lanes on the SR 99 southbound off-ramp to Grant Line Road.

**Impact 4.2-23:** Implementation of the project would degrade operations at the Poppy Ridge Road/West Stockton Boulevard intersection from LOS A to F in the p.m. peak hour. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The implementation of these improvements would result in LOS B and C in the a.m. and p.m. peak hours, respectively. This measure would eliminate the deficiency. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:

**MM 4.2-23:** Signalize the intersection of Poppy Ridge Road and West Stockton Boulevard and provide the following lane configurations:

- Two left-turn lanes and two through lanes on the northbound approach;
- One right-turn lane and two through lanes on the southbound approach; and
- One left-turn and one right-turn lane on the eastbound approach.

## 2. NOISE

**Impact 4.4-3:** Vibration associated with construction activities due to pile driving could affect nearby sensitive land uses. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM 4.4-3(a):** If construction vibration results in peak ground velocities of more than 0.1 inches/second to onsite or adjacent residential land uses, the responsible party shall relocate the occupants on a temporary basis.

**MM 4.4-3(b):** Prior to the commencement of pile driver operation in proximity to residential areas, an assessment of vibrations induced by pile driving at the site shall be evaluated. During indicator pile driving, vibrations should be measured at regular intervals to determine the levels of vibration at various distances from pile driving equipment. The indicator piles shall be driven at locations at least 400 feet from any existing residents. After monitoring, methods of reducing the peak ground velocities to less than 0.4 inches/second shall be determined and

implemented during production pile driving. Methods to reduce vibrations, if needed, could include cut-off trenches, and the use of smaller hammers. The vibration reduction techniques to be used should be described in a note attached to the construction plans for the project to be reviewed and approved by the appropriate City regulatory agency prior to issuance of building permits.

**Impact 4.4-5:** Exterior noise levels along West Stockton Boulevard within the project site would be approximately 70.5 dB(A), except in and around the multi-family land use where levels would be approximately 74.1 due to the combined noise levels of SR-99 and West Stockton Boulevard. This level is above the City's Acceptable level. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. MM4.4-5(a) and MM4.4-5(b) will ensure that exterior and interior noise levels do not exceed the City's "Acceptable" level for exterior and interior thresholds for residential development of 60 dB(A)Ldn/CNEL and 45dB(A) Ldn/CNEL, respectively. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant level**:

**MM 4.4-5(a):** The responsible party shall implement noise attenuation measures, as necessary to reduce exterior and interior noise levels below the thresholds shown in the General Plan Noise Element. Based on the Land Use Compatibility Guidelines in the Noise Element (as well as Policy NO-1), the exterior thresholds are 60 dB(A) Ldn/CNEL for residential uses and 65 dB(A) for commercial uses. Based on Policy NO-7, the interior threshold is 45 dB(A) Ldn/CNEL for residential uses. Based on Table II-3 of the Noise Element, the acceptable interior noise levels in conference rooms and small offices are 40 to 45 dB(A), in large offices, banks and stores, 45 to 50 dB(A), and in restaurants, 45 to 55 dB(A). The measures required shall be identified during the planning and design of individual projects within the project site, on the basis of a detailed acoustical analysis. The analysis shall consider traffic generated by the proposed project and anticipated cumulative development, based on the Sacramento County Traffic Model.

**MM4.4-5(b):** A noise barrier of sufficient size to break the line of sight between exterior usable areas within the multi-family residential uses and traffic noise sources along SR99/West Stockton Boulevard and parking lot noise shall be developed along the District F boundary. The noise wall will be designed in accordance with the Project Design Guidelines, as adopted by the City Council.

**Impact 4.4-6:** During nighttime periods, Leq parking lot noise levels could exceed the City Noise Level Performance Lmax Standard of 65 dB(A). This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR to a **less than significant** level.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact:

**MM4.4-6:** A noise barrier of sufficient size to break the line of sight between exterior usable areas within the multi-family residential uses and traffic noise sources along SR99/West Stockton Boulevard and parking lot noise shall be developed along the District F boundary. The noise wall will be designed in accordance with SPA, as adopted by the City Council.

**Impact 4.4-7:** The maximum sound levels (i.e., peaks) generated by the sweepers in parking lot areas could exceed the City's Noise Level Performance Standards for Residential Areas. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. By limiting the hours of operation, MM4.4-7 will ensure that the maximum sound levels generated by the sweepers do not exceed the City's Noise Level Performance Standards for Residential Areas, since the daytime standard (7 A.M. to 10:00 P.M.) is 70 Lmax. The above finding is made in that the following measure will mitigate the identified impact to a **less than significant** level:

**MM 4.4-7:** Where sweepers are operated within 75 feet of residential uses, sweeper operations shall be restricted to the hours of 7:00 A.M. to 10:00 P.M.

**Impact 4.4-8:** The maximum sound levels (i.e., peaks) generated by loading and unloading of trucks could exceed the City's Noise Level Performance Standards for Residential Areas. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant level**.

**MM4.4-8:** Loading docks constructed on the project site shall be designed to have either a depressed (i.e., below grade) loading dock area; an internal bay; or wall to break the line of sight between residential land uses and loading operations. Acoustical analysis shall be performed to demonstrate that the loading docks do not result in noise levels that exceed City standards at nearby residential property lines. These components shall be incorporated into the plans to be submitted by the applicant to the City of Elk Grove for review and approval prior to the issuance of building permits.

**Impact 4.4-9:** Given the location of onsite structures and proximity to residential use, the possibility exists that during nighttime periods electrical and mechanical equipment sources could exceed the City's Noise Level Performance standards. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant level**:

**MM 4.4-9:** The responsible party shall minimize noise impacts from electrical and mechanical equipment, such as ventilation and air conditioning units, by locating equipment away from receptor areas, proper selection and sizing of equipment, installation of equipment with proper acoustical shielding and incorporating the use of parapets into building design.

### 3. HAZARDS

**Impact 4.5-1:** During removal and construction activities, the project could result in the disturbance of friable (intact) ACBMs or in a form that could allow fibers to become airborne. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM 4.5-1:** Prior to the issuance of demolition permits for existing onsite structures, asbestos material sampling shall be conducted to determine if materials are present. Any identified asbestos-containing materials present in each of the structures to be dismantled shall be removed under acceptable engineering methods and work practices by a licensed asbestos abatement contractor. These practices include, but are not limited to: containment of the area by plastic, negative air filtration, wet removal techniques and personal respiratory protection and decontamination. The process shall be designed and monitored by a California Certified Asbestos Consultant. The abatement and monitoring plan shall be developed and submitted for review and approval by the appropriate regulatory agency (the Sacramento Metropolitan Air Pollution Control District) and shall include all on-site structures with ACBM.

**Impact 4.5-2:** During removal and construction activities, the project could result in the disturbance of lead paint materials and expose persons to airborne material. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.



**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a less than significant level:

**MM4.5-2(a):** Prior to the issuance of demolition permits for existing onsite structures, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, state, and federal regulations.

**MM4.5-2(b):** The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with local, state, and federal regulations.

**Impact 4.5-3:** During removal and construction activities, the project could result in the disturbance of PCB- containing light ballasts or onsite electrical transformers. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a less than significant level:

**MM 4.5-3:** All on-site fluorescent light ballasts and electrical transformers shall be assumed to contain PCBs and shall be removed prior to removal activities and disposed of by a licensed and certified PCB removal contractor, in accordance with local, state, and federal regulations.

**Impact 4.5-4:** During removal and construction activities, the project may result in the disturbance of heavy metals (predominately mercury) that may be present in fluorescent light tubes, high intensity discharge (HID) lamps, and HVAC thermostats contained on the project site. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM 4.5-4:** All on-site fluorescent light tubes, high intensity discharge (HID) lamps, and HVAC (heating/ventilation/air conditioning) thermostats shall be assumed to contain heavy metals and shall be removed prior to demolition activities and disposed of by a licensed and certified removal contractor, in accordance with local, state, and federal regulations.

**Impact 4.5-5:** During construction activities previously undocumented soil and/or ground water contamination onsite and offsite may be discovered. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level.

**MM 4.5-5:** While not known to occur on-site, if contaminated soil and/or ground water is encountered during the removal of on-site debris or during excavation and/or grading both on and offsite, the construction contractors shall stop work and immediately inform the City. Environmental hazardous materials professional shall be contracted to conduct an on-site assessment. If the materials are determined to pose a risk to the public or construction workers, the construction contractor shall prepare and submit a remediation plan to the appropriate agency and comply with all federal, state, and local laws. Soil remediation methods could include excavation and on-site treatment, excavation and off-site treatment or disposal, and/or treatment without excavation. Remediation alternatives for cleanup of contaminated groundwater could include in-situ treatment, extraction and on-site treatment, or extraction and off-site treatment and/or disposal. Construction plans shall be modified or postponed to ensure construction will not inhibit remediation activities and will not expose the public or construction workers to hazardous conditions.

#### 4. PUBLIC SERVICES AND UTILITIES

##### Wastewater

**Impact 4.6.2-1:**The project could potentially impact the existing sewer network if construction of project improvements would not occur consistent with need, and if the proposed system were not properly designed and constructed. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. Because MM4.6.2-1 ensures that all Project sewer lines will be constructed in accordance with the requirements of the Sewer Master Plan, and since these improvements will be funded by the responsible party as demonstrated in the Public Facilities Financing Plan for the project, project improvements will occur consistent with need. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM 4.6.2-1:** The responsible party shall design and construct all sewer lines consistent with the Sewer Master Plan. The responsible party shall also pay the required sewer connection and capacity fees that are used to fund expansion of facilities.

**Impact 4.6.2-2:**Use of the existing 30-inch trunk sewer line in East Stockton Boulevard as an interim connection to the sanitary sewer network may exceed capacity of this trunk line. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The SRCSD has indicated that a detailed sewer capacity study is presently under way for the East Stockton Boulevard trunk sewer line to ascertain the available capacity in the line. When complete, the analysis will clarify the actions the Project must take in order to use this line as an interim connection while ensuring adequate capacity during peak periods of flow. A number of means are available to minimize impacts of peak Project flows on the interim connection. The actual technical requirements of the interim connection will

be determined at the time of final design. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant level**:

**MM 4.6.2-2:** The responsible party and the Sacramento Regional County Sanitation District shall come to a mutual agreement that provides for full mitigation of potential project impacts to the East Stockton Boulevard Trunk Sewer. This agreement shall be provided to the City of Elk Grove Public Works Department prior to recordation of the tract map, and the agreed upon physical improvements, if required, shall be in place prior to the issuance of occupancy permits.

#### Fire Service

**Impact 4.6.4-1:** Emergency crews responding to a call for service at the construction site may not arrive within the minimum response time of five minutes considered acceptable by the EGCSD. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant level**:

**MM 4.6.4-1:** Uses constructed on the project site shall meet the minimum necessary fire flow and other standard fire protection and life safety requirements identified in the Uniform Fire Code, Uniform Building Code, and other applicable State regulations. Construction sites shall ensure adequate on-site water supply and all-weather access for fire-fighting equipment and emergency vehicles before framing can occur. The responsible party shall also pay the Fire Protection Development Fee (i.e., Fire Facilities Fee as outlined in the Public Facilities Financing Plan) in effect at the time of building permit issuance.

**Impact 4.6.4-2:** The project may have a significant impact on the ability of the Fire Department to conduct plan review and site inspection services. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a less than significant level:

**MM 4.6.4-2:** Prior to issuance of building permits, the responsible party and the EGCSO shall reach an agreement on funding to provide adequate staff to conduct site plan review and construction inspection services for the project. The agreement shall specify funding levels and timing of payment.

**Impact 4.6.4-3:** Project operation may significantly impact Fire Department Response times during the period between project opening and construction of planned Station #78. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a less than significant level:

**MM 4.6.4-3(a):** The Draft Public Facilities Financing Plan for the project shall provide either complete early funding for a permanent fire station (by means of responsible party financing of the station with a provision for credit against the Fire Protection Development Fee) or responsible party financing of a temporary fire station. Sufficient funds will also be required to purchase an engine and grass unit. The Plan shall contain a provision that allows reimbursement for payment of those funds beyond the proposed project's "Fair Share" for all of the above.

**MM4.6.4-3(b):** All signalized intersections installed by the responsible party shall be equipped with traffic pre-emption devices at the time of installation.

#### Police Service

**Impact 4.6.5-1:** Project operation would increase demand for law enforcement service in the City of Elk Grove and potentially slow response times. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM 4.6.5-1(a):** Mall management shall contract with a private security firm to provide uniformed patrols both inside and outside the mall.

**MM 4.6.5-1 (b):** Mall management and security shall meet with the Sheriff's Department (now the Elk Grove Police Department) prior to opening to coordinate efforts in addressing anticipated law enforcement problems. Meeting minutes that identify action items are to be taken and signed by all participating parties.

**MM 4.6.5-1(c):** Mall management shall offer space within the Mall for a storefront station. The offer shall be made in writing and submitted to both the Sheriff's Department (now the Elk Grove Police Department) and City Planning Department.

**MM4.6.5-1 (d):** Signs shall be posted banning loitering, skateboarding, rollerblading, and public drinking. Signs shall be posted indicating parking is for mall customers only.

**MM 4.6.5-1 (e):** Outdoor parking lot lighting shall be a minimum of one (1) foot candles minimum maintained illumination per square foot of parking surface during business hours and 0.25 foot candles of minimum maintained illumination per square foot of parking surface on any walkway, alcove, or passageway. Entranceways shall have a minimum of one-foot candle lighting. All light fixtures shall be vandal resistant.

### Schools

**Impact 4.6.6-1:** Habitation of the proposed residential units will increase the number of students attending local public schools, which are presently at or over design capacity. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a less than significant level:

**MM 4.6.6-1:** The responsible party shall pay developer fees to the EGUSD as required by state law to cover the increase in residential and commercial space associated with the proposed project. The property owner shall also pay the Mello-Roos tax on the subject property.

### Parks and Recreation

**Impact 4.6.7-1:** Habitation of residential uses proposed by the project would increase the demand for parks and recreation. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a less than significant level:

**MM 4.6.7-1:** The responsible party shall meet the parkland requirements outlined in Section 22.40 of the City Code.

## **5. HYDROLOGY AND WATER QUALITY**

**Impact 4.7-1:** Construction activities associated with the development of the project and of offsite infrastructure and improvement may result in short-term water quality problems. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a less than significant level:

**MM 4.7-1:** The responsible party shall prepare and submit to the City of Elk Grove, a Storm Water Pollution Prevention Plan (SWPPP) to be administered throughout all phases of grading and project construction. The SWPPP will incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. Examples of BMPs that may be implemented during site grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.

**Impact 4.7-2:** Implementation of the project may degrade long-term water quality due to the deposition of pollutants generated by motor vehicle uses on project roadways, parking lot areas, and other surfaces both on and offsite, as well as the maintenance and operation of landscape areas. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM4.7-2(a):** The project engineer shall consult with the City when designing the proposed detention basin, and the responsible party shall submit detention basin designs and proposed plantings in and around the detention basin to these agencies for review and approval prior to approval of the improvement plans.

**MM4.7-2(b):** Any biofilter swales and vegetated strips shall be placed in the bottom of channel areas and be designed to provide biofiltration of pollutants in project runoff. The project engineer shall consult with the City when designing these areas, and the responsible party shall submit designs of the areas to these agencies for review and approval prior to approval of the Final Map. The responsible party shall retain a qualified specialist to assist in designing the features, to maximize their effectiveness in removing pollutants.

**MM4.7-2(c):** The responsible party shall implement BMPs to ensure that long-term water quality is protected. The BMPs shall be designed, constructed and maintained to meet the performance standard established by the City. The City or responsible party shall retain a qualified specialist to monitor the effectiveness of the BMPs selected. Monitoring activities shall



include (but not be limited to) initial setup, yearly maintenance, and yearly monitoring.

During project operation, the project shall implement actions and procedures established to reduce the pollutant loading in storm drain systems. The two main categories of these BMPs are "source control" and "treatment control." Source control BMPs are usually the most effective and economical in preventing pollutants from entering storm and non-storm runoff. Source control BMPs that are relevant to the Lent Ranch project and shall be implemented include:

- **Public Education/Participation activities.** Information shall be provided to new project residents and tenants regarding pollution prevention.
- **Materials Management activities.** The project shall implement the following measures within any common landscaping or other facilities on-site:
  - **Materials Use Controls**, which include good housekeeping practices (storage, use and cleanup) when handling potentially harmful materials, such as cleaning materials, fertilizers, paint, and where possible using safer alternative products;
  - **Material Exposure Controls**, which prevent and reduce pollutant discharge to storm water by minimizing the storage of hazardous materials (such as pesticides) on site, storing materials in a designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors; and
  - **Material Disposal and Recycling**, which includes storm drain system signs and stenciling with language to discourage illegal dumping of unwanted materials. The project shall notify project residents of household hazardous waste and used oil recycling at collection centers and round up activities conducted by the City.
- **Spill Prevention and Cleanup activities** which are directed toward reducing the risk of spills during the outdoor handling and transport of chemicals, and toward developing plans and programs to contain and rapidly clean up spills before they get into a storm drain system. This BMP also deals with the prevention and reduction of pollution from vehicle leaks and spills from vehicles during transport, as well as aboveground storage tanks.
- **Illegal Dumping controls.** The Covenants, Conditions, and Restrictions (C, C, & Rs) for the project shall include a prohibition on the dumping of waste products (solid waste/liquid waste and yard trash) into storm drain systems, open space areas, and creeks.

- 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, placed adjacent to the inlet (for parking lots and areas without curbs).
- Street and storm drain maintenance activities. These activities control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped material from storm channels and creeks. (The City of Elk Grove would be responsible for regular storm drain maintenance within the public right of way; grease traps and other stormwater quality control devices on private property shall be maintained by the Project.)

## 6. BIOLOGICAL RESOURCES

**Impact 4.8-1:** Project construction will result in the direct conversion of approximately 285 acres of agricultural land onsite and approximately 8 acres offsite for the detention basin that provide suitable foraging habitat for the Swainson’s hawk. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant level**:

- MM 4.8-1 (a):** Prior to improvement plan approval or building permit issuance, whichever comes first, implement one of the following alternatives to mitigate for the loss of 293 acres of Swainson’s hawk foraging habitat:
- Preserve 293 acres (1 acre for each lost) of similar habitat within a 10-mile radius of the project site to be protected through fee title or conservation easement acceptable to the California Department of Fish and Game.
  - Prepare and implement a Swainson’s Hawk Mitigation Plan to the satisfaction of the California Department of Fish and Game that includes preservation of Swainson’s hawk foraging habitat.

- Submit a payment of a Swainson's hawk impact mitigation fee per acre impacted to the Department of Planning and Community Development in the amount as 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 said Chapter remains in effect.

**MM 4.8-1(b):** If active Swainson's hawk nests are found within 1/2 mile of the construction site, clearing and construction shall be postponed or halted, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. If a nest tree is found on the project site prior to construction and will be removed, then appropriate permits from CDFG shall be obtained pursuant to CDFG guidelines.

**Impact 4.8-2:** Project construction has the potential to result in the direct loss of active bird nests or the abandonment and loss of such nests on and in the vicinity of the project site. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant level:**

**MM 4.8-2(a):** No earlier than 45 days and no later than 20 days prior to the commencement of any construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of special-status birds such as white-tailed kite, California horned lark, burrowing owl, Swainson's hawk, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone, including the extent of the directly affected portion of the drainage ditch. In addition, nesting surveys for Swainson's hawks shall include all areas in or within 1 mile of the construction site in order to ascertain the specific long-term mitigation replacement ratios for loss of foraging habitat.

**MM 4.8-2 (b):** Within 30 days prior to any construction activities outside of the breeding season (September 1 through January 31), a qualified biologist shall conduct a burrow survey to determine if burrowing owls are residing on the site, in order to ensure no owls are inadvertently buried during

construction. If owls are observed on the site prior to ground-disturbance activities, measures such as flagging the burrow and avoiding disturbance, passive relocation, or active relocation to move owls from the site, as determined by a qualified biologist and as approved by the CDFG, shall be implemented. In addition, a qualified biologist shall monitor initial grading to ensure that no owls are harmed during the process.

All surveys for burrowing owls shall be conducted according to CDFG protocol. This 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 surveys should be at least three hours long, either from one hour before sunrise to two hours after or two hours before sunset to one hour after. Surveys shall not be conducted during inclement weather, when owls are typically less active and visible.

**MM 4.8-2(c):** Pursuant to the Migratory Bird Treaty Act and the California Fish and Game Code, if active songbird nests or active owl burrows are found within the survey area, clearing and construction within a minimum of 250 feet for owls and 100 feet for songbirds, or as determined by a qualified biologist to ensure disturbance to the nest will be minimized shall be postponed or halted. Construction will not resume within the buffer until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The perimeter of the protected area shall be indicated by bright orange temporary fencing. No construction activities or personnel shall enter the protected area, except with approval of the biologist.

**Impact 4.8-3:** Construction of off-site stormwater drainage infrastructure may disturb or require removal of elderberry shrubs that provide suitable breeding and foraging habitat. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM 4.8-3:** If the existing stand of elderberry must be removed, prior to approval of grading permits, the responsible party shall undertake consultation with the USFWS pursuant to Section 10(a) of the Federal Endangered Species Act for an incidental take permit for removing the existing elderberry stand. Under this permit, the USFWS may allow transplantation of all elderberry plants with a stem diameter of one inch or greater while monitored by a qualified biologist and using USFWS-approved timing and procedures to reduce loss of plants or beetles. Prior to transplantation, a site shall be selected in consultation with the USFWS for protection in perpetuity and based on connectivity to other suitable beetle habitat areas.

Additional elderberry plants shall be planted in the mitigation area at ratios of 2:1 to 5:1, depending on the quality of the beetle habitat being removed. For plants with stem diameters one inch or greater with no emergence holes, the ratio is 2:1. If beetles are present as evidenced by emergence holes in 50 percent or less of the shrubs one inch or more in diameter, the ratio is 3:1. If emergence holes are present in over 50 percent of the shrubs one inch or more in diameter, then the ratio of replacement shrubs is 5:1. Because the number of the shrubs to be planted is dependent on the presence or absence of beetle exit holes, the stems larger than 1 inch in diameter would need to be reexamined prior to removal.

**Impact 4.8-4:** Construction activity may result in the direct loss of an individual Giant garter snake observed on-site. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant level**:

**MM 4.8-4(a):** Prior to grading or other site preparation activities, the applicant shall install temporary fabric fencing, a minimum of 3 feet in height, along the western edge of the property to prevent giant garter snakes from entering construction areas. The fencing will need to be regularly inspected and maintained. Exclusion fencing must remain in place and be maintained for the duration of the construction activities in order to prevent snakes from entering construction areas.

- MM 4.8-4 (b):** Construction activities, particularly within the western portion of the site, should be conducted as much as is feasible within the active period of the snake (generally from May 1 to October 1). Direct impacts are lessened during this time because snakes are actively moving and avoiding danger. More danger is posed to snakes during their inactive period, because they are occupying underground burrows or crevices and are more susceptible to direct effects, especially during excavation.
- MM 4.8-4(c):** Any dewatered habitat must remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.
- MM 4.8-4 (d):** Construction personnel shall participate in a Service-approved worker environmental awareness program. Under this program, workers shall be informed about the presence of giant garter snakes and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of the Act. Prior to construction activities, a qualified biologist approved by the Service shall instruct all construction personnel about: (1) the life history of the giant garter snake; (2) the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, such as rice fields, to the giant garter snake; and (3) the terms and conditions of the biological opinion. Proof of this instruction shall be submitted to the Sacramento U.S. Fish and Wildlife Office.
- MM 4.8-4 (e):** Within 24-hours prior to commencement of construction activities, the site shall be inspected by a qualified biologist who is approved by the Service's Sacramento Fish and Wildlife Office. The biologist will provide the Service with a field report form documenting the monitoring efforts within 24-hours of commencement of construction activities. The monitoring biologist needs to be available thereafter; if a snake is encountered during construction activities, the monitoring biologist shall have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. Giant garter snakes encountered during construction activities should be allowed to move away from construction activities on their own. Capture and relocation of trapped or injured individuals can only be attempted by personnel or individuals with current Service recovery permits pursuant to Section 10(a) 1(A) of the Act. The biologist shall be required to report any incidental take to the Service immediately by telephone at (916) 979-2725 and by written letter addressed to the Chief, Endangered Species Division, within one working day. The project area shall be re-inspected whenever a lapse in construction activity of two weeks or greater has occurred.

**MM 4.8-4(f):** Prior to approval of grading permits, the responsible party shall undertake consultation with the US Fish and Wildlife and the California Department of Fish and Game to determine the need for federal and state incidental take permits for giant garter snakes on the project site.

**Impact 4.8-5:** Construction activity has the potential to disrupt breeding and nesting activity of sensitive bird species known to occur in the project area. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM 4.8-2(a):** No earlier than 45 days and no later than 20 days prior to the commencement of any construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of special-status birds such as white-tailed kite, California horned lark, burrowing owl, Swainson's hawk, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone, including the extent of the directly affected portion of the drainage ditch. In addition, nesting surveys for Swainson's hawks shall include all areas in or within 1 mile of the construction site in order to ascertain the specific long-term mitigation replacement ratios for loss of foraging habitat.

**MM 4.8-2 (b):** Within 30 days prior to any construction activities outside of the breeding season (September 1 through January 31), a qualified biologist shall conduct a burrow survey to determine if burrowing owls are residing on the site, in order to ensure no owls are inadvertently buried during construction. If owls are observed on the site prior to ground-disturbance activities, measures such as flagging the burrow and avoiding disturbance, passive relocation, or active relocation to move owls from the site, as determined by a qualified biologist and as approved by the CDFG, shall be implemented. In addition, a qualified biologist shall monitor initial grading to ensure that no owls are harmed during the process.

All surveys for burrowing owls shall be conducted according to CDFG protocol. This 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 surveys should be at least three hours long, either from one hour before sunrise to two hours after or two hours before sunset to one hour after. Surveys shall not be conducted during inclement weather, when owls are typically less active and visible.

**MM 4.8-2(c):** Pursuant to the Migratory Bird Treaty Act and the California Fish and Game Code, if active songbird nests or active owl burrows are found within the survey area, clearing and construction within a minimum of 250 feet for owls and 100 feet for songbirds, or as determined by a qualified biologist to ensure disturbance to the nest will be minimized shall be postponed or halted. Construction will not resume within the buffer until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The perimeter of the protected area shall be indicated by bright orange temporary fencing. No construction activities or personnel shall enter the protected area, except with approval of the biologist.

**Impact 4.8-6:** Project development would result in the loss of native and landmark-sized trees, which is in conflict with the City's Tree Ordinance. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM 4.8-6(a):** Valley oaks that meet the criteria contained in the City's Tree Preservation Ordinance will be avoided by construction and protected during all construction activity, if feasible. To protect oak trees, the following measures will be implemented:

a. Before initiating any construction activity near the protected oak trees, install chain-link fencing or a similar protective barrier at least one foot outside the dripline of each tree or as far as possible from the tree trunk where the existing road is within the tree dripline. The barrier fencing will remain in place for the duration of construction activity.



b. Any required pruning of oak trees shall be conducted before construction activity begins. Oak trees that require pruning of branches larger than two inches in diameter shall be pruned by a certified arborist. No pruning of the six-foot-diameter tree will be permitted.

c. No signs, ropes, cables (except cables that may be installed by a certified arborist or other professional tree expert), or other items shall be attached to the oak trees.

d. No vehicles, construction equipment, mobile home/office, supplies, materials, or facilities shall be driven, parked, stockpiled, or located within the driplines of oak trees.

e. No grading shall be allowed within the driplines of oak trees, except where paved roadway already exists. Removal of pavement within the driplines of oak trees shall be conducted in the presence of a certified arborist to ensure that damage and stress to any oak tree is minimized.

f. Conduct any work necessary within the dripline by hand.

g. Paving within the driplines of oak 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.

h. Landscaping beneath oak trees may include non-plant materials such as boulders, cobbles, and wood chips. The only plant species that shall be planted within the driplines of oak trees are those that are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.

i. No sprinkler system shall be installed in such a manner that it irrigates within the driplines of oak trees.

**MM 4.8-6:(b):** For any oak trees with a diameter of six inches or more measured at 4.5 feet above grade that are removed due to project construction, a tree mitigation plan shall be submitted to the City of Elk Grove in accordance with City requirements. Pursuant to City Tree Ordinance, the number of oak trees to be replanted will be determined based on the number of inches of oak trees to be removed. Mitigation areas, if needed, shall be within the project area limits. The plan shall include the following components:

a. number, location and species of the replacement trees to be planted,

b. methods of irrigation for planted trees,

c. planting and maintenance schedule, and

d. plan for care of planted trees for a three-year establishment period and replacement of any planted trees that do not survive.

**Impact 4.8-7:** Nighttime light can disturb breeding and foraging behavior and can potentially alter breeding cycles of birds, mammals, and invertebrates. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM 4.8-7:** All lighting along the perimeter of the site shall be downcast luminaries and shall be shielded and oriented in a manner that will prevent spillage or glare into the surrounding area.

## 7. GEOLOGY AND GEOTECHNICAL HAZARDS

**Impact 4.9-1:** Grading and Earthwork necessary to construct the project could result in wind and water driven erosion of soils. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM 4.7-1:** The responsible party shall prepare and submit to the City of Elk Grove, a Storm Water Pollution Prevention Plan (SWPPP) to be administered throughout all phases of grading and project construction. The SWPPP will incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. Examples of BMPs that may be implemented during site grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.

**Impact 4.9-2:** Trenching and grading for installation of off-site infrastructure could result in wind and water driven erosion of soils. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant level**:

**MM 4.7-1:** The responsible party shall prepare and submit to the City of Elk Grove, a Storm Water Pollution Prevention Plan (SWPPP) to be administered throughout all phases of grading and project construction. The SWPPP will incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. Examples of BMPs that may be implemented during site grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.

## **8. CULTURAL RESOURCES**

**Impact 4.10-1:** Project construction has the potential to disturb previously unknown archaeological resources, including artifacts and human remains. This is considered a **potentially significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant level**:

**MM 4.10-1(a):** In the event artifacts or unusual amounts of stone, bone, or shell are uncovered during excavation and grading operations, all construction activity shall cease until a qualified archeologist can be consulted to determine the extent and importance of the find and recommend appropriate mitigation. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archeologist.

**MM 4.10-1(b):** If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 7050.5 of the California Health and Safety Code. If the remains are Native American, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendent. The descendent will then recommend to the landowner appropriate disposition of the remains and any grave goods.

**Impact 4.10-2:** Development of off-site infrastructure has the potential to disturb previously unknown cultural resources. This is considered a **potentially significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Fact:** Conditions of approval and features incorporated into the Project design will reduce the impact identified in the Final EIR to an insignificant level. The above finding is made in that the following measures will mitigate the identified impact to a **less than significant** level:

**MM 4.10-1(a):** In the event artifacts or unusual amounts of stone, bone, or shell are uncovered during excavation and grading operations, all construction activity shall cease until a qualified archeologist can be consulted to determine the extent and importance of the find and recommend appropriate mitigation. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archeologist.

**MM 4.10-1(b):** If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 7050.5 of the California Health and Safety Code. If the remains are Native American, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendent. The descendent will then recommend to the landowner appropriate disposition of the remains and any grave goods.

**B. Significant Unavoidable Environmental Effects Which Cannot Be Mitigated to a Level of Insignificance**

*Public Resources Code* §21081(a) and CEQA Guidelines §15091(a) require a public agency to make specific findings that significant environmental effects identified in an EIR have been avoided and/or mitigated to a less than significant level prior to approving a project. Where a public agency cannot make the findings required by *Public Resources Code* §21081(a) and CEQA Guidelines §15091(a) due to the existence of significant and unavoidable environmental impacts, the agency is required

to balance the economic, legal, social, technological or other benefits of the project against its unavoidable environmental risks when determining whether to approve the project. CEQA Guidelines §15092 provides that a public agency may determine that any significant effects of a project that have been found unavoidable under Section 15091 are acceptable due to overriding concerns as described in CEQA Guidelines §15093. Thus, when a public agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall adopt a written "Statement of Overriding Considerations" to support its action. See *Public Resources Code* §21081(b); CEQA Guidelines §15093.

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the Project and identifies related mitigation measures. The City hereby finds that these significant and unavoidable adverse impacts are outweighed by the public benefits provided by the Project, and are acceptable, as more fully specified in the Statement of Overriding Considerations, Section 1(G), below.

## **1. AGRICULTURAL RESOURCES**

**Impact 4.1-1:** Implementation of the project would result in the conversion of approximately 285 acres of Farmland of Statewide Importance for the development of the project and 8 acres for the proposed off-site detention basin. This would constitute the loss of an irreplaceable resource and result in a significant impact. This is considered a **significant impact**.

**Finding: No Feasible Mitigation Measures are Available:** There is no feasible mitigation for this impact on a project-specific level. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

**Fact:** The development of agricultural land with an urban use such as the Project would result in the permanent loss of that resource. As the Project by definition would result in the conversion of farmland to a developed state, reduction of the impact is not consistent with the Project objectives listed in the EIR Project Description and is not considered feasible. The classification of farmland depends on a number of factors, including (among others) soil characteristics, dependable water supply for agricultural production, soil temperature range, depth of the ground water table, flooding potential, rock fragment content, and rooting depth. Where such conditions exist, the land (if not developed) is already classified. It would be infeasible to "create" or somehow manufacture the conditions that would support Farmland of Statewide Importance. However, the responsible party has committed, through the Development Agreement, to pay the City a fee for loss of agricultural land, open space, greenbelts and other habitat. Nevertheless, this impact remains **significant and unavoidable**, and a Statement of Overriding Considerations has been prepared for the Project.

**Impact 4.1-2:** Implementation of the project would place urban land use within a primarily agricultural area, which may impair agricultural production and result in land use compatibility conflicts. This is considered a **significant** impact.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, a Mitigation Measure incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** Although land use conflicts between the Project and agricultural uses can be minimized by existing standards and policies, such as the City's Right-to-Farm Ordinance, and by Project design measures, such as landscaping, and limitations on lighting and building materials to help screen the Project from agricultural uses and reduce light and glare, impacts associated with land use conflicts between the Project and surrounding agricultural land are considered to be significant and unavoidable. (Some of these conflicts will, however, be reduced when adjacent residential projects are developed.) While historically used for agriculture, the Project site is located within the UDA, an area designated in the General Plan for urban growth, and these land use compatibility impacts were regarded by the General Plan EIR as acceptable in light of the need for available land for development. Nevertheless, this impact remains significant and unavoidable, and a Statement of Overriding Considerations has been prepared for the Project. The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measure will partially mitigate the identified impacts but the impact will remain **significant and unavoidable**.

**MM 4.1-2:** Disclose to all prospective buyers of property within 500 feet of any active farming operations through notification in the title report, that they could experience inconvenience or discomfort resulting from accepted farming activities pursuant to the provisions of the City Right-to-Farm Ordinance.

**Impact 4.1-3:** Cumulative projects could result in impairment to agricultural productivity and land use compatibility impacts. This is considered a **significant** impact.

**Finding: No Feasible Mitigation Measures are available.** There is no feasible mitigation for this impact. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

**Fact:** Land use conflicts between the project and agricultural uses can be minimized by existing standards and policies, such as the City's Right to Farm Ordinance, and by Project mitigation measures (as listed in this document), such as landscaping and limitations on lighting and building materials to help screen the Project from agricultural uses and reduce light and glare. Nevertheless, impacts associated with land use conflicts between the Project and surrounding agricultural land are considered to be significant and unavoidable. (Some of these conflicts will, however, be reduced when adjacent residential projects are developed.) While historically used for agriculture, the Project site is located within the UDA, an area designated in the General Plan for urban growth, and these land use compatibility impacts were regarded by the General Plan EIR as acceptable in light of the need for available land for development. Nevertheless, this impact remains **significant and unavoidable** and a Statement of Overriding Considerations has been prepared for the Project.

**Impact 4.1-4:** The project would convert approximately 293 acres of Farmland of Statewide Importance to urban uses. Overall, the cumulative impact to agricultural land has already been envisioned and recognized by the County through the adoption of a Statement of Overriding Considerations for the 1993 General Plan. Although the cumulative impact to the overall loss of farmland has been addressed, recent County decisions indicate that impacts to Farmland of Statewide Importance shall be considered significant for individual projects. To the extent that other projects in the County would affect Farmland of Statewide Importance, the loss of such farmland from the Lent Ranch Marketplace project would contribute to a significant cumulative impact. This is considered a **significant** impact.

**Finding: No Feasible Mitigation Measures are Available.** There is no feasible mitigation for this impact on a cumulative basis. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

**Fact:** The above finding is made in that development on the Project site will contribute to the cumulative loss of the availability of Farmland of Statewide Importance for agricultural use. Although historically used for agriculture, the Project site was designated as an Urban Development Area, and was included within the Urban Services Boundary (USB) as a result of the 1993 General Plan Update process. It is located within an area designated in the General Plan for urban growth. This impact was analyzed in the General Plan EIR and regarded by the General Plan EIR as acceptable in light of the need for available land for development. A Statement of Overriding Considerations was adopted for this impact as part of the Findings of Fact and Statement of Overriding Considerations for the General Plan Update (Control No. 88-GPB-1503), dated November 30, 1993. Nevertheless, the conversion of Farmland of Statewide Importance would constitute a loss of an irreplaceable resource and is considered to be a **significant and unavoidable** cumulative impact, and a Statement of Overriding Considerations has been prepared for the Project.

## 2. TRANSPORTATION AND CIRCULATION

**Impact 4.2-1:** Elk Grove Boulevard between East Stockton Boulevard and Elk Grove – Florin Road is projected to be 36,900 vehicles per day (VPD) with the project, which exceeds the capacity of 36,000 VPD for four-lane roadways. This is considered a **significant impact**.

**Finding: No Feasible Mitigation Measures are Available.** There is no feasible mitigation for this impact. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following Mitigation Measure, which would mitigate the identified impacts, is not feasible, and the impact remains **significant and unavoidable**.

Widen the section of Elk Grove Boulevard between East Stockton Boulevard and Elk-Grove Florin Road from two lanes to three lanes in each direction. Based on City ADT guidelines, this improvement would provide sufficient capacity to accommodate the projected daily volume and would eliminate the operational and physical deficiencies.

Widening this section of Elk Grove Boulevard roadway was determined to be infeasible due to right-of-way costs and impacts associated with acquisition and dislocation of existing commercial developments on both sides of Elk Grove Boulevard, and due to the location of Heritage Oaks, along and adjacent to, the roadway at the Elk Grove Boulevard/Elk Grove Florin Road intersection. The infeasibility of the proposed improvements was determined by City of Elk Grove Transportation Division staff (Mr. Jeff Clark). The location of the commercial development and the presence of the Heritage Oaks were field verified, which is standard protocol for environmental documents.

**Impact 4.2-9:** Implementation of the project would cause the LOS to change from LOS E to LOS F operations at the Elk Grove Boulevard/Elk Grove-Florin Road intersection during the p.m. peak hour. This is considered a **significant impact**.

**Finding: No Feasible Mitigation Measures are Available.** There is no feasible mitigation for this impact. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR. Widening this section of Elk Grove Boulevard would be infeasible due to right-of-way costs associated with acquisition of existing commercial developments on both sides of the roadway, and due to the location of Heritage Oaks



along and adjacent to the roadway at the Elk Grove Boulevard/Elk Grove-Florin intersection.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following mitigation measure, which would mitigate the identified impact, is not feasible, and the impact remains **significant and unavoidable**.

Modify the Elk Grove Boulevard/Elk Grove-Florin Road intersection to provide a separate right-turn lane on the northbound and southbound approaches. This intersection would operate at LOS E in the p.m. peak hour with these improvements. This measure would eliminate the deficiency.

**Impact 4.2-10:** Implementation of the project traffic would cause LOS E operations on the southbound section of SR 99 north of the Elk Grove Boulevard interchange during the peak hour. This is considered a **significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following mitigation, which would mitigate the identified impacts, is within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency. However, this improvement is not currently programmed in the 1999 Metropolitan Transportation Plan (MTP). Furthermore, this is an areawide impact that is not capable of being addressed by an individual project. Mainline improvement projects of this kind are programmed through the Sacramento Area Council of Governments (SACOG) and are funded through various sources including State and Federal funding sources, and local sales and gas taxes and are, therefore, a responsibility of the State. Consequently, the timing of this improvement is not known and will depend on when Caltrans (acting as the lead agency) submits the project for inclusion into the MTP. As such, this impact is considered to be **significant and unavoidable** until the timing of this improvement is determined.

**MM 4.2-10:** Construct an auxiliary southbound lane on SR 99 between Laguna Boulevard and Elk Grove Boulevard. The auxiliary lane would provide sufficient capacity to accommodate vehicles exiting at Elk Grove Boulevard, reducing the density of the through travel lanes.

**Impact 4.2-17:** Implementation of the project would cause the volume to capacity ratio to increase by more than 0.05 at the Elk Grove Boulevard/Elk Grove-Florin Road intersection during the p.m. peak hour, which would operate at LOS F in Year 2003. This is considered a **significant** impact.

**Finding: No Feasible Mitigation Measures are Available.** There is no feasible mitigation for this impact. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR. This mitigation measure would be infeasible due to right-of-way costs associated with acquisition of existing commercial developments on both sides of the roadway, and due to the location of Heritage Oaks along and adjacent to the roadway.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following Mitigation Measure, which would mitigate the identified impacts, is not feasible, and the impact remains **significant and unavoidable**.

Widening of Elk Grove Boulevard would mitigate this impact to a less than significant level.

**Impact 4.2-19:** Elk Grove Boulevard between E. Stockton Boulevard and Elk Grove-Florin Road is 36,100 vehicles per day (VPD) with the project, which exceeds the capacity of the existing four-lane roadway. This is considered a **significant** impact.

**Finding: No Feasible Mitigation Measures are Available.** There is no feasible mitigation for this impact. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR. Field observations indicate that widening this section of Elk Grove Boulevard would be infeasible due to existing commercial developments on both sides of the roadway and Heritage Oaks located along and adjacent to the roadway at the Elk Grove Boulevard/Elk Grove Florin intersection.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following Mitigation Measure, which would mitigate the identified impacts, is not feasible, and the impact remains **significant and unavoidable**.

Widen the section of Elk Grove Boulevard between E. Stockton Boulevard and Elk Grove-Florin Road to six lanes. Based on Sacramento County guidelines, this improvement would provide sufficient capacity to accommodate the projected daily volume and would eliminate the operational and physical deficiencies.

**Impact 4.2-20:** Implementation of the project would add more than 5 seconds of delay to the intersection of Elk Grove Boulevard and SR 99 southbound ramps, which is projected to operate at LOS F in the p.m. peak hour. This is considered a **significant** impact.

**Finding: No Feasible Mitigation Measure is Available.** There is no feasible mitigation for this impact. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following Mitigation Measure, which would mitigate the identified impacts, is not feasible, and the impact remains **significant and unavoidable**.

The deficiencies identified in Impact 4.2-20 and 4.2-21 are due to the insufficient capacity of elements of the SR 99/Elk Grove Boulevard interchange under cumulative plus project conditions. Additional improvements to the interchange are considered economically infeasible due to right-of-way constraints.

**Impact 4.2-21:** Implementation of the project would add more than 5 seconds of delay to the intersection of Elk Grove Boulevard and East Stockton Boulevard, which is projected to operate at LOS F in the p.m. peak hour. This is considered a **significant** impact.

**Finding: No Feasible Mitigation Measures are Available.** There is no feasible mitigation for this impact. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following Mitigation Measure, which would mitigate the identified impacts, is not feasible, and the impact remains **significant and unavoidable**.

The deficiencies identified in Impact 4.2-20 and 4.2-21 are due to the insufficient capacity of elements of the SR 99/Elk Grove Boulevard interchange under cumulative plus project conditions. Additional improvements to the interchange are considered economically infeasible due to right-of-way constraints.

**Impact 4.2-22:** Implementation of the project would increase the volume-to-capacity ratio by more than 0.05 at the intersection of Elk Grove Boulevard and Elk Grove-Florin Road, which is projected to operate at LOS F in the a.m. and p.m. peak hours. This is considered a **significant** impact.

**Finding: No Feasible Mitigation Measures are Available.** There is no feasible mitigation for this impact. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR. Widening this section of Elk Grove Boulevard would be infeasible due to right-of-way costs associated with acquisition of existing commercial developments on both sides of the roadway, and due to the location of Heritage Oaks along and adjacent to the roadway at the Elk Grove Boulevard/Elk Grove-Florin intersection.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following Mitigation Measure, which would mitigate the identified impacts, is not feasible, and the impact remains **significant and unavoidable**.

The deficiencies identified in Impact 4.2-22 is due to the insufficient capacity of the Elk Grove Boulevard/Elk Grove-Florin Boulevard intersection. In order to improve the intersection, an additional through lane for the east and west approaches and an additional left-turn lane for both the eastbound and northbound approaches should be provided. With these improvements the intersection would operate at LOS E in the p.m. peak hour under cumulative plus project conditions.

**Impact 4.2-24:** Implementation of the project would further degrade operations on the segment of SR 99 south of the Grant Line Road interchange, which would operate at LOS E in the a.m. peak hour (northbound). This is considered a **significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following mitigation, which would mitigate the identified impacts, is within the responsibility and jurisdiction of another public agency and not the agency making the finding. The extension of HOV lanes south of the Elk Grove Boulevard interchange is identified in the City of Elk Grove's General Plan Circulation Element. However, this improvement is not currently programmed in the 1999 Metropolitan Transportation Plan (MTP). Furthermore, this is an areawide impact that is not capable of being addressed by an individual project. Mainline improvement projects of this kind are programmed through the Sacramento Area Council of Governments (SACOG) and are funded through various sources including State and Federal funding sources, and local sales and gas taxes and are, therefore, a responsibility of the State. Consequently, the timing of this improvement is not known and will depend on when Caltrans (acting as the lead agency) submits the

project for inclusion into the MTP. As such, this impact is considered to be **significant and unavoidable** until the timing of this improvement is determined.

**MM4.2-24:** The HOV lanes on SR 99 should be extended south of the Grant Line Road interchange. Under cumulative plus project conditions SR 99 south of Grant Line Road would operate acceptably. The implementation of this improvement along with the redistribution of trips as a result of the Project would eliminate the deficiency.

**Impact 4.2-25:** Implementation of the project would further degrade operations on the segment of I-5 north of the Hood Franklin Road interchange, which would operate at LOS E in the a.m. peak hour (northbound). This is considered a **significant impact**.

**Finding: Mitigation Measures Feasible and Required.** Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following Mitigation Measure, which would mitigate the identified impacts, is within the responsibility and jurisdiction of another public agency and not the agency making the finding. However, this improvement is not currently programmed in the 1999 Metropolitan Transportation Plan (MTP). Furthermore, this is an areawide impact that is not capable of being addressed by an individual project. Mainline improvement projects of this kind are programmed through the Sacramento Area Council of Governments (SACOG) and are funded through various sources including State and Federal funding sources, and local sales and gas taxes and are, therefore, a responsibility of the State. Consequently, the timing of this improvement is not known and will depend on when Caltrans (acting as the lead agency) submits the project for inclusion into the MTP. As such, this impact is considered to be **significant and unavoidable** until the timing of this improvement is determined.

**MM4.2-25:** It is expected that as development increases in the area, I-5 would be upgraded. HOV lanes are planned on I-5 from the City of Sacramento area to Elk Grove Boulevard by Caltrans. Extending the HOV lanes south to the Hood Franklin Road interchange would improve the northbound a.m. peak hour level of service from LOS E to D. The need for this improvement exists under both cumulative and cumulative plus project. The implementation of this improvement would eliminate the deficiency.

**Impact 4.2-26:** Implementation of the project would cause operations on the SR 99 southbound on-ramp to Elk Grove Boulevard to deteriorate from LOS C to F during the a.m. peak hour. This is considered a **significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Such 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.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following Mitigation Measure, which would mitigate the identified impacts, is within the responsibility and jurisdiction of another public agency and not the agency making the finding. This improvement is not currently programmed in the 1999 Metropolitan Transportation Plan (MTP). Furthermore, this is an areawide impact that is not capable of being addressed by an individual project. Mainline improvement projects of this kind are programmed through the Sacramento Area Council of Governments (SACOG) and are funded through various sources including State and Federal funding sources, and local sales and gas taxes and are, therefore, a responsibility of the State. Consequently, the timing of this improvement is not known and will depend on when Caltrans (acting as the lead agency) submits the project for inclusion into the MTP. As such, this impact is considered to be **significant and unavoidable** until the timing of this improvement is determined.

**MM4.2-26:** The deficiencies identified are due to insufficient capacity of elements of the SR 99/Elk Grove Boulevard interchange under cumulative with project conditions. A new SR 99/Poppy Ridge Road interchange would provide an alternative to both the Elk Grove Boulevard and Grant Line Road interchanges. The resulting decrease in traffic volumes would improve operations at the Elk Grove Boulevard/SR 99 southbound ramps, Elk Grove Boulevard/East Stockton Boulevard intersection, and SR 99 northbound off-ramp/East Stockton Boulevard intersection.

**Impact 4.2-27:** Under cumulative with project conditions the I-5 southbound off-ramp at Hood Franklin Road is projected to operate unacceptably at LOS E during the p.m. peak hour, which exceeds the Caltrans LOS D threshold. This is considered a **significant** impact.

**Finding: Mitigation Measures Feasible and Required.** Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project since the following Mitigation

Measure, which would mitigate the identified impacts, is within the responsibility and jurisdiction of another public agency and not the agency making the finding. This improvement is not currently programmed in the 1999 Metropolitan Transportation Plan (MTP). Furthermore, this is an areawide impact that is not capable of being addressed by an individual project. Mainline improvement projects of this kind are programmed through the Sacramento Area Council of Governments (SACOG) and are funded through various sources including State and Federal funding sources, and local sales and gas taxes and are, therefore, a responsibility of the State. Consequently, the timing of this improvement is not known and will depend on when Caltrans (acting as the lead agency) submits the project for inclusion into the MTP. As such, this impact is considered to be **significant and unavoidable** until the timing of this improvement is determined.

**MM4.2-27:** The deficiencies identified are due to the insufficient capacity of the I-5 mainline. HOV lanes are planned on I-5 from the City of Sacramento area to Elk Grove Boulevard. Extending the HOV lanes south to the Hood Franklin Road interchange would improve each deficient ramp from LOS E to D.

### **3. AIR QUALITY**

**Impact 4.3-1:** Construction equipment and operations would generate emissions that exceed SMAQMD thresholds. This is considered a **significant** impact.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measures will partially mitigate the identified impacts but the impacts will remain **significant and unavoidable**.

**MM 4.3-1 (a)** The construction contract shall require that the contractor water all exposed soil surfaces to keep them moist at all times.

**MM 4.3-1 (b)** The construction contract shall require that the contractor water all dirt roads three times per day to prevent dust generation and that the contractor will limit travel speeds on any unpaved roads to 15 mph or less.

**MM 4.3-1(c)** The construction contract shall require that all trucks hauling soil, sand, or other loose material are covered and at least two feet of freeboard (i.e., minimum vertical distance between top of load and top of trailer) is maintained.

**MM 4.3-1(d)** The construction contract shall require contractors to implement ridesharing programs for construction employees traveling to and from the site.

**MM 4.3-1(e):**

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

The prime contractor shall provide a plan for approval by the City of Elk Grove and SMAQMD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average; and

The prime contractor shall submit to the City of Elk Grove and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.

and:

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

The prime contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and the City of Elk Grove and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations

In the event construction equipment meeting the requirements set forth above is determined not to be available, the responsible party shall notify the City and SMAQMD. Upon verification that required low-emission construction equipment is not available, the City may waive this measure.



**Impact 4.3-2:** Daily operational emissions would exceed SMAQMD thresholds. This is considered a **significant** impact.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects and will achieve the 32.5% reduction required by the SMAQMD.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measures will partially mitigate the identified impacts but the impacts will remain **significant and unavoidable**.

**MM 4.3-2(a):** The responsible party shall implement measures proposed by the applicant in the Final AQ-15 and TSM Plan for the project to reduce peak hour vehicle trips by project employees and to reduce the emissions from both mobile and stationary sources. These measures are as follows:

#### **BICYCLE/ PEDESTRIAN/TRANSIT**

1. **Bicycle Lockers and Racks:** Non-residential projects provide bicycle lockers and/or racks

2. **Bicycle Parking Facilities:** Provide an additional 20 percent of required Class I and Class II bicycle parking facilities

3. **Class I Bicycle Storage – Residential:** Bicycle storage (Class I) at apartment complexes or condos without garages

4. **Class I and Class II Bicycle Facilities:** Entire project is located within 1/2 mile of an existing Class I or Class II bike lane and provides a comparable bikeway connection to that existing facility

5. **Pedestrian Facilities:** Provide pedestrian facilities and improvements.

6. **Bus Service/Bus Stop Improvements:** Project provides essential bus stop improvements (i.e., shelters, route information, benches, and lighting), when bus service provides headways of 15 minutes or less for stops within 1/4 mile.

7. **Transportation Information Kiosk:** Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees or residents

8. **Uses Proximate to Planned Transit:** High density residential, mixed, or retail/commercial uses within 1/4 mile of planned transit, linking with activity centers and other planned infrastructure

## **PARKING**

9. **Electric Charging Facilities:** Provide electric vehicle charging facilities.
10. **Carpool Vanpool Parking:** Provide preferential parking for carpool/vanpools. (Measure only applicable to office uses.)
11. **Passenger Loading Facilities:** Provide loading and unloading facilities for transit and carpool/vanpool users. (Measure only applicable to office uses.)
12. **Parking Lot Shade:** Increase parking lot shade by 20 percent over code requirements.
13. **Parking Lot Design:** Provide for a parking lot design that includes clearly marked covered or tree-shaded pedestrian pathways between a transit facility and the building frontage for each District.

## **RESIDENTIAL DEVELOPMENT**

14. **Residential Density:** Average residential density 20 d.u. per acre or greater

## **MIXED USE**

15. **Mixed Use within 1/4 Mile:** Project has at least 3 of the following on site and/or within 1/4 mile: Residential Development, Retail Development, Personal Services, Open Space, Office
16. **Pedestrian Connections:** Provide separate, safe, and convenient bicycle and pedestrian paths connecting residential, commercial, and office uses
17. **Carpooling:** Provide carpool matching assistance through the TMA. (Measure only applicable to offices uses.)

## **BUILDING COMPONENTS**

18. **Low Emission Fireplace:** Install lowest emitting commercially available fireplace. (Measure only applicable to residential uses.)
19. **Ozone Destruction Catalyst:** Install ozone destruction catalyst on air conditioning systems, in consultation with SMAQMD. Use of ozone destruction catalyst is subject to conformance with all provisions of the HVAC equipment warranties. Where any equipment warranties would be voided, the catalyst would not be required. (Measure not applicable to residential uses.)

**TDM & MISCELLANEOUS.**

**20. TMA Membership:** Include permanent TMA membership and funding requirement. Funding to be provided by Community Facilities District or County Service Area or other non-revocable funding mechanism.

**21. Employee Flextime:** Provide flextime for non-single occupancy vehicle commuters. (Measure only applicable to office uses.)

**22. Transportation Coordinator:** Provide on-site Transportation Coordinator

**MM 4.3-2(b):** As part of project submittals associated with District Development Plans and Regional Mall Development Plan Review (as set forth in the Lent Ranch Marketplace SPA), future developments shall provide shower and clothing locker facilities for bicycle commuting employees as set forth in Title III, Article 7, Section 330-145 (Shower and Locker Facilities) in the City of Elk Grove Zoning Ordinance. The location and size of these facilities shall be identified in building plans.

**MM 4.3-2(c):** The project will utilize paving material for 100% of the parking area that is natural-colored, without the standard dark-colored pigment.

**MM 4.3-2(d):** As part of project submittals associated with District Development Plan review (as set forth in the Lent Ranch Marketplace SPA), future office uses shall provide covered or tree-shaded carpool/vanpool parking areas adjacent to building entrances. Covered carpool or tree-shaded carpool/vanpool areas shall be reflected in site development plans.

**MM 4.3-2(e):** The Lent Ranch Marketplace SPA Section 13 (Floor Area Ratio) shall be modified to include the following to the list of amenities:

1. Office uses and other uses with a FAR greater than 0.75 should be located within 1/8 mile of a planned transit stop.

**MM 4.3-2(f):** As part of project submittals associated with District Development Plans and Regional Mall Development Plan Review (as set forth in the Lent Ranch Marketplace SPA), development plans shall designate safe and convenient internal pedestrian and bicycle routes, and a transit stop in each District.

**MM 4.3-2(g):** The project will install high efficiency commercially available equipment for heating with emergency efficiency rating (EER) of 11 or greater for heating units up to 20 tons and an EER of 10 or greater for heating units of 20 tons and greater.

- MM 4.3-2(h):** As part of project submittal associated with District Development Plans and Regional Mall Development Plan Review (as set forth in the Lent Ranch Marketplace SPA), EPA Energy Star compliant roof products, or products that are of equivalent effectiveness in meeting the Energy Star reflectivity standard, will be used. This requirement shall be limited to flat roof areas in order to avoid potential glare impacts to adjoining land areas. Roofing products shall be reflected in architectural renderings of project buildings. The project will provide a minimum of 100,000 square feet of roof area of the Regional Mall for a photovoltaic system funded, installed and operated by SMUD or another provider of electricity.
- MM 4.3-2(i):** As part of the project's membership in a Transportation Management Association (TMA), the TMA for the project may administer carpool vehicle maintenance programs, guaranteed ride home programs and financial incentives for transit use if such programs exist under the TMA at no additional cost to the project or consider the establishment of such programs by the TMA at no additional cost to the project.
- MM 4.3-2(j):** As part of project submittals associated with the District Development Plan for the multi-family portion of the project site (as set forth in the Lent Ranch Marketplace SPA), the project will provide either a telework facility on site or provide broadband wiring on site (which will be made available for use if broadband service is provided to the site) to each unit. Provision of the telework facility shall be reflected in development plans, if that option is selected.
- MM 4.3-2(k):** Prior to issuance of occupancy permits, the responsible party shall give preference in contracting for waste removal services to waste haulers with low emission vehicles. Preference will be given to waste haulers that use low-emission vehicles so long as the waste haulers meet the bid standards as a qualified provider and so long as the bid of the preferred provider is within 5% of the lowest bid from other potential providers. No requirements as to the fleet mix of the qualified provider shall be imposed in connection with this measure.
- MM 4.3-2(l):** The project will provide parking as set forth in the Lent Ranch Marketplace SPA, and may include proposals for shared parking.
- MM 4.3-2(m):** The mall will provide wiring for broadband service on site which will be made available for use if broadband service is provided to the project site.

**MM 4.3-2(n):** A preferred tree list for project landscaping shall be prepared, and shall include species with low biogenic emissions. The project shall avoid the use of Liquidamber styraciflua, Magnolia grandiflora and Sequoia sempervirens in landscaping.

**MM 4.3-2(o):** If backup generators are included, backup energy generators will utilize either natural gas, propane, or another less polluting alternative compared to conventional diesel fuel.

**MM 4.3-2(p):** The project provides a development pattern that eliminates physical barriers such as walls, berms, landscaping, and slopes between residential and non-residential uses that impede bicycle or pedestrian circulation.

**MM 4.3-2(q):** The Regional Mall will use on-site security vehicles which are fueled by natural gas or propane, or are electric vehicles, or vehicles designated as Super Ultra Low Emissions Vehicles by the California Air Resources Board.

**Impact 4.3-3:** The proposed project would exceed SMAQMD thresholds for cumulative impacts. This is considered a **significant** impact.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measures will partially mitigate the identified impacts but the impacts will remain **significant and unavoidable**.

Implementation of the AQ-15 and TSM Plan will attain the 32.5% reduction in emissions required by SMAQMD, but would not be sufficient to reduce cumulative operational air quality impacts to a less than significant level.

**Impact 4.3-4:** Development of the project in combination with cumulative projects would result in emissions that exceed SMAQMD thresholds.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measures will partially mitigate the identified impacts, but the impacts will remain **significant and unavoidable**.

Project specific mitigation measures 4.3-1(a) through 4.3-1(d) would apply to cumulative air quality construction impacts, but would not reduce impacts to a less than significant level. Implementation of the AQ-15 and TSM Plan would not be sufficient to reduce cumulative operational air quality impacts to a less than significant level.

#### **4. NOISE**

**Impact 4.4-1:** Construction equipment noise would affect sensitive receptor locations both on and around the project site. This is considered a **significant** impact.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measures will partially mitigate the identified impacts, but the impacts will remain **significant and unavoidable**.

**MM 4.4-1 (a)** Site preparation and construction activities shall be limited to between the hours of 6 A.M. to 8 P.M., Monday through Friday, and 7:00 A.M. to 8:00 P.M. on Saturday and Sunday (City of Elk Grove Noise Control Ordinance, Section #6.68.090). Furthermore, construction equipment maintenance shall be limited to the same hours.

**MM 4.4-1 (b)** All construction equipment shall be equipped with appropriate mufflers in good working condition.

**MM 4.4-1 (c)** Construction staging areas shall be located as far from noise-sensitive uses as is feasible.

**MM 4.4-1 (d)** Stationary construction equipment shall be located as far from noise sensitive uses as feasible, and temporary or portable acoustic barriers shall be installed around the equipment/work area when within 100 feet or less of residential properties or other sensitive uses.

**MM 4.4-1 (e)** Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted on a sign no larger than 4 foot by 8 foot at all construction entrances to allow for surrounding and on-site property owners to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

**MM 4.4-1 (f)** If construction noise results in noise levels that exceed the 65 dB (A)  $L_{dn}$  /CNEL to onsite or adjacent residential land uses, the responsible party shall relocate the occupants on a temporary basis.

**Impact 4.4-2:** Construction activities needed for the development of offsite infrastructure would result in increases in ambient noise conditions along construction routes. This is considered a **significant impact**.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measures will partially mitigate the identified impacts, but the impacts will remain **significant and unavoidable**.

**MM 4.4-1 (a)** Site preparation and construction activities shall be limited to between the hours of 6 A.M. to 8 P.M., Monday through Friday, and 7:00 A.M. to 8:00 P.M. on Saturday and Sunday (City of Elk Grove Noise Control Ordinance, Section #6.68.090). Furthermore, construction equipment maintenance shall be limited to the same hours.

**MM 4.4-1 (b)** All construction equipment shall be equipped with appropriate mufflers in good working condition.

**MM 4.4-1 (c)** Construction staging areas shall be located as far from noise-sensitive uses as is feasible.

**MM 4.4-1 (d)** Stationary construction equipment shall be located as far from noise sensitive uses as feasible, and temporary or portable acoustic barriers shall be installed around the equipment/work area when within 100 feet or less of residential properties or other sensitive uses.

**MM 4.4-1 (e)** Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted on a sign no larger than 4 foot by 8 foot at all construction entrances to allow for surrounding and on-site property owners to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

**MM 4.4-1 (f)** If construction noise results in noise levels that exceed the 65 dB (A)  $L_{dn}$  /CNEL to onsite or adjacent residential land uses, the responsible party shall relocate the occupants on a temporary basis.

**Impact 4.4-4:** Ambient noise conditions due to increased traffic resulting from the implementation of the project would occur along Poppy Ridge Road between Bruceville Road and West Stockton Boulevard, where an increase of 17.3 dB(A) is expected, and along Bilby Road where an increase in noise of approximately 7.4 dB(A) is expected. This is considered a **significant impact**.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measures will partially mitigate the identified impacts, but the impacts will remain **significant and unavoidable**.

**MM 4.4-4 (a)** Where feasible and consistent with City standards, speed limits on Poppy Ridge near West Stockton Boulevard or other arterials experiencing significant noise impacts shall be reduced. Each 5-mile per hour reduction in speed limits will decrease the CNEL level by approximately 1 dB(A).

**MM 4.4-4 (b)** Where feasible and consistent with City standards, medium and heavy duty truck traffic on Poppy Ridge near West Stockton Boulevard or other arterials experiencing significant noise impacts shall be restricted. Limiting medium and heavy-duty truck traffic will decrease the CNEL level by approximately 3 dB(A).

**Impact 4.4-10:** Development of the project in combination with cumulative projects would result in increases in ambient noise conditions due to combined construction activities. This is considered a **significant impact**.



**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measures will partially mitigate the identified impacts, but impacts will remain **significant and unavoidable**.

Project specific mitigation measures 4.4-1(a) through 4.4-1(f) would apply to cumulative noise impacts, but would not reduce impacts to a less than significant level. Implementation of vibration mitigation measures 4.4-3(a) and 4.4-3(b) for cumulative projects would reduce vibration impacts to a less than significant level.

**Impact 4.4-11:** The project's contribution to cumulative ambient noise level increases along Poppy Ridge Road would be approximately 3 dB(A) and along Bilby Road approximately 6.5 dB(A). This is considered a **significant impact**.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measures will partially mitigate the identified impacts, but the impacts will remain **significant and unavoidable**.

Mitigation Measures 4.4-4(a) and 4.4-4(b) would not be sufficient to reduce cumulative traffic noise levels to a less than significant level.

## **5. BIOLOGICAL RESOURCES**

**Impact 4.8-8:** Cumulative development in the southern Sacramento County area would result in the loss of a number of other agricultural areas and the connectivity they provide between preserved open space areas and as temporary resting and foraging sites for migrating birds. The loss of an additional 293 acres of habitat as a result of the Lent Ranch project would significantly contribute to the ongoing conversion of wildlife habitat in the Southern Sacramento County area to a developed condition. When viewed in terms of the overall value of this habitat to both common and special-status wildlife species, this additional loss of wildlife habitat

is substantial and therefore, considered a significant cumulative impact. Finally, continued development in the area also cumulatively contributes to the increased nighttime light and glare, which can disturb breeding and foraging behavior of birds, mammals, and invertebrates.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measures will partially mitigate the identified impacts, but the impacts will remain **significant and unavoidable**.

The implementation of mitigation measures and payment of mitigation fees under the terms of the Development Agreement for the loss of Valley elderberry beetle habitat and Swainson's hawk foraging habitat would preserve and manage suitable foraging habitat for these species off site, which, according to the USFWS programmatic consultation and Swainson's hawk ordinance were determined by the City, Sacramento County, USFWS and CDFG to be suitable mitigation both for project and cumulative impacts to loss of habitat. Therefore, after mitigation, the loss to these species would be less than significant.

Because the habitat that would be managed on behalf of the Valley elderberry beetle and Swainson's hawks would provide high quality riparian habitats or agricultural lands with reduced disturbance, they would be expected to reduce the cumulative impact to many common and special-status species which potentially inhabit or forage on the site to a less than significant level.

Nevertheless, with regard to habitat for common wildlife, implementation of anticipated cumulative development in the southern Sacramento County area would result in the conversion of a number of agricultural areas to urban use, which would remove the connectivity they provide between preserved open space areas and as temporary resting and foraging sites for migrating birds. This loss is considered an unavoidable significant cumulative impact and was recognized as such in the Final EIR for the 1993 General Plan Update, and a Statement of Overriding Considerations for this impact was adopted. Also, planned urbanization of the Project area would create new sources of light and glare. While project specific measures can be undertaken to orient or shield lights to minimize illumination of adjacent lands, the combined effect of all new developments approved or planned in the area would create an unavoidable significant cumulative light and glare impact.

## 6. VISUAL QUALITY

**Impact 4.11-1:** The proposed project would alter the project site's visual character from a rural area to a suburban environment. Views of open areas would be replaced by views of residential and commercial uses. Setbacks, landscaping, varied building heights and sizes, and varied building locations would provide visual relief, but would not be sufficient to completely alleviate this impact. This is considered a **significant impact**.

**Finding: No Feasible Mitigation Measures are Available.** There is no feasible mitigation for this impact. Specific, economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

**Fact:** The above finding is made in that the impact is inherently related to the general conversion of an agricultural area to suburban development, and elimination of the impact would preclude construction of the Project. This impact remains **significant and unavoidable**, and a Statement of Overriding considerations has been prepared for the Project.

**Impact 4.11-2:** Implementation of the project would introduce light and glare sources to the project area. This is considered a **significant impact**.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** The above finding is made in that a Statement of Overriding Considerations has been prepared for the Project, and that the following Mitigation Measures will partially mitigate the identified impacts, but the impact will remain **significant and unavoidable**.

**MM 4.11-2 (a):** Taller growing trees and/or shrubs shall be planted along the borders of the project site where the project will interface with planned development in the South Pointe project and existing agricultural uses. The use of this material will screen the project from these uses and minimize the potential for light and glare impacts.

**MM 4.11-2 (b):** All parking lot pole lights and streetlights shall be fully hooded and back shielded to reduce the light "spillage" and glare. In addition, lighting shall not exceed an illumination of a two-candle foot standard per square foot measured at the parking surface, at the perimeter of the project site.

**MM 4.11-2(c):** Non-glare glass shall be used in all commercial buildings to minimize and reduce impacts from glare. Office buildings, which are allowed by the Draft Design Guidelines to use semi-reflective glass, must be oriented so that the reflection of sunlight is minimized.

Nevertheless, the Project would create a light and glare source not currently present on the Project site. The impact remains unavoidable and significant because car lights and light associated with the mall and commercial structures would be visible and increase the sky glow within the region, because of the amount of light needed to adequately and safely light the parking lots necessary for site uses, and because glass is a traditional part of commercial building construction.

**Impact 4.11-3:** Those who enjoy the agricultural appearance of the area may believe that the project as proposed significantly impacts the scenic corridor of SR-99, even if well designed. This is considered a **significant** impact.

**Finding: No Feasible Mitigation Measures are Available.** There is no feasible mitigation for this impact. Specific, economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

**Fact:** The above finding is made in that the impact is inherently related to the general conversion of an agricultural area to suburban development, and elimination of the impact would preclude construction of the Project. The Project is situated immediately adjacent to SR 99, and there is no mitigation measure available that would enable the site to maintain its agricultural appearance. This impact remains **significant and unavoidable**, and a Statement of Overriding considerations has been prepared for the Project.

**Impact 4.11-4:** Implementation of the project in combination with other projects would introduce new development into an agricultural area and increase nighttime lighting and glare. This is considered a **significant** impact.

**Finding: No Feasible Mitigation Measures are Available.** There is no feasible mitigation for this impact. Specific, economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

**Fact:** The above finding is made in that the impact is inherently related to the general conversion of an agricultural area to suburban development, and elimination of the impact would preclude construction of the Project. Although individual development projects would be responsible for incorporating mitigation to minimize their visual impacts, the net result would still be a general conversion of an area with an open, rural character to a more urban and developed character. This impact remains **significant**

and unavoidable, and a Statement of Overriding considerations has been prepared for the Project.

## 7. LAND USE/POPULATION, HOUSING, AND EMPLOYMENT

The following Land Use/Population, Housing, and Employment impacts have been previously listed in these Findings in the analysis of Agriculture, Noise and Visual Quality impacts, and do not constitute additional impacts.

**Impact:** As discussed in **Section 4.1, Agricultural Resources**, potential land use conflicts associated with the Project could result from the agricultural-commercial and agricultural-residential interface. Potential land use interface conflicts can individually or cumulatively decrease the efficiency of farming operations which can cause production costs to rise, and make farming operation less appealing. This is considered a **significant impact**.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** While land use conflicts between the Project and agricultural uses can be minimized by existing standards and policies, impacts associated with the viable use of surrounding agricultural land is considered to be significant and unavoidable. Agricultural production can be adversely affected as a result of restrictions on pesticide, herbicide and fungicide use, trespassing and pilferage, increased personal injury liability as a result of trespassers hurting themselves, and littering of fields. From the perspective of the occupants of the developed uses, adjacent agricultural land uses may result in a number of nuisances and perceived hazards, such as concern over pesticide, herbicide and fungicide use, odors, dust and slow moving vehicles. All of these potential land use interface conflicts can result in a decrease in the efficiency of farming operations and make farming less appealing. This impact remains **significant and unavoidable** and a Statement of Overriding Considerations has been prepared for the Project.

Mitigation measures to reduce Project impacts associated with land use related issues are contained within Section 4.1, Agricultural Resources, Section 4.4, Noise, and Section 4.11, Visual Quality.

**Impact:** As indicated in **Section 4.4**, the proposed project would result in an increase in noise in the area from noise sources associated with the proposed parking areas, sweepers, electrical and mechanical equipment, loading docks, and vehicle traffic. With the exception of vehicle noise, all increases in noise would be reduced through the implementation of the mitigation measures. Traffic noise could not be reduced to a less than significant level, and would result in

associated land use compatibility issues. This is considered a **significant** impact.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** Land use conflicts between the project and agricultural uses can be minimized by existing standards and policies, such as the City's Right to Farm Ordinance, and by Project mitigation measures (as listed in this document). Nevertheless, impacts associated with land use conflicts between the Project and surrounding agricultural land are considered to be significant and unavoidable. A Statement of Overriding Considerations has been prepared for the Project. While land use conflicts between the Project and agricultural uses can be minimized by existing standards and policies, impacts associated with the viable use of surrounding agricultural land is considered to be **significant and unavoidable**. This impact remains **significant and unavoidable** and a Statement of Overriding Considerations has been prepared for the Project.

Mitigation measures to reduce Project impacts associated with land use related issues are contained within Section 4.1, Agricultural Resources, Section 4.4, Noise, and Section 4.11, Visual Quality.

**Impact:** As discussed in **Section 4.11, Visual Quality**, the proposed project would result in the conversion of an agricultural area to urban uses, and significant visual impacts could result. The project could also result in significant light and glare impacts, and would contribute to the overall cumulative change in the open visual character of the project area. Project-specific and cumulative impacts to the change in views were considered to be significant and unavoidable. This is considered a **significant** impact.

**Finding: Mitigation Measures Feasible and Required.** The impacts identified in the Final EIR cannot be mitigated to a level of insignificance. However, conditions of approval, Mitigation Measures and features incorporated into the Project design will reduce, to the extent feasible, the adverse environmental effects.

**Fact:** Land use conflicts between the project and agricultural uses can be minimized by existing standards and policies, such as the City's Right to Farm Ordinance, and by Project mitigation measures (as listed in this document), such as landscaping and limitations on lighting and building materials to help screen the Project from agricultural uses and reduce light and glare. Nevertheless, impacts associated with land use conflicts between the Project and surrounding agricultural land are considered to be **significant and unavoidable**. A Statement of Overriding Considerations has been prepared for the Project.

Mitigation measures to reduce Project impacts associated with land use related issues are contained within Section 4.1, Agricultural Resources, Section 4.4, Noise, and Section 4.11, Visual Quality.

### **C. Growth-Inducing Impacts of the Project**

Section 15126.2(d) of the CEQA Guidelines requires consideration of the ways that the Project could be considered growth-inducing. Generally, a project may be considered growth-inducing if it: removes an impediment to growth, promotes economic expansion or growth, establishes a precedent-setting action, or represents development or encroachment in an isolated or adjacent area of open space. The Project involves the construction of various roadway improvements, but it does not require the construction of new access roadways. The interchange reconstruction is needed with or without the Project, and is not a part of the Project. The Project will be served by a water treatment plant that will be constructed in 2000-2001 as part of Zone 40 water system improvements. However, Lent Ranch may be required to provide a second source of water in the near future which would likely connect to the facility to be constructed with the development of the East Franklin Specific Plan. This connection could extend through or near lands currently in agricultural use. The availability of the water connection near these areas could lead to development requiring approval of a General Plan Amendment, rezoning and other entitlements. The Project would also potentially induce growth by introducing employment opportunities that could generate demand for housing. Although the Project could be precedent-setting since it includes a zone change and General Plan amendment, the Project is located within the Urban Services Boundary and Urban Policy Area, where development is permitted. As such, the Project is consistent with the General Plan as it relates to the Urban Services Boundary and the Urban Policy Boundary and an amendment to the General Plan to allow development on the Project site would not be precedent-setting. Development of open space is considered growth-inducing when it occurs on the fringes of built-up areas, but more commonly when urbanization occurs in isolated localities, leaving intervening areas of open space. A project can be considered "leap-frogging" if no projects are existing or envisioned within reasonable proximity to the project site. In addition to the Project, however, several other projects are either approved, proposed or planned for the area. Because of its location within the Urban Policy Area and because the Project is one of several proposed for the area, it is not considered to be "leap-frogging".

Although it does not involve a modification to the USB, the Project, together with the other projects approved, planned or proposed in the area, could result in increasing pressure on the City or County to modify the Urban Policy Area and Urban Services Boundary. Any growth beyond the USB would be under the control of the City and County. The General Plan states that the USB is intended to be a permanent boundary "not subject to modification except under extraordinary circumstances." However, the General Plan Land Use Element does provide a procedure for expanding the USB based upon findings that the expansion would "provide extraordinary environmental, social or economic benefits." While the USB presents a constraint to growth-

inducement south of the Project site, such growth could occur, depending on the City's or County's response to pressures in the long term.

Thus, the EIR concluded that the Project meets several growth-inducing criteria and is considered growth inducing, and it disclosed the potential secondary environmental effects of the Project's growth inducement.

#### **D. Mitigation Monitoring and Reporting Program**

CEQA Guidelines Section 15097 requires the public agency approving a project to adopt a Mitigation Monitoring and Reporting Program in order to ensure that the mitigation measures and project revisions identified in the EIR are implemented. The public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. The Mitigation Monitoring and Reporting Program includes all of the Mitigation Measures identified in the Final EIR. The Mitigation Monitoring and Reporting Program has been designed to ensure compliance during implementation of the Project.

The City finds that the impacts of the Project have been mitigated to the extent feasible by the Mitigation Measures identified in the Final EIR and in the Mitigation Monitoring and Reporting Program. The City adopts the Lent Ranch Marketplace Mitigation Monitoring and Reporting Program that accompanies the Final EIR as part of Project approval. The Monitoring Program designates responsibility and anticipated timing for the implementation of mitigation and conditions within the jurisdiction of the City. Implementation of the Mitigation Measures specified in the Final EIR and the Mitigation Monitoring and Reporting Program will be accomplished through administrative controls over Project planning and implementation, and monitoring and enforcement of these measures will be accomplished through verification by the City and periodic inspection by appropriate City personnel.

The City hereby finds that the Mitigation Monitoring and Reporting Program meets the requirements of *Public Resources Code* §21081.6 by providing for the implementation, monitoring and enforcement of Mitigation Measures intended to mitigate and/or eliminate potential environmental effects.

#### **E. Alternatives**

##### **Alternatives Analyzed in the EIR**

The CEQA Guidelines require that a reasonable range of alternatives to the Project which could feasibly attain the basic objectives of the Project be described and evaluated, including the No Project Alternative. Analysis of five Alternatives to the Project is included in Section 6.0, Alternatives of the Draft and Final EIR. The five Alternatives considered are as follows:



**Alternative 1: No Project Alternative, including the No Project, No Development Alternative (Alternative 1a), and the Planning and Zoning Code Alternative (Alternative 1b)**

**Alternative 2: Modified Use Mix Alternative A**

**Alternative 3: Modified Use Mix Alternative B**

**Alternative 4: Reduced Density Alternative**

**Alternative 5: Off-Site Alternative**

As required by CEQA Guidelines §15126.6(e)(2), which states that if the environmentally superior alternative is the “no project” alternative, an EIR shall also identify an environmentally superior alternative among the other alternatives, the Final EIR identifies Alternative 4 (Reduced Density) as the environmentally superior alternative, excluding the No Project Alternative. The feasibility of each Alternative has been analyzed in the Final EIR with respect to the following objectives:

- To construct a regional mall with supporting retail, office and commercial services along the Highway 99 corridor that will accommodate the existing and future demand for such services in the City.
- To construct a commercial complex of sufficient size and land use mix that maximizes synergy on-site between commercial, office, retail and high density residential opportunities in the City.
- To reduce overall vehicle miles traveled by City residents to access commercial opportunities in the region, and hence reduce vehicular air and noise emissions, by providing a retail environment unavailable within a radius of 10 miles.
- To create a high-quality commercial, office, retail and entertainment development which encourages a sense of place and social interaction in the City.
- To create a high-quality comprehensive and fully integrated commercial, office, retail and entertainment development on one site rather than development of less desirable fragmented land uses spread out over several other locations.
- To provide a pleasing urban landscape that will enhance the aesthetic and visual quality of the area, on a site that is designated in the General Plan for Urban Development.
- To promote development in an orderly and cohesive manner for the entire Project site and prevent the piecemeal development of the site with a mix of incompatible

uses which could otherwise result.

- To provide an expanded economic base for the City by generating substantial property and sales tax and fee revenue.
- To develop a regional marketplace to attract fashion department stores, specialty uses that are not currently represented in the City.
- To provide employment opportunities for City residents.
- To provide the infrastructure necessary to meet Project needs in an efficient and cost-effective manner.
- To provide safe and convenient customer access by locating the Project immediately adjacent to an existing regional interchange with Highway 99 and major roadways.
- To provide multi-family housing opportunities.
- To provide regional retail services not currently available to the City by the end of 2003.
- To locate the proposed Project on an already disturbed site thereby minimizing direct impacts to sensitive biological resources.

The City finds that these Alternatives are infeasible, would not achieve the Project objectives and/or offer no substantial benefits as compared to the Project as proposed, for the reasons set forth below.

### **Alternative 1: No Project Alternative**

#### ***No Project, No Development Alternative (Alternative 1a)***

Description of Alternative 1A: The No Project, No Development alternative would leave the Project site in its present condition. Existing agricultural operations would remain along with the four existing residences.

#### ***Planning and Zoning Code Alternative (Alternative 1b)***

Description of Alternative 1B: Under this Alternative, the existing zoning of the Project site is AG-80 – 80-acre minimum lot size, and the property is in active agricultural cultivation. Infrastructure on the property is limited to that necessary to support the four existing on-site residences. Development of the Project site consistent with the existing zoning designations and capacity of existing on-site infrastructure would allow for four (4) single family units throughout the 295-acre site. The remainder of the site would remain in agricultural production.

**Comparison of Effects of Alternatives 1A/1B (collectively the “No Project Alternative”) to Effects of the Proposed Project:**

- With the exception of water consumption, none of the impacts associated with construction and operational activities that would occur with the proposed Project, would occur if Alternatives 1A/1B were selected.
- The proposed Project would, however, result in a lesser amount of on-site water consumption than does the site under agricultural production.
- Therefore, Alternatives 1A/1B are environmentally superior to the proposed Project in all respects but water consumption.

**Finding:** The City finds that Alternatives 1A/1B are less desirable than the Project and rejects these Alternatives as infeasible since they would not satisfy any of the Project objectives, as described in the Final EIR, and consequently would not provide any of the benefits derived from the Project, which include jobs, economic benefits, housing and the commercial center.

**Alternative 2 – Modified Use Mix Alternative A**

**Description of Alternative.** Under this Alternative, the site would require a General Plan Amendment and Zone Change that would permit a mix of urban uses, including single family and multi-family residential uses, commercial uses and a park. However, this Alternative would reduce the size of the commercial development by nearly 95 percent (i.e., down to 163,350 sf). The 295-acre Project site would also be developed generally consistent with the Urban Development Area designation, although a General Plan Amendment would still be required, as well as an amendment to the General Plan Transportation Diagram. The development footprint would remain similar to that of the proposed Project; however, the mix of uses is modified toward a more residential character.

**Comparison of Effects of the Alternatives to Effects of the Proposed Project:**

- This Alternative would result in impacts similar to the Project with respect to agricultural resources, construction-related air quality and noise, environmental hazards, police services, water quality, geology and geotechnical hazards and cultural resources.
- Traffic, operational air quality, project-generated noise, solid waste, hydrology and visual impacts created by this Alternative would be less than under the proposed Project.
- However, the Modified Mixed Use Alternative A would result in greater impacts with respect to the consumption of water and generation of wastewater, fire services, schools, parks, biological resources, land use compatibility associated with

agricultural operations and noise impacts from the introduction of more residential land uses along a commercial interface.

- This Alternative would result in greater environmental impacts in many categories while failing to reduce several unavoidable significant impacts.

**Finding:** Alternative 2 is not environmentally superior to the Project and is not feasible because it does not fully attain many of the Project objectives. Specific objectives only partially or not completely met by Alternative 2 are as follows:

- To construct a regional mall with supporting retail, office and commercial services along the Highway 99 corridor that will accommodate the existing and future demand for such services in the City.
- To construct a commercial complex of sufficient size and land use mix that maximizes synergy on-site between commercial, office, retail and high density residential opportunities in the City.
- To reduce overall vehicle miles traveled by City residents to access commercial opportunities in the region, and hence reduce vehicular air and noise emissions, by providing a retail environment unavailable within a radius of 10 miles.
- To create a high-quality commercial, office, retail and entertainment development which encourages a sense of place and social interaction in the City.
- To create a high-quality comprehensive and fully integrated commercial, office, retail and entertainment development on one site rather than development of less desirable fragmented land uses spread out over several other locations.
- To provide an expanded economic base for the City by generating substantial property and sales tax and fee revenue.
- To develop a regional marketplace to attract fashion department stores, specialty uses that are not currently represented in the City.
- To provide employment opportunities for City residents.
- To provide safe and convenient customer access by locating the Project immediately adjacent to an existing regional interchange with Highway 99 and major roadways.
- To provide regional retail services not currently available to the City.

### **Alternative 3 – Modified Use Mix Alternative B**

**Description of Alternative.** Under this Alternative, the 295-acre Project site would be developed with a mix of urban land uses including a regional mall and similar multi-family residential uses. However, this Alternative would reduce the size of the commercial development by approximately 50 percent and would introduce single-family residential uses to the site, for a total of 975 dwelling units. A General Plan Amendment would still be required, as would a Zone Change, and an amendment to the General Plan Transportation Diagram to reflect interior Project roadways as appropriate.

#### **Comparison of Effects of the Alternative to Effects of the Proposed Project:**

- This Alternative would result in impacts similar to the Project with respect to agricultural resources, construction-related air quality and noise, environmental hazards, police services, hydrology and water quality, geology and geotechnical hazards, and cultural resources.
- Traffic, operational air quality, noise and solid waste impacts would be less under this Alternative than under the proposed Project.
- However, the Modified Mixed Use Alternative B would result in greater impacts with respect to the consumption of water and generation of wastewater, fire services, schools, parks, biological resources, land use compatibility associated with agricultural operations and the increased introduction of residential land uses, and greater noise impacts due to the introduction of more residential land uses along a commercial interface.
- Thus, this Alternative would result in more land use compatibility impacts than the proposed Project, and it would result in greater environmental impacts in many categories while failing to reduce any of the unavoidable significant Project impacts.

**Finding:** The Modified Use Mix Alternative B is hereby rejected because it is not environmentally superior to the Project and it is not feasible because it does not fully attain many of the Project objectives. Specific objectives only partially or not completely met by Alternative 3 are as follows:

- To construct a regional mall with supporting retail, office and commercial services along the Highway 99 corridor that will accommodate the existing and future demand for such services in the City.
- To create a high-quality comprehensive and fully integrated commercial, office, retail and entertainment development on one site rather than development of less desirable fragmented land uses spread out over several other locations.
- To promote development in an orderly and cohesive manner for the entire Project site and prevent the piecemeal development of the site with a mix of incompatible uses which could otherwise result.

- To develop a regional marketplace to attract fashion department stores, specialty uses that are not currently represented in the City.

#### **Alternative 4 – Reduced Density Alternative**

Description of Alternative. Under Alternative 4, the 295-acre Project site would still be developed with a regional mall and similar multi-family residential uses. However, this Alternative would reduce the size of the commercial development by approximately 30 percent (i.e., down to 2,163,700 sf). Consequently, the development footprint would be smaller than that for the proposed Project. However, a General Plan Amendment would still be required, as would a Zone Change and an amendment to the General Plan Transportation Diagram.

#### Comparison of Effects of the Alternative to Effects of the Proposed Project:

- The Reduced Density Alternative would result in impacts similar to the Project with respect to environmental hazards, schools, parks, water quality, geology and geotechnical hazards, cultural resources and visual resources.
- Impacts to agricultural resources would be reduced, as would impacts on traffic, air quality, noise, water, wastewater, solid waste, fire and police resources, hydrology, biological resources and compatibility impacts.
- Overall, Alternative 4 is environmentally superior to the proposed Project.

Finding: Alternative 4 would reduce many of the environmental impacts associated with the proposed Project. However, it is not feasible because it does not fully attain many of the basic Project objectives, as described in the Final EIR, including the following:

- To create a high-quality comprehensive and fully integrated commercial, office, retail and entertainment development on one site rather than development of less desirable fragmented land uses spread out over several other locations.
- To promote development in an orderly and cohesive manner for the entire Project site and prevent the piecemeal development of the site with a mix of incompatible uses which could otherwise result.

#### **Alternative 5 – Off-Site Alternative – Poppy Ridge**

In evaluating the viability of alternative sites, consideration was given to the size of the property, present general plan and zoning designations, direct freeway access, proximity to the State Route 99 freeway corridor for visibility, the ability to reduce environmental impacts associated with the Project, and the ability to meet most of the basic Project objectives. Other factors considered, as allowed by CEQA, included site suitability, economic viability, availability of infrastructure, jurisdictional boundaries, and

whether the applicant could reasonably acquire, control or otherwise have access to alternative sites.

**Description of Alternative:** The site located at the intersection of West Stockton Boulevard and Poppy Ridge Road was determined to be the most viable alternative location for a regional mall. This site is considered suitable as it has good freeway visibility and is also within the City of Elk Grove. Furthermore, a new freeway interchange is being considered at this location, so the property would have reasonably good regional access. However, a General Plan Amendment would still be required, as would a zone change and an amendment to the General Plan Transportation Diagram.

**Comparison of Effects of the Alternative to Effects of the Proposed Project:**

- This Alternative would result in impacts similar to the Project with respect to agricultural resources, construction related air quality, noise, environmental hazards, water, wastewater, solid waste, fire and sheriff, schools, parks, hydrology, water quality, biological resources, geology and geotechnical hazards, cultural resources, visual resources and land use compatibility.
- However the Poppy Ridge Alternative would result in greater traffic and operational air quality impacts since project-generated trips would be placed on roadways that operate more poorly than roadways near the proposed Project site.
- None of the significant environmental impacts of the Project would be mitigated by this Alternative.

**Finding:** While basic Project objectives would be attained with selection of this alternative site, none of the significant environmental impacts of the Project would be mitigated by selection of Alternative 5. Impacts would merely be relocated to a different site. Alternative 5, the Off-Site Alternative, is hereby rejected because it is not environmentally superior to the Project and it is not feasible because of the lack of the availability of adequate infrastructure, because the site is not owned by the Project proponent, and because none of the significant environmental impacts of the Project would be mitigated by this alternative.

**Alternatives suggested by Comments**

**Park Center Alternative**

In addition, an alternative site for the Project, referred to as the Park Center Alternative, was proposed in public comment letters, and evaluated in Volume Five and the Staff Report of the FEIR.

**Description of Alternative:** The site would be located along Poppy Ridge Road, it does not propose an interchange along State Route 99, and it would include pedestrian/bicycle connections to Elk Grove Regional Park. It should be noted, that this site was evaluated in the EIR as the Off-Site Alternative – Poppy Ridge Road. However, the Park Center Alternative, as proposed by the comment, would comprise 1.3 million square feet (approximately 42% the size of the Project).

**Comparison of Effects of the Alternative to Effects of the Proposed Project:**

- The Park Center Alternative would avoid land use conflicts with agricultural land uses along Kammerer Road. However, this Alternative would still significantly impact area roadways. As identified in Section 4.2 of the Draft EIR, the intersections of Elk Grove Boulevard/Bruceville Road, Elk Grove Boulevard/SR 99 Ramps, Elk Grove Boulevard/East Stockton Boulevard and Elk Grove Boulevard/Elk Grove-Florin Road are all expected to operate deficiently under cumulative conditions. Moreover, this Alternative, as proposed by the comment, would eliminate the implementation of a new interchange at Poppy Ridge Road/SR 99, increasing demand on surface streets. Implementation of this alternative would likely exacerbate operational conditions as compared to the Project.

**Finding:** The Park Center Alternative is hereby rejected because, although it is environmentally superior to the Project, it does not meet the City's needs for a major mall, and it will not fulfill a number of project objectives, including reducing overall vehicle miles traveled by City residents to access commercial opportunities in the region, and hence reduce vehicular air and noise emissions, by providing a retail environment unavailable within a radius of ten miles, providing multi-family housing and office uses, as well as being located adjacent to an existing interchange. In addition, the site is not owned by the Project applicant.

**The “Delay” Alternative**

An additional Alternative, the so-called “Delay” Alternative, was proposed by a public comment. This Alternative simply proposed delaying the implementation of the Project for an indeterminate period. Because this Alternative is not a true alternative to the Project (as it would involve developing the same project at a later time), this Alternative would not reduce any of the significant environmental effects of the Project, and would postpone fulfillment of the project objectives.

**Finding:** The “Delay” Alternative is hereby rejected because it is not environmentally superior to the Project and does not achieve the project objectives in a timely manner.



## **Alternatives Eliminated from Consideration in the EIR**

Four alternatives were eliminated from consideration in the EIR: the “air quality” alternative and three off-site alternatives. An alternative was considered that would theoretically eliminate the significant operational air quality impact of the proposed Project. This alternative would also reduce the magnitude of the proposed project’s impacts to biological resources through a reduced development footprint. However, this alternative was rejected from consideration because the project would have to be reduced in scale to such an extent as to render it economically infeasible. In order to reduce the amount of all modeled air emissions to a level below the air quality thresholds for significance without the need for mitigation, only a relatively small amount of development could occur on the 295-acre site. Such an alternative would be approximately 23 percent the scale of the proposed project, resulting in a regional mall approximately 304,000 sq. ft. in size. A mall of this size would be far too small to attract the types of tenants required to lease a mall site and finance construction of the facility. In fact, a project of this size is not considered a mall; it is the size of a big box home center (e.g. Home Depot). A project of this size would not attract the supporting commercial and office uses that would create a cohesive and entertaining project. Because such an alternative could not be built, most of the project objectives would not be met. Thus, this alternative is considered infeasible.

Three off-site alternatives were also considered and rejected for various reasons. One alternative involved separating the proposed regional mall, commercial uses, office and entertainment uses and residential development on 167 acres of vacant commercial parcels scattered throughout the Laguna area. Development of the project on 167 acres of vacant properties scattered throughout the Laguna area is not considered to be a feasible alternative for a number of reasons. First, it would not satisfy the acreage needs of the Project which requires approximately 280 contiguous acres. Second, it would not attract the fashion department stores and specialty retail uses that would be available within a regional mall setting. These smaller scattered centers would most likely attract Community Commercial type uses such as grocery stores and movie rentals. Persons residing within the City and market area would continue to travel outside the area to purchase goods and services not provided by a regional mall setting. Therefore, this alternative would result in increased vehicle trips and miles traveled, as well as increased air quality and noise impacts, and it would fail to fulfill a number of Project objectives, including the following.

- To construct a regional mall with supporting retail, office and commercial services along the Highway 99 corridor that will accommodate the existing and future demand for such services in the City.
- To construct a commercial complex of sufficient size and land use mix that maximizes synergy on-site between commercial, office, retail and high density residential opportunities in the City.

- To reduce overall vehicle miles traveled by City residents to access commercial opportunities in the region, and hence reduce vehicular air and noise emissions, by providing a retail environment unavailable within a radius of 10 miles.
- To create a high-quality commercial, office, retail and entertainment development which encourages a sense of place and social interaction in the City.
- To create a high-quality comprehensive and fully integrated commercial, office, retail and entertainment development on one site rather than development of less desirable fragmented land uses spread out over several other locations.
- To provide a pleasing urban landscape that will enhance the aesthetic and visual quality of the area, on a site that is designated in the General Plan for Urban Development.
- To promote development in an orderly and cohesive manner for the entire Project site and prevent the piecemeal development of the site with a mix of incompatible uses which could otherwise result.
- To develop a regional marketplace to attract fashion department stores, specialty uses that are not currently represented in the City.
- To provide safe and convenient customer access by locating the Project immediately adjacent to an existing regional interchange with Highway 99 and major roadways.
- To provide regional retail services not currently available to the City.

Thus, the development of the Project on scattered sites would not meet most of the basic objectives of the Project, would not be feasible as it is not a contiguous site, and, at a minimum, would not avoid or substantially lessen the significant effects of the Project associated with traffic and circulation, air quality or noise. As such, this alternative was eliminated from detailed consideration within the EIR.

A second off-site alternative was considered south of Elk Grove Boulevard on either side of Bruceville Road. It was eliminated from further consideration as it is not considered suitable for a regional mall based on poor direct access to the freeway, and due to the distance to State Route 99, which would provide poor visibility for a regional mall. Property adjacent to and surrounding the Elk Grove Auto Mall at the intersection of State Route 99 and Elk Grove Boulevard was considered as a third off-site alternative. It was rejected because of inadequate freeway access, since the Elk Grove Boulevard interchange on State Route 99 is already projected to be severely congested under buildout conditions and no further interchange improvements are feasible or planned. The addition of regional mall traffic to this interchange would further hamper the ability of this interchange to function under acceptable conditions and as such was eliminated from further consideration within the EIR.

A review of the foregoing Alternatives reveals that the proposed Lent Ranch Marketplace Project (as mitigated) is the superior alternative for achieving the goals established for the Project and the City, while minimizing impacts to the environment. For all of the reasons discussed above, each of the Alternatives is not superior to the Project because they compromise one or more of the Project's basic objectives. Accordingly, pursuant to CEQA Guidelines Section 15126.6, the City finds that the EIR has considered a reasonable range of alternatives to the Project and that such alternatives considered are not preferable to the Project as proposed.

## **F. Mitigation Measures Suggested By Comments**

1. **Air Quality.** Although some air quality mitigation measures have been suggested that have not been incorporated into the Project (see Final EIR, Volume Four, Appendix D for a detailed analysis of why certain measures were rejected as infeasible), the Project has added a significant number of air quality mitigation measures, including space for photovoltaic cells. (See Final EIR, Volume 5, page 1.0-311, April 20, 2001 letter from Linda Bozung, for a complete list of measures adopted by the Project, with the exception of one additional mitigation measure added by a subsequent letter dated May 16, 2001, representing all the primary mitigation measures suggested by Mr. Peter Christiansen of the Sacramento Metropolitan Air Quality Management District (SMAQMD) in his public testimony and letters to the City). As a result, the Project achieves and fully satisfies the current SMAQMD 32.5 point requirement (the previous requirement was a 35% reduction, but the SMAQMD has determined that a 2.5 point measure is now infeasible) and is in agreement with what has been requested by the SMAQMD. In addition, the Project complies with AQ-15 which requires that all new major indirect sources of emissions shall be reviewed and modified or conditioned to achieve a reduction in emissions.

Finding: The City hereby finds that the Project has adopted all feasible mitigation measures to reduce impacts, and that additional mitigation measures, including those suggested by public comments, are infeasible due to specific economic, legal, social, technological, or other considerations, as indicated in the Draft and Final EIR.

2. **Loss of Farmland/Open Space/Habitat.** A number of Comments have suggested measures to mitigate for the loss of farmland, open space and/or habitat. The Project will pay a fee, pursuant to the Development Agreement, for loss of agricultural land, open space, greenbelts and other habitat. This measure, which will provide mitigation similar to what is being accomplished in other jurisdictions, has been repeatedly suggested in Comments. It is a common and accepted form of mitigation, and it is feasible. Twenty-seven mitigation strategies that the Cal-Fed Bay-Delta Project identified for mitigating against impacts to agricultural land were also suggested in Comments, as follows:

- Mitigation strategies 1 and 2 include avoiding or minimizing impacts through siting and alignment and using structural and nonstructural alternatives to avoid impacts. These strategies are examined as an alternative to the Project in Draft EIR Section 6.0 (No Project Alternative, Reduced Density Alternative) and, as such, they are already addressed by the EIR.
- Mitigation strategy 3 involves developing features consistent with local and regional plans. The Draft EIR indicates the Project is consistent with the General Plan agricultural policies. As indicated by Section 2(A) of this Resolution, and the attached Exhibit A, the Project is consistent with the General Plan.
- Mitigation strategy 4 includes involving communities in achieving balance between resource impacts and benefits. This is being implemented by the City through the CEQA process and the proposing of alternatives to the Project and mitigation measures to reduce impacts.
- Mitigation strategies 5, 6, 20, 24, and 25, which apply, respectively, to retired drainage impaired land, the testing and application of alternative crops, levee reconstruction measures, using rotational fallowing, and advising the local governing body when land within an agricultural preserve may be acquired, are not applicable to the Project as it is not retired drainage land, is not within an agricultural preserve, contains no levees, and agricultural uses will not be continued on the Project site.
- Mitigation strategies 7, 26 and 27 include, respectively, providing water supply reliability benefit to agricultural uses, limiting the number of acres that can be fallowed in order to provide transferable water and implementing groundwater management programs. Since the Project will result in a decrease in the amount of groundwater that is extracted from the Project site, the Project already complies with these strategies.
- Mitigation strategies 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, include measures aimed at acquiring agricultural conservation easements and restoring and protecting wildlife habitat. The Project has agreed, pursuant to the Development Agreement, to the payment of \$1,700 per acre, which includes \$950 per acre for loss of agricultural land, open space, greenbelts and other habitat, and \$750 per acre for Swainson's hawk mitigation. Funds collected will be used to purchase conservation easements for open space, greenbelts, valuable habitat and/or agricultural land preservation.
- Mitigation strategy 19 involves developing buffers for remaining agricultural land. The Project site is separated from agricultural land to the south by the 110-foot wide Kammerer Road, as well as an additional 20 feet of buffer area on the project side of the road. Kammerer Road and the traffic it carries serve as a physical barrier between the agriculture uses on the south side of the road and the proposed commercial uses to the north, and create a significant impediment

to trespass, vandalism and theft. Kammerer Road serves as a more effective buffer than would an equivalent width of raw land, in that it functions as an obvious separation between land uses. Therefore, there is already an effective buffer in place and no additional buffer is necessary.

- Mitigation strategies 22 and 23 include the use of erosion control measures. The Draft EIR already includes erosion control mitigation measures to ensure water quality on pages 4.7-18 through 4.7-20.

**Finding:** The City hereby finds that the Project has adopted all feasible mitigation measures to reduce impacts, and that additional mitigation measures, including those suggested by public commentors, are infeasible due to specific economic, legal, social, technological, or other considerations, as indicated in the Draft and Final EIR.

3. Comments have suggested mitigation measures such as delaying the Project until the customer supply in the area can support the proposed square footage of the space or requiring phased implementation of the Project to prevent impacts on other existing retail areas. With respect to the economic viability of the mall and its impact on existing retail areas, Topical Response 6 – Economic Impacts, the BAE analysis, and the letter to the City Council dated May 7, 2001 by Jerry McCuiston of General Growth, with the Peter S. Gerney market analysis attached, demonstrate the economic viability of the Project without significantly impacting existing retail areas. Since no significant economic impact that would result in a physical effect has been identified, no mitigation is required.

**Finding:** The City hereby finds that the Project has adopted all feasible mitigation measures to reduce impacts, and that additional mitigation measures, including those suggested by public comments, are infeasible due to specific economic, legal, social, technological, or other considerations, as indicated in the Draft and Final EIR.

4. Some Comments have suggested that there should be no significant development within one mile of the Suburban Propane Plant. Others have suggested a buffer of one-half mile. As noted in the Quest Consulting report and the Draft EIR, Section 4.5, the potential for a catastrophic event is extremely remote. Based on international risk standards, all locations 600 feet and farther beyond the Suburban Propane and Georgia Pacific fence line are defined as acceptable. The Project site lies approximately 3,500 feet or 2/3 of a mile from the Suburban Propane facility, and the risk level posed is viewed as acceptable and impacts are considered to be less than significant (Draft EIR, page 4.5-23). Therefore, no mitigation is required.

**Finding:** The City hereby finds that the Project has adopted all feasible mitigation measures to reduce impacts, and that additional mitigation measures, including those suggested by public comments, are infeasible due to specific economic, legal, social, technological, or other considerations, as indicated in the Draft and Final EIR.

5. Comments have suggested the use of alternative forms of energy, e.g. solar, geothermal, etc. The Project will donate rooftop space to accommodate the installation of photovoltaic energy systems which work by capturing electrons from sunlight and convert them into power. Clean fuel backup generators will be used instead of diesel fueled models and, where possible, low-emission waste hauling vehicles will be utilized. The Project will also provide electric vehicle charging facilities, and will use on-site security vehicles which are fueled by natural gas or propane, or are electric vehicles. The use of geothermal energy on the Project site is not a viable alternative given that no source of geothermal energy exists within the Project area.

Finding: The City hereby finds that the Project has adopted all feasible mitigation measures to reduce impacts, and that additional mitigation measures, including those suggested by public comments, are infeasible due to specific economic, legal, social, technological, or other considerations, as indicated in the Draft and Final EIR.

6. Comments have suggested mitigation measures for the Project's impact on growth beyond the Urban Services Boundary (USB) and effect on properties outside the USB. However, the Project is included within the Urban Development Area, does not involve a modification to the USB, and the USB is maintained at its existing location. Allowing growth beyond the USB is under the control of the City and County, and any relocation of the USB would need approval of the City or County. Therefore, imposing mitigation on the Project to limit growth on properties outside the USB is not necessary, although mitigation measures have been included within the Draft EIR to reduce or alleviate Project impacts outside the USB

Finding: The City hereby finds that the Project has adopted all feasible mitigation measures to reduce impacts, and that additional mitigation measures, including those suggested by public comments, are infeasible due to specific economic, legal, social, technological, or other considerations, as indicated in the Draft and Final EIR. The City further finds that such mitigation is also within the jurisdiction of another agency, the County of Sacramento.

7. Comments have suggested traffic mitigation measures that would include the construction of high occupancy vehicle (HOV) lane extensions on SR-99. The traffic analysis in the Draft EIR considered the need and timing of the extension of SR-99 HOV lanes from Elk Grove Boulevard to the Grant Line Road Interchange. The Draft EIR indicates that the HOV lanes on SR-99 should be extended south of the Grant Line Road Interchange, and that the timing of this improvement is dependent upon when Caltrans (acting as lead agency) submits the project for inclusion into the Metropolitan Transportation Plan. (See Mitigation Measure 4.2-4.)

Finding: The City hereby finds that the Project has adopted all feasible mitigation measures to reduce impacts, and that additional mitigation measures, including those suggested by public comments, are infeasible due to specific economic, legal, social, technological, or other considerations, as indicated in the Draft and Final EIR. The City

further finds that such mitigation is also within the jurisdiction of another agency, the State of California (Caltrans).

8. Comments have suggested dedicating land for a park and ride lot. Although the Project includes a mitigation measure to provide essential bus stop improvements when bus service provides headways of 15 minutes or less for stops within 1/4 mile, it does not include development of a park and ride lot. A park and ride lot on the Project site is unrealistic in that Regional Transit already determined the location of its park and ride lot at the intersection of Grant Line Road and the Union Pacific Railroad Line, as part of the environmental document for an extension of the light rail to Elk Grove (NOP Response letter dated October 2, 2000). Furthermore, the NOP letter states that funding could be delayed well past 2015. As a result, the Project could be required to hold property for Regional Transit in excess of fifteen years based on an unfunded project. Finally, the Project is envisioned as a destination location, rather than a departure location which is the purpose of a park and ride lot.

**Finding:** The City hereby finds that the Project has adopted all feasible mitigation measures to reduce impacts, and that additional mitigation measures, including those suggested by public comments, are infeasible due to specific economic, legal, social, technological, or other considerations, as indicated in the Draft and Final EIR.

9. Comments have suggested air quality mitigation measures for growth-inducing impacts in the form of a "growth inducement mitigation policy." CEQA does not require mitigation for the growth-inducing effects of a project. While the growth-inducing impacts of the Project are identified by the Draft and Final EIR, planning for the accommodation of future growth in the region is not undertaken on a project-by-project basis, but rather is the subject of comprehensive planning efforts, primarily the General Plan. The General Plan designates certain areas of the City (including the Project site) as Urban Development Areas for future growth.

**Finding:** The City hereby finds that the Project has adopted all feasible mitigation measures to reduce impacts, and that additional mitigation measures, including those suggested by public comments, are infeasible due to specific economic, legal, social, technological, or other considerations, as indicated in the Draft and Final EIR.

10. Comments have suggested slowing the site preparation phase and construction schedule to accommodate the SMAQMD emission thresholds. The EIR analyzed the worst case scenario as required by CEQA, however, the amount of equipment would be much less than that examined within the EIR and emissions are anticipated to be substantially less. Slowing construction would not result in an overall reduction in emissions and, in fact, emissions may even be greater given the increase in cold starts and shut downs.

**Finding:** The City hereby finds that the Project has adopted all feasible mitigation measures to reduce impacts, and that additional mitigation measures, including those suggested by public comments, are infeasible due to specific economic, legal, social, technological, or other considerations, as indicated in the Draft and Final EIR.

11. Comments have suggested building a Poppy Ridge interchange and improving the Grant Line interchange in the south. As noted in the Draft EIR, construction of an improved Grant Line Road/SR99 interchange will reduce traffic impacts caused by the Project, as well as other planned and approved development in the area. Development of the Poppy Ridge interchange would reduce impacts on the existing Elk Grove Boulevard/SR 99 interchange, but would essentially be growth-inducing by allowing for the development of that area. This would result in a net increase in traffic to the area and a decrease in the LOS. In addition, the City is not currently pursuing construction of the Poppy Ridge interchange.

**Finding:** The City hereby finds that the Project has adopted all feasible mitigation measures to reduce impacts, and that additional mitigation measures, including those suggested by public comments, are infeasible due to specific economic, legal, social, technological, or other considerations, as indicated in the Draft and Final EIR.

12. Comments have suggested requiring an on-site second buffer of open space. The loss of agricultural land is addressed in Section 4.1 of the Draft EIR and is considered significant and unavoidable. Although no mitigation exists to fully alleviate agricultural land loss, a provision in the Development Agreement is included in the Project to offset such loss. The Project will pay a fee, pursuant to the Development Agreement, for loss of agricultural land, open space, greenbelts and other habitat. With respect to the need for a second buffer of open space, the Project site is separated from agricultural land to the south by the 110-foot wide Kammerer Road, as well as an additional 20 feet of buffer area on the project side of the road. Kammerer Road and the traffic it carries serve as a physical barrier between the agriculture uses on the south side of the road and the proposed commercial uses to the north, and create a significant impediment to trespass, vandalism and theft. Kammerer Road serves as a more effective buffer than would an equivalent width of raw land, in that it functions as an obvious separation between land uses. Therefore, there is already an effective buffer in place and no additional buffer is necessary.

## **G. Statement of Overriding Considerations**

The Final EIR for the Project has identified significant and unavoidable impacts which will result from implementation of the Project. The Project will result in significant and unavoidable impacts with respect to:

- agricultural resources
- project-specific and cumulative traffic and circulation
- construction and operational air emissions



- short-term and cumulative construction noise and long-term and cumulative traffic noise
- cumulative biological resources
- visual quality
- three impacts with respect to land use compatibility which are the same as the agricultural resources, noise and visual resources impacts previously listed.

Title 14, Cal. Code of Regulations, section 15093(b) provides that when the decision of the public agency allows the occurrence of significant impacts which are identified in the Final EIR, but are not at least substantially mitigated, the agency must state in writing the reasons to support its actions based on the Final EIR and/or other information in the record. Accordingly, the City Council of City of Elk Grove adopts the following Statement of Overriding Considerations.

The City Council recognizes that significant and unavoidable impacts will result from implementation of the Project. Having balanced the benefits of the Project against its significant and unavoidable effects, the City Council hereby finds that the economic, legal, social, technological and other benefits of the Project outweigh and override the significant and unavoidable effects for the reasons stated below.

1. The Project will provide a wide range of shopping, retail, office and entertainment opportunities that do not exist at present within the newly incorporated City, and these services are not currently available in adjacent communities.
2. The Project will contribute to a balance of land uses within the City by providing a diversity of services that respond to the needs of the City.
3. The Project will help the City and surrounding communities develop a sense of place by providing an attractive gathering place which will encourage social interaction and community identity.
4. The Project will promote the establishment of a cohesive, planned multi-use development, rather than a number of separate, unrelated smaller developments on the site.
5. The Project will prevent future piecemeal, fragmented development of strip centers throughout the City, by providing the shopping, retail office and entertainment uses that are needed by the Community at one location.
6. The Project will be economically beneficial to the City by generating significant retail sales taxes, property taxes, business license and other fees and revenues.
7. The Project will be economically beneficial by providing substantial employment opportunities for City residents of approximately 6,500 -7,700 permanent jobs as well as construction-related jobs, which will improve

the jobs/housing balance in an area that is predominantly residential at present.

8. The Project will provide up to 280 units of multi-family housing in an area proximate to employment uses.
9. The Project will enable residents in the City and surrounding communities to satisfy multiple shopping and entertainment needs at one location that is substantially closer to where they live than at present, thereby resulting in a reduction in vehicle miles traveled and improved air quality.
10. The Project will offer space within the Mall to the City Police Department for a police substation.

The City Council hereby finds that each of the reasons stated above constitutes a separate and independent basis of justification for the Statement of Overriding Considerations, and each is able to independently support the Statement of Overriding Considerations and override the unavoidable environmental effects of the proposed Project. In addition, each reason is independently supported by substantial evidence contained in the administrative record.

#### **H. Record of Proceedings**

Various documents and other materials constitute the record of proceedings upon which the City bases its Findings and decisions contained herein. The Final EIR and materials used to support the Final EIR are located at the City of Elk Grove Planning Department, 10461 Old Placerville Road, Suite 110, Sacramento, California 95827. The custodian for the record of the proceedings is the Director of Community Development of the City of Elk Grove.

#### **I. Summary**

1. Pursuant to *Public Resources Code* §21081 and *CEQA Guidelines* §15091, and based on the foregoing Findings and the information contained in the record, the City has determined that:
  - a. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid significant environmental impacts on hazards, wastewater, fire service, police service, parks and recreation, hydrology and water quality, geology and geotechnical hazards, and cultural resources (*Public Resources Code* §21081(a)(1); *CEQA Guidelines* §15091(a)(1)).
  - b. Such changes or alterations are within the responsibility and jurisdiction of other public agencies and not the agency making the finding. Mitigation measures have been suggested that Caltrans could implement to mitigate

certain significant traffic impacts. Such changes can and should be adopted by these other agencies.

- c. Specific economic, legal, social, technological, or other considerations, make infeasible some of the mitigation measures or alternatives identified in the environmental impact report (*Public Resources* §21081(a)(3); *CEQA Guidelines* §15091(a)(3)).

2. Pursuant to *CEQA Guidelines* §15092, and based on the foregoing Findings and the information contained in the record, the City hereby determines that:

- a. All significant effects on the environment due to the approval of the Project have been eliminated or substantially lessened where feasible.
- b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section 1(G), above.

**2. Findings of Fact Regarding the General Plan Amendment, General Plan Transportation Diagram Amendment, and Tentative Subdivision Map For The Lent Ranch Marketplace Project.**

**A. General Plan Amendment Findings**

Pursuant to General Plan Land Use Policy LU-77, before granting approval of an amendment to the Land Use Diagram, the City Council shall find that:

1. *The request is consistent with the objectives and policies of the General Plan.*

The Lent Ranch Marketplace Project is consistent with the objectives and policies of the General Plan. See the attached General Plan Consistency Analysis, Exhibit "A" to this Resolution, which is incorporated herein by this reference.

2. *Approval of the proposal will not adversely affect the fiscal resources of the City.*

The Lent Ranch Public Facilities Financing Plan (the "Financing Plan"), identifying major infrastructure improvement costs and funding sources, has been prepared for the Project. The Financing Plan includes detailed descriptions and construction costs of the infrastructure necessary to provide adequate services to the Project, as well as specific information with respect to funding of that infrastructure. The financing mechanisms will be in place prior to the approval of building permits for the Project. This will ensure that the Project pays its fair share of necessary improvements and that the Project does not adversely affect the fiscal resources of the City. Furthermore, it is estimated that up to

7,700 new permanent jobs will be created as a result of the Project. Finally, the Project will be economically beneficial to the City and surrounding region by generating substantial retail sales tax, property tax, business license tax and other fees and revenues. Therefore, approval of the Project will not adversely affect the fiscal resources of the City.

3. *The project will be consistent with the performance standards in this Plan and, for urban uses in urban growth areas, the project complies with the requirements of LU-8.*

The Project is consistent with the objectives and policies of the General Plan and, therefore, with the performance standards of the General Plan. See the attached General Plan Consistency Analysis, Exhibit "A" to this Resolution. Specifically, General Plan Land Use Policy LU-8 requires that:

"Infrastructure financing plans which specify the extent, timing and estimated cost of all necessary infrastructure shall be approved by the City Council together with the approval of zoning for any urban uses in urban growth areas. The resulting financing mechanisms shall be implemented prior to the approval of all entitlements in urban growth areas."

The Project is located within an Urban Development Area (UDA), which, by definition, is an urban growth area. As stated in Finding 2 above, a Financing Plan identifying major infrastructure improvement costs and funding sources has been prepared for the Project. The Financing Plan includes detailed descriptions and construction costs of the infrastructure necessary to provide adequate services to the Project, as well as specific information with respect to funding for that infrastructure. The financing mechanisms will be in place prior to the approval of building permits for the Project. Therefore, the Project is consistent with the requirements of LU-8.

## **B. General Plan Transportation Diagram Amendment Findings**

No findings are specified in the Circulation Element of the General Plan; however, before granting approval of an amendment to the Transportation Diagram, the City Council shall find that:

1. *The request is consistent with the objectives and policies of the General Plan.*

The Lent Ranch Marketplace Project is consistent with the objectives and policies of the General Plan. See the attached General Plan Consistency Analysis, Exhibit "A" to this Resolution. With respect to the amendment of the Transportation Diagram, specifically, the amendment consists of realigning West Stockton Boulevard to a location west of its current location which is immediately west of State Route 99. In addition, a portion of Kammerer Road, along the east side of the Project, will be realigned northward to meet the Grant Line Road/SR 99 Interchange. The General Plan Transportation Diagram will

be amended to reflect these changes. The realignment of West Stockton Boulevard through the Project is consistent with the Transportation Diagram in that the realignment of West Stockton Boulevard is necessary for the reconstruction of the Grant Line Road/SR 99 Interchange to meet Caltrans standards. The Grant Line Road/SR 99 Interchange is an improvement shown on the General Plan, and is under separate consideration by the City. West Stockton Boulevard will continue to serve as a north-south thoroughfare/arterial adjacent to SR 99. With respect to Kammerer Road, the Project implements the partial realignment of a section of Kammerer Road to meet the Grant Line Road/SR 99 Interchange, as depicted on the General Plan Transportation Diagram. Therefore, amending the Transportation Diagram as requested is consistent with the General Plan.

### **3. Tentative Subdivision Map Findings.**

Pursuant to Section 22.20.080 of the Land Development Code (Title 22) and Sections 66473.5 and 66474 of the State Subdivision Map Act, the City Council hereby finds as follows:

1. *The Tentative Subdivision Map is not inconsistent with an adopted community plan.*

No Community Plan is applicable to the Lent Ranch Marketplace site. However, the Project will be governed by the Lent Ranch Marketplace Special Planning Area (SPA).

2. *The Tentative Subdivision Map does not violate the provisions of the Zoning Code of the City as to area, setback, frontage, or any other requirements for which no variance or exception has been granted.*

The Project will be governed by the provisions of the SPA. The SPA will be a section of the City Zoning Code and will serve as the Zoning for the site. The SPA provides development standards, and guidelines and procedures for development entitlements. All development on the Project Site will comply with the provisions of the SPA and the Zoning Code, as appropriate. The SPA delineates the planned development for the Project site, and addresses planning issues related to permitted uses, land use regulations including setbacks, height regulations, streetscape design, landscaping, off-street parking and architectural concept. Since all development on the Project Site will be required to comply with the provisions of the SPA, and the SPA satisfies the provisions of the City's Zoning Code, the Project and the Tentative Subdivision Map do not violate the provisions of the Zoning Code.

3. *The Tentative Subdivision Map does not enlarge, expand or extend a nonconforming use of the land under the Zoning Code.*

As discussed under Finding 2, above, the Project will be governed by the provisions of the SPA which serve as the zoning regulations for the Project site. Since all

development on the Project Site will be required to comply with the SPA, the Project does not constitute or create a nonconforming use of the land, and the Project does not enlarge, expand or extend a nonconforming use currently existing on the Project Site.

4. *The division of land does not violate any other City ordinance or code provision.*

The division of land effected by the Tentative Subdivision Map is consistent with, and does not violate any provision of, the SPA because the Map separates the project site into developable-sized Districts reflecting the design and uses of the SPA. The Map facilitates the development of the Project by allowing for separate funding, financing, and purchase and sale of the various components of the Project as delineated in the SPA. The Map is consistent with the City's Zoning Code because the SPA constitutes the zoning for the property, and it is consistent with the Land Development Ordinance because it has been prepared and processed in accordance with all the applicable terms and provisions of that Ordinance. The Map does not violate any other City ordinance or code provision, as reflected in the attached General Plan Consistency Analysis, Exhibit "A" to this Resolution.

5. *The proposed subdivision is not inconsistent with the General Plan or Specific Plan, and the design or improvement of the proposed subdivision is not inconsistent with applicable general and specific plans.*

Pursuant to *Government Code* §66474(a) and (b), the City finds that the proposed Tentative Subdivision Map, together with the provisions for its design and improvement, and the various uses permitted within the SPA, are consistent with the objectives, policies, general land uses and programs specified in the City General Plan, as demonstrated by the attached General Plan Consistency Analysis, Exhibit "A" to this Resolution. No Specific Plan is applicable to the Project site.

6. *The site is not physically unsuitable for the type and proposed density of development.*

Pursuant to *Government Code* §66474(c) and (d), the City finds that the site is not physically unsuitable for the type and proposed density of development. The Project site consists of 295 contiguous acres of relatively flat land and it is located immediately adjacent to SR-99, the Grant Line Road/SR 99 Interchange and other major roadways. Adequate roadway capacity and infrastructure exists or will be provided prior to Project occupancy, and the site has no topographical constraints. The site is adequate in size and shape to accommodate the Project, including all infrastructure, parking facilities or other development features prescribed in the SPA, the Zoning Ordinance, or as is otherwise required to serve the Project. The Project site does not contain any marsh or riparian woodland acreage, wetlands, or urban streams or watercourses. Therefore, the site is not physically unsuitable for the type of development.

7. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

Pursuant to *Government Code* §66474(e), the City finds that the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat on a Project-specific level because the site does not contain any marsh or riparian woodland acreage, wetlands, or urban streams or watercourses, and extensive mitigation measures will reduce any potential impacts to sensitive species to a less than significant level. Nevertheless, the proposed Project, combined with other developments in the area, will result in significant environmental impacts with respect to light and glare impacts to local biological communities, and the cumulative conversion of a number of agricultural areas to urban use will result in a loss of connectivity between preserved open space areas and temporary resting and foraging sites for migrating birds. However, pursuant to *Government Code* §66474.01, the City hereby finds that these impacts are outweighed by the public benefits of the Project as set forth in the Statement of Overriding Considerations adopted pursuant to the California Environmental Quality Act, Section 1(G) of this Resolution.

8. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

Pursuant to *Government Code* §66474(f), the City finds that the design of the subdivision or type of improvements is not likely to cause serious public health problems. The design and improvements of the subdivision will provide all the infrastructure necessary for the Project, including adequate sewer and water systems, which will ensure that the Project will not cause serious public health problems. Subdivision improvements also include appropriately designed and directed lighting which will contribute to public safety and welfare. In addition, the Project will contribute its fair share toward reconstruction of the Grant Line Road/SR 99 Interchange, as well as providing other necessary roadway and intersection improvements as required to meet safety and capacity standards. This will enhance public health and safety in the area by improving Fire Department access to the region. The Project will also provide space within the Mall to the Sheriff's Department for a police substation. Therefore, the subdivision will result in an attractive and pedestrian-friendly development that will enhance the visual quality of the neighborhood, provide a safe gathering place for City residents, and will not cause serious public health problems.

9. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Pursuant to *Government Code* §66474(g), the City finds that the design and improvements of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision, because any easements that may exist on the Property will either be abandoned or relocated, and all easements and public rights of way to serve the Project will be designated on the Final Map.

10. *The Project Site is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act).*

Pursuant to *Government Code* §66474.4(a), the City finds that the Project Site is not subject to a Williamson Act contract. The previous Williamson Act contract applicable to the Project Site expired on March 28, 1998.

11. *The design of a subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.*

Pursuant to *Government Code* §66473.1, the City hereby finds that the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, in that the Project has adopted feasible measures proposed by the Sacramento Metropolitan Air Quality Management District, including:

- Increasing parking lot shade by 20 percent over code requirements.
- Providing for a parking lot design that includes clearly marked covered or tree-shaded pedestrian pathways between a transit facility and the building frontage for each District.
- Utilizing paving material for 100% of the parking area that is natural-colored, without the standard dark-colored pigment.
- Providing covered or tree-shaded carpool/vanpool parking areas adjacent to building entrances.
- Utilizing EPA Energy Star compliant roof products, or products that are of equivalent effectiveness in meeting the Energy Star reflectivity standard
- Participating in SMUD's PV Pioneers Program by providing a minimum of 100,000 square feet of roof area for the installation of a photovoltaic system funded by SMUD or another provider of electricity.
- Installing lowest emitting commercially available fireplaces for residential uses.

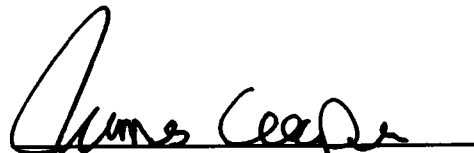


- Installing high efficiency commercially available equipment for heating with emergency efficiency rating (EER) of 11 or greater for heating units up to 20 tons and an EER of 10 or greater for heating units of 20 tons and greater.
- Using backup energy generators (if backup generators are included) that will utilize either natural gas, propane, or another less polluting alternative compared to conventional diesel fuel.


**3. Project Approval**

The request by the applicant for approval of a General Plan Amendment, General Plan Transportation Diagram Amendment, and Tentative Subdivision Map For The Lent Ranch Marketplace Project is granted.


PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 27th day of June 2001.

  
 JAMES COOPER, MAYOR  
 CITY OF ELK GROVE

ATTEST:

  
 PEGGY JACKSON, CITY CLERK  
 CITY OF ELK GROVE

APPROVED AS TO FORM:

  
 ANTHONY MANZANETTI,  
 CITY ATTORNEY  
 CITY OF ELK GROVE

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

## EXHIBIT A

### LENT RANCH MARKETPLACE GENERAL PLAN CONSISTENCY ANALYSIS

The following consistency analysis analyzes only those Goals, Objectives and Policies that are applicable to the Lent Ranch Marketplace Project (the "Project"). It should also be noted that both the term "County" and "City" are used in this analysis. The Goals, Policies and Objectives of the General Plan were formulated by the County as part of its General Plan Update in 1993; however, since its recent incorporation, the City of Elk Grove has adopted the County General Plan, along with all its Goals, Policies and Objectives.

As stated by the General Plan Guidelines published by the State Office of Planning and Research (OPR), "an action, program or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment." See OPR, *General Plan Guidelines* (1998), at p. 128. A finding of General Plan consistency does not require an exact match between the project and each and every General Plan policy. See *Greenebaum v. City of Los Angeles*, 153 Cal.App.3d 391 (1984). The Courts have recognized that no project could completely satisfy every policy stated in the General Plan, and that state law does not impose such a requirement. A General Plan must try to accommodate a wide range of competing interests -- including those of developers, neighboring homeowners, prospective homebuyers, environmentalists, current and prospective business owners, jobseekers, taxpayers, and providers and recipients of all types of City-provided services--and to present a clear and comprehensive set of principles to guide development decisions. See, e.g. *Sequoyah Hills Homeowners Ass'n v. City of Oakland*, 23 Cal. App.4th 704 (1993). In order to be "consistent" with the General Plan, the project must be compatible with the objectives, policies, general land uses, and programs specified in the General Plan. See, e.g., *Government Code* §66473.5. As interpreted by the courts, this requirement means that the project must be "in agreement or harmony with" the applicable General Plan. See *Greenebaum*; see also 59 *Ops.Cal.Atty.Gen.* 129, 131 (1976); see also 67 *Ops.Cal.Atty.Gen.* 75 (1984).

As required by the California Environmental Quality Act (CEQA), the Lent Ranch Marketplace Environmental Impact Report (EIR) contains a comprehensive analysis of the project's consistency with the General Plan, divided by subject and contained within each subject matter section within the EIR. The following analysis is intended to present a summation of the General Plan consistency analysis in the EIR.

#### LAND USE ELEMENT

**Goal:** An orderly pattern of land use that concentrates urban development, enhances community character and identity through the creation and

**maintenance of neighborhoods, is functionally linked with transit, and protects the City's natural, environmental and agricultural resources.**

In 1993, as a result of the County's General Plan Update process, the County designated the Project Site as being situated within the Urban Policy Area ("UPA") (see UPA Map, adopted by the Sacramento County Board of Supervisors, dated December 15, 1993), i.e., an area where urban services are planned within the twenty year planning period of the General Plan (Land Use Element ("LUE"), p.3). The Urban Service Boundary ("USB") at Kammerer Road forms the southern boundary of the Project Site. The USB indicates the ultimate boundary of the urban area and is coterminous with the City Limit at some locations. The Site is, therefore, both within the UPA and within the limits of the USB. The Site was also designated as an Urban Development Area ("UDA") within the UPA. The UDA designation is intended to serve as an interim holding zone, to remain in place until a specific proposal for use is submitted and analyzed (LUE, p.3). The Project requires a General Plan Amendment (from Urban Development Area to Commercial & Offices and Medium Density Residential) and the appropriate rezone (from Agriculture 80 to SPA Shopping Center (SPA-SC), SPA General Commercial (SPA-GC) and SPA Medium Density Residential (SPA RD-20)). The Environmental Impact Report, with its various reports attached as Appendices, analyzes the impacts of assigning new land use designations and zones to the Project Site. In addition, a community-based committee examined the Lent Ranch interface with the adjacent South Pointe project and also the Urban Reserve Area to the west.

In connection with its adoption of the General Plan Update, the County of Sacramento Board of Supervisors ("Board") made the requisite findings under CEQA and adopted a Statement of Overriding Considerations (SOC) with respect to any significant and unmitigable impacts from growth and planned development, including the loss of prime farmland and farmland of statewide importance. as a result of the UPA designation, large development projects, primarily residential in nature, have been either proposed, approved, or are already under construction in the area south of Elk Grove Boulevard both east and west of State Route 99 ("SR 99"), including the South Pointe development (with a proposed development of approximately 1000 low density residential units), and the East Franklin and Laguna Ridge Specific Plan Areas (with a combined total of approximately 20,000 residential units). The East Franklin Specific Plan was approved by the County in April 2000, and the Laguna Ridge Specific Plan application is currently under review by the City. The East Elk Grove Specific Plan, located approximately one mile east of the Project, has been approved and is under construction. Overall residential development anticipated in the Elk Grove area will consist of approximately 26,000 units, and the Project will provide needed retail/commercial uses in an area that will be predominantly residential, rather than rural.

The Project, which is approximately 295 acres, will consist of retail uses, including an enclosed regional mall, restaurants, specialty shops, entertainment uses, as well as office and hotel uses. Fifteen acres will accommodate 280 multi-family units. There is

an undersupply of regional retail uses to serve the City of Elk Grove and the South County area. Moreover, as planned, the area south of Elk Grove Boulevard will be predominantly residential in nature, which may compound the regional shortage of retail facilities. According to the Lent Ranch Marketplace Economic Impact Analysis, which was completed in July 1998, and updated in March 1999, by Bay Area Economics (BAE), the Project will contribute commercial development in an expected retail undersupply area. The Project may also help balance development in the area by providing approximately 7,700 jobs at build-out for the new households planned in the vicinity.

The General Plan indicates that urban designations, such as the UDA designation, are those used to designate the areas planned for urban uses and the provision of public services and infrastructure during the twenty year time horizon of the General Plan. The Grant Line Road Interchange infrastructure, which is identified in the General Plan as necessary to serve the urban area south of Elk Grove Boulevard, will be funded on a "fair share" basis by the Project and other development in the area as a roadway improvement. In addition, a master sewer plan has been developed for planned growth areas south of Elk Grove Boulevard, and a detailed sewer plan has been prepared for the Project. The Project will pay approximately \$5 million for regional and other major sewer facilities construction.

Because of the Site's location immediately adjacent to a freeway (the SR 99 corridor), and the projected population increase for the area resulting from the residential developments currently approved and under review by the City, it is reasonable to expect that transit services will follow upon partial build-out of the Project and the surrounding developments, once ridership need is demonstrated. The General Plan states that the new areas designated for urban use, such as the Project Site, located adjacent to existing urban development, were selected, among other reasons, because of the ability to provide adequate services and facilities and the potential for public transit service (LUE, p. 51). Consistent with this policy, the Project will include a transit component in the Public Facilities Financing Plan for the project. An estimated \$4.2 million in transit fees will be collected from the project for use by Regional Transit (RT) or some other transportation service entity that provides service to the City. In the event that a transportation entity cannot commit to the commencement of service to the Project within a time period acceptable to either the Project or the City, fees will be paid to the City to be applied to a comprehensive transit alternative developed to serve Elk Grove.

With respect to natural, environmental and agricultural resources, the Site is nearly flat, and there are no sensitive or special-status species, habitat or conservation areas, nor are there any vernal pools, streams or jurisdictional wetlands. Minor emergent marsh and seasonal wetlands habitat are associated with an existing irrigation ditch and have been identified as non-jurisdictional wetlands. The lack of significant natural and environmental resources on the Site is further confirmed by the Open Space Preservation Strategy Diagram of the General Plan, dated December 13, 1993, which indicates the following categories of open space lands: Critical Natural Areas, Areas

Subject to Flooding, Agricultural Areas, Resource Conservation Areas and Habitat Restoration Sites. The Site is not identified as being located within any of these areas. There are no prime agricultural soils located on the Project Site. Site soils are designated Class III and Class IV, which are not prime soils

In conclusion, the Project is consistent with the General Plan intent of assigning appropriate land uses to the UDA after additional study, would promote an orderly pattern of development in the UPA area south of Elk Grove Boulevard by providing areawide retail services and jobs in an area that is currently planned for predominantly residential development, and necessary services and infrastructure either exist or will be provided. The Project would provide a greater mix of uses within the area, a design strategy which is encouraged by the General Plan (LUE, p. 36), without impacting significant natural, environmental and agricultural resources, as confirmed by the City's own map of Preservation Strategy Areas. Therefore, the Project is consistent with the above Goal.

**Goal: Accommodate projected population and employment growth in areas where the appropriate level of public infrastructure and services are or will be available during the planning period.**

**Objective: Thirty percent of projected population growth (28,300 units) accommodated through efficient transit-oriented development in new urban growth areas at the urban fringe. (and related Policies LU-7, 8)**

The Project Site is located within a UDA which, by definition, is an urban growth area (Figure II-1 in the LUE, p. 51, depicts the Project Site as an urban growth area), and the General Plan states that areas with urban designations are those areas that are planned for urban uses and the provision of public services and infrastructure during the twenty-year time horizon (1990 – 2010) of the General Plan. The General Plan states that the County will accommodate the population and economic growth projected to occur in the unincorporated area during this planning period (LUE, p. 38). The City will accommodate growth projected to occur within its boundaries. The Grant Line Road/SR 99 Interchange upgrade, which is required to serve areas throughout the South and East County areas, has been on the General Plan Transportation Diagram since at least 1965. The Interchange upgrade was included as part of the General Plan Update in 1993, and an Environmental Impact Report (EIR) has been prepared for the Interchange project. By contributing towards the construction of the Interchange, the Project will assist in the timely completion of the Interchange infrastructure. The Project will provide other necessary roadway improvements such as the widening of the Kammerer Road right-of-way to six lanes within the Project area as depicted in the General Plan, and participation in the improvement of existing roadways and specific intersections outside of the Project area as required to meet safety and capacity standards.

With respect to other infrastructure, existing sewer service is available to the Project site. Ultimate long-term sewer service for the Project and all development south of Elk

Grove Boulevard will be provided by a new interceptor sewer. A master sewer plan has been developed to serve planned growth areas south of Elk Grove Boulevard, and a detailed sewer plan has been prepared for the Project. The Project will pay \$4.7 million for regional and other major construction of sewer facilities.

Water use will be significantly less than the current and historical agricultural water uses for the Site. Initial water service will be obtained by extending a regional water transmission main from the Powerline water storage and treatment facility on Waterman Road on the east side of SR 99. Transmission mains from the east side of SR 99 will be tied into a new water distribution system designed to serve new plan areas west of SR 99.

Fire protection will be provided by the Elk Grove Community Services District Fire Department and police protection is anticipated to be provided by the Sacramento County Sheriff's Department, under contract to the City of Elk Grove. Additional security will be provided by the Project mall and other retail and office complexes within the Project Site. In addition, the Project will provide space for a Sheriff sub-station in the mall.

A Public Facilities Financing Plan identifying major infrastructure improvement costs and likely funding sources has been prepared for the Project. The Financing Plan includes detailed descriptions and construction costs of the infrastructure necessary to provide adequate service to the Project, as well as specific information with respect to funding. In addition, the entire area south of Elk Grove Boulevard, including Lent Ranch, East Franklin, Laguna Ridge, South Pointe and the Urban Reserve Area, is planned for inclusion in an areawide financing plan that will establish a single funding mechanism for the area.

Although transit does not currently serve the area of the Project Site directly, because of the Site's location immediately adjacent to SR 99 and the projected population growth in surrounding areas that is anticipated to total approximately 26,000 residential units, transit service to the area will likely be established once the need is demonstrated. As indicated in the analysis under the previous Goal, the Project will contribute fees to RT or to some other transportation entity in exchange for transit service or, should that service not be available within an acceptable time period, the fees will be applied to a transit alternative developed to serve Elk Grove.

Therefore, the Project is consistent with the Goal, and related Objective and Policies, of accommodating projected population and employment growth in an area planned for urban uses where the appropriate level of infrastructure and services to serve the Project either exists or will be available by Project build-out.

**Goal:** Land use patterns that minimize the impacts of new and existing development while maintaining the quality, character and identity of neighborhood and community areas.

**Objective: Neighborhoods with a balanced mix of employment, neighborhood services, and different housing types. (and related Policies LU-10, 11)**

**Objective: Communities, neighborhoods, and single projects that promote pedestrian circulation and safety through amenities, good design and a mix of different land uses in close proximity. (and related Policy LU-13)**

**Objective: A community wide pattern of development with the most intensive land uses in close proximity to transit stops (and related Policies LU-14, 17)**

**Objective: New development that accommodates projected population increases, yet provides direct and multiple pedestrian and automobile linkages to other developments, maintains community identity, and is compatible with existing neighborhoods. (and related Policies LU-18, 19).**

**Objective: Low glare external building surfaces and light fixtures that minimize reflected light and focalize illumination. (and related Policies LU-22, 23, 24, 25)**

**Objective: High intensity, mixed use neighborhoods that provide a pedestrian environment and are closely linked to transit. (and related Policy LU-27)**

**Objective: A sufficient, yet efficient supply of parking. (and related Policy LU-30)**

**Objective: Viable commercial services and a diversity of employment opportunities located in proximity to residents. (and related Policies LU-31, 33, 34)**

**Objective: Coordinate private development with the provision of adequate public facilities and services. (and related Policies LU-50, 51, 52, 56)**

**Objective: Reserve the land supply to amounts that can be systematically provided with urban services and confine the ultimate urban area within limits established by natural resources. (and related Policies LU-57, 58)**

The Project is located within the boundaries of the UPA and USB, and is designated as a UDA, i.e. an area slated for urban development within the 1990 – 2010 time horizon of the General Plan. Development of the Project will take place within this timeframe.

The Project is likely to reduce automobile travel by providing necessary retail and office uses in the Elk Grove and South County area, where commercial development is in a state of undersupply, and where demand is anticipated to be much greater in the future.

Without the Project, City of Elk Grove residents will continue to drive substantial distances (up to 36 miles round-trip to the nearest regional retail center) to locate the shopping, services, restaurants and entertainment that the Project proposes to provide. The Project includes a residential component which consists of 280 multi-family residential units.

The Project Site is also located adjacent to the proposed South Pointe development of approximately 1,000 residential units. Residents of South Pointe, in addition to the residents from the Project's multi-family units, will be able to walk to various neighborhood-serving amenities within the Project to avoid automobile use altogether. Furthermore, at build-out, the Project will provide approximately 7,700 jobs which will help balance the predominantly residential development proposed for surrounding areas such as South Pointe, East Franklin and Laguna Ridge. Many of these jobs may draw from the new households nearby, thus reducing automobile usage and vehicle miles traveled. Therefore, the Project will promote a better balance of employment, services and housing and improve the mix of uses in the community.

The Project is designed to promote pedestrian and bicycle movement through direct, safe and pleasant routes that connect destinations inside and outside the Project Site. Specifically, the Project includes features and amenities such as convenient pedestrian paths, seating areas and other amenities to encourage pedestrian movement to and through the Project Site. Bicycle paths proposed within the Project will link to areawide bicycle facilities envisioned in the General Plan and the County's Bikeway Master Plan. The Lent Ranch Marketplace Design Guidelines and Development Standards address the location and design of pedestrian and bike paths.

Due to the Project's location which fronts on the SR 99 corridor, and the projected population increase anticipated for the area, it is likely that transit services will be extended to the Site upon partial build-out of the Project and surrounding developments, once ridership need is demonstrated. The Project will contribute a fee to a transit provider/transportation entity to support the provision of transit service to the Project. If a transit provider cannot commit to the commencement of service to the Project within a time period acceptable to either the Project or the City, fee proceeds will be paid to the City to be applied to a comprehensive transit alternative developed to serve Elk Grove. This will contribute to the achievement of the Objective (and related Policies) of establishing a community wide pattern of development with the most intensive land uses in close proximity to transit stops.

Several large development projects, primarily residential in nature, have been either proposed, approved or approved and already under construction in the vicinity of the Project. The South Pointe development, which is immediately adjacent to the Project, is currently under review for approximately 1,000 residential units. The Laguna Ridge Specific Plan application is also currently under review by the City. East Franklin and the East Elk Grove Specific Plan were recently approved, and East Elk Grove is currently under construction. The Project will provide necessary retail uses in an area of anticipated retail undersupply, that is predominantly slated for residential



development. The Project will, therefore, provide for a more balanced community in terms of residential and commercial supply, and it will encourage a more balanced economy which, as indicated in the General Plan (LUE, p. 67), is one of the roles of land use planning.

With respect to its compatibility with agricultural uses south of Kammerer Road, the impact of developing the Site for urban uses and the impact of such development on agricultural land south of Kammerer Road, was analyzed in the EIR for the General Plan Update in 1993. Specifically, pages 4.2-47 – 4.2-49 of the Update EIR discuss the compatibility of agriculture and the land uses proposed in the General Plan Update and the EIR concludes that mitigation measures incorporated into the General Plan as Policies would reduce any incompatibility impacts to a less-than-significant level. After a review of the EIR analysis and any potential environmental impacts determined by the EIR to result from designating the Project Site for urban use, the Board decided to include the Site within the limits of the UPA and the USB, demonstrating the Board's agreement with the conclusion that the uses are compatible. (See additional discussion under the Agricultural Element.)

The Project will contain low glare external building surfaces and light fixtures that reduce reflected light. This will help minimize any negative aesthetic impacts or safety hazards since glare can cause unsafe walking and driving conditions, and excessive or poorly directed illumination can be intrusive to the proposed nearby residential development to the west. The Project will comply with related Policies by providing that: exterior building materials on nonresidential structures shall be composed of low-reflectance finishes; overhead light fixtures shall be directed away from adjacent residential areas and exterior lighting will be low-intensity and only used where necessary for safety and security purposes. These design features; along with its pedestrian features, will help ensure Project compatibility with nearby uses.

The Project will provide needed neighborhood retail services and office uses for nearby residential development, thereby likely resulting in a reduction in automobile usage and vehicle miles traveled for shopping and services. The Project will provide commercial support services for nearby neighborhoods, and it will include pedestrian and bicycle access and a pleasant walking environment created through efficient design, amenities and streetscape features. Transit service is likely to be extended to the Project Site once ridership need is demonstrated by the Sacramento Regional Transit District or another transit provider. The Project will include a transit component in the Finance Plan adopted by the City Council for the Project. Transit fees of approximately \$4.3 million will be paid to a transit provider/transportation entity to facilitate transit opportunities in Elk Grove. In the event that a transit provider or some other transportation entity cannot commit to the commencement of service to the Project within a time period acceptable to either the Project or the City, fees will be paid to the City to be applied to a comprehensive transit alternative developed to serve Elk Grove. Adequate parking will be provided in accordance with City standards.

The Project will reduce the necessity of residents in the south County area overall, and in the new development south of Elk Grove Boulevard in particular, to drive approximately thirty-six miles roundtrip in order to find comparable regional shopping opportunities, and it will do so by providing an attractive center, as is encouraged by the General Plan, rather than strip commercial development. (LUE, p. 67) The shopping center will also balance the needs of its trade area since, according to the BAE economic impact analysis, there is insufficient commercial development planned to serve the projected residential buildout of the area and the greater trade area and, in particular, there is an undersupply of regional retail facilities. The BAE analysis concludes that the planned-for retail development within the Elk Grove/Laguna retail trade area falls below the anticipated demand by approximately 9.3 percent. Although it is true that full buildout of the area (i.e. 81,300 residential units representing a population of 247,286) is not likely to occur before the Project is completed, all of the trade areas that will be served by the site are projected to experience a significant population increase by the year 2020, as they among the fastest growing portions of the County.

The Project will promote economic development by providing a diversity of employment in an area that relies heavily on government as its basic industry. (LUE, p. 68) In addition, the Project is not situated in an area where there are existing facilities that are underutilized or vacant. The closest comparable shopping facilities are located approximately eighteen miles from the Project Site. Because of its freeway-adjacent location, and the roadway improvements that will be funded or partially funded by the Project, there will be adequate access, as well as adequate parking to accommodate its regionally-oriented retail uses.

With respect to the coordination of the development with the provision of adequate facilities and services, any necessary public services and infrastructure for the area that do not already exist are planned for the area during the time horizon of the General Plan. The Project is contributing to a variety of regional transportation improvements, including the Grant Line Road/SR 99 Interchange. (See the discussion under the previous Goal for additional information on infrastructure and services.) The Lent Ranch Public Facilities Financing Plan identifies the required major public infrastructure for the Project, facility phasing, existing and potential funding sources and cost estimates (consistent with the General Plan requirement (LUE, p.75) that service demands and on- and off-site facility needs be identified at the General Plan Amendment stage) . Funding sources include impact and connection fees, fair share contributions from nearby developments that will benefit from certain Project-funded improvements, Mello-Roos or other Assessment District bond funding and, if necessary, private funding from the developer which will be subject to fee credits or reimbursements. The Financing Plan contains detailed descriptions and construction costs of the infrastructure, and specific information on funding. The ultimate funding mechanisms and a funding implementation strategy will be in place prior to project development, also as required by the General Plan (LUE, p. 76).

The provision of funding adequate to finance the necessary facilities and services for the Project ensures that all final mitigation measures will be funded and implemented as required to maintain the levels of service (e.g. traffic flow, sewage and water flows, etc.) consistent with Policies in the General Plan. At the same time, the Project will reduce energy consumption by implementing the latest energy efficient measures in its design and development, which will also serve as a means to reduce air quality impacts.

Finally, the Site is within the UPA and the USB, and the General Plan indicates that the USB was established based upon natural and environmental constraints to urban growth. (LUE, p. 79) As discussed above, the Project will be provided with all necessary urban services. Thus, approval of the Project will result in the development of lands within the UPA for urban uses and the provision of urban levels of public infrastructure and services to areas within the limits of the USB.

The Project is, therefore, consistent with the above Goal, and its related Objectives and Policies, of minimizing the impacts of new and existing development while maintaining the quality, character and identify of neighborhood and community areas.

### **PUBLIC FACILITIES ELEMENT**

**Goal: Water facilities developed in an environmentally sound, economically efficient, and financially equitable manner. (and related Objectives and Policies).**

The Project is located within the County Water Agency Zone 41 which covers the Elk Grove area. Zone 41 facilities will be constructed to meet the long-term water needs of the Project area. Initial water service will be obtained by extending a Zone 41 water transmission main from the new Powerline Water Treatment and Storage Facility, which will be located on the west side of Waterman Road. Ultimately, transmission mains from the east side of SR 99 will be tied into a new water distribution system scheduled to be built as part of the Zone 40 transmission system designed to serve new development areas west of SR 99. The Project, therefore, will be served by an existing system and a planned extension, in accordance with the intent of the General Plan Objective of maximizing distribution efficiency by obtaining service from an existing water agency to minimize further fragmentation of service areas. Water fees collected from the Project Site will fund an estimated \$1.8 million for Zone 41 water supply, treatment and transmission facilities. Development fees for residential units and for commercial acreage will be paid prior to improvement plan approval. The remainder is paid prior to the issuance of building permits. Therefore, connection fees for the Project will cover the fair share of costs to acquire and distribute water to the area, and the payment of such fees shall be made in a timely and equitable manner. Reclaimed water from the Wastewater Treatment Plant may be used for non-domestic uses and to irrigate landscape if and when the reclaimed water becomes available, when areas to the north and west extend the required transmission lines. The Project is providing the facilities necessary to access such reclaimed water when available. Since the Site is essentially flat and contains no special-status species, vernal pools, streams or jurisdictional wetlands, any work on the Site that will be needed to extend transmission mains and provide water service to the Project will not be constrained by environmental

issues. Therefore, the Project is consistent with the Goal, and related Objectives and Policies, of providing water facilities in an environmentally sound and economically efficient manner

**Goal: Safe, efficient, and environmentally sound public sewer system and treatment facility serving all urban development. (and related Objectives and Policies)**

The Project Site is located within the USB which, according to the General Plan (Public Facilities Element (PFE), p. 6), provides a long-range growth horizon compatible with the Sanitation Districts' long-range implementation needs. Specifically, the Project Site is within the spheres of influence of the Sacramento County Sanitation District No. 1 (CSD 1) and the Sacramento Regional County Sanitation District (SRCSD), which will provide sewer services to the Site. The Project, along with the other areas to the west of SR 99 and south of Elk Grove Boulevard, will ultimately be serviced by a SRCSD interceptor line. Since the Project is located within the limits of the USB, extension of the regional interceptor for the Project (and other areas east of SR 99) is compatible with the General Plan Policy of not supporting extension of the regional interceptor system to areas beyond the USB. In the interim, the project will connect to an existing Elk Grove Trunk Sewer located along East Stockton Boulevard, east of SR 99. With respect to the extension of the interceptor sewer and other necessary sewer construction, the Project will pay approximately \$4.7 million in sewer fees for regional and other construction of sewer facilities. Provision of sewer service to the Project is, therefore, consistent with the Objective of providing sewer expansion in urban expansion areas prior to reaching critical capacity limits, the Policy of generating the revenues required for construction of new trunk and interceptor sewers related to growth through connection fees for new development, and the intent of the General Plan which is to provide the timely construction of sewer facilities for new development (PFE, p.6). Furthermore, since the Project Site has few, if any, significant environmental constraints, is essentially flat, contains no special-status species, streams or wetlands, or special habitat value, any work required on the Project Site for sewers will not be constrained by environmental issues. Therefore, the Project is consistent the above Goal, and its related Objectives and Policies.

**Goal: New public schools which serve as a neighborhood focus and maintain a quality learning environment for the City of Elk Grove's residents as the City population increases. (and related Objectives and Policies)**

The Project is located within the Elk Grove Unified School District. The small amount of residential development that is part of the Project does not warrant the need for additional school facilities within the Project Site. In accordance with state law (SB 50), the Project will fund approximately \$1.7 million in school development impact fees based on a \$0.33 per square foot fee for commercial uses and \$3.19 per square foot for its small amount of multi-family residential development. In addition, the Project will participate in a Community Facilities District which requires payment of \$73,000 in CFD taxes annually, which will also benefit the School District. Thus, the Project is

consistent with the Goal, Objectives and Policies of the General Plan and state law with respect to providing quality schools.

**Goal: Satisfactorily designed, safe, and well-maintained library facilities using current and future technologies in the City of Elk Grove. (and related Objectives and Policies)**

The Project will contribute to the construction of a library facility in the Elk Grove area. Under the Lent Ranch Public Facilities Financing Plan, the Project would pay approximately \$48,000 in library fee contributions. Thus, the Project will be consistent with the Goal, Objectives and Policies of the General Plan by contributing towards the provision of satisfactory library facilities.

**Goal: Adequate Police Services and Facilities for the City of Elk Grove. (and related Objectives and Policies)**

Although the Project will incrementally impact existing police protection services and response times, Project-related expansion of both sales and property taxes will assist the City in providing police protection services. The Project will provide storefront space in the Regional Mall to the Sheriff's Department. In consultation with the Sheriff's Department, crime prevention measures, such as proper lighting in commercial areas and parking lots, will be incorporated into site and building layout design. Thus, the Project will be consistent with the Goal, related Objectives and Policies of providing adequate Police Services and Facilities for the unincorporated areas of the County.

**Goal: Efficient and effective fire protection and emergency response serving existing and new development. (and related Objectives and Policies)**

The Project is located within the Elk Grove Community Services District Fire Department and will fund its fair share of fire protection services and equipment through payment of fire protection development impact fees. Fees for these facilities, and the determination of Phase 1 fire facility needs will be calculated in the Financing Plan. Payment of the fees will ensure that the Project will be provided with adequate levels of fire protection. Furthermore, project-related tax base expansion, as allocated on a pro rata basis by the City, could be used to provide for incremental increases in service for fire protection. In addition, the Project, through its fair share contribution toward construction of the Grant Line Road/SR 99 Interchange upgrade and other roadway improvements (see the discussion under the Circulation Element), will help improve vehicular access and emergency response time to the Project site and surrounding areas. The upgraded Interchange will improve Fire Department access to the area and will enhance the Department's ability to respond to emergency calls. The Project will comply with the requirements of the Fire Department regarding access, water mains, fire flow, brush clearance and hydrants. Finally, where possible, landscaping materials will include drought tolerant, low-water use vegetation with a low fuel potential to reduce fire hazards. Therefore, the Project is consistent with the Goal and related Objectives

and Policies of providing efficient and effective fire protection and emergency response to the area.

### **CIRCULATION ELEMENT**

**Goal: A balanced transportation system that moves people and goods in a safe and efficient way, that minimizes environmental impacts, that is supported by urban land uses, and that serves rural needs. (and related Objectives and Policies)**

The primary roadway facilities which will be provided by the Project in whole or in part include: its fair share toward construction of the Grant Line Road/SR 99 Interchange upgrade, reconstruction of West Stockton Boulevard as a six-lane facility from Kammerer Road to the main mall entrance road and to five lanes within the remainder of the project area; widening of Kammerer Road; construction of the new five-lane Lent Ranch Parkway between West Stockton Boulevard and Kammerer Road; signalization of major new intersections, including the main mall entrance, Kammerer Road/West Stockton Boulevard and Lent Ranch Parkway/Kammerer; and reconstruction of other regional roadways and construction of signalized intersections outside the project area as required to meet safety and capacity standards. The Grant Line Road/SR 99 Interchange is a regional facility required to serve existing and proposed development throughout South and East County areas, including the East Elk Grove, East Franklin, Laguna Ridge, Vineyard Springs, and Sunrise Douglas plan areas, and the Project, by relieving congestion impacts at the Elk Grove Boulevard overcrossing. The Supplemental Project Study Report for Grant Line Road/Route 99, dated May 2000 (the "PSR"), states that the proposed interchange project will provide additional access for approved development "on the east side of Route 99 and proposed development on the west side of Route 99," and that traffic moving through the interchange will continue to increase "due to regional growth in areas northeast of the interchange, which use Grant Line Road as a commuter route, plus planned growth areas west of the interchange." The April 5, 2000 Transportation Analysis, contained within the PSR states (on page 1) that "improvements will be needed regardless of the development of Lent Ranch due to growth throughout the region." The cost of the Interchange will be funded by a combination of roadway transportation fees paid by the Project, Mello-Roos or Assessment District bond funding and from contributions by other developments in the region benefiting from this improvement which will pay their share of the cost of the Interchange. The roadway improvements to extend West Stockton Boulevard to Kammerer Road and to widen Kammerer Road are estimated at \$4.7 million, and will be funded by a combination of roadway development fees and other financing mechanisms. Infrastructure provided by the Project will facilitate access to the Site and surrounding areas. In addition, by providing its fair share of roadway improvements in the region, the Project will contribute to an improved circulation system that will make transit service to the area possible.

Project roadway improvements will also ensure that all Project-specific traffic impacts are mitigated to a less than significant level. In addition, the Project has developed a Transportation Systems Management (TSM)/AQ-15 Compliance Plan in accordance

with City requirements, that will also help reduce peak hour traffic congestion by reducing both the number of vehicular trips and vehicular miles travelled. The Plan will also ensure compliance with Air Quality Policy AQ-15. Elements of the TSM/AQ-15 Plan include: a mix of land uses (retail, multi-family, office) proximate to one another to encourage linkages; bicycle and pedestrian paths and connectivity throughout the project; bus stop improvements to accommodate future transit service; a central transportation information kiosk; bicycle lockers, racks, and storage; and carpool parking and electric vehicle charging facilities.

Although the Project area is not currently served by public transit, it is located within 1/4 mile of an existing transit stop at East Stockton Boulevard at Grant Line Road. In addition, the General Plan identifies Elk Grove Boulevard (west of SR 99) and Bruceville Road as future transit feeder lines. In view of the extent of surrounding residential development, it is likely that transit service will be extended to the Project once ridership need is demonstrated. To this end, \$4.3 million in transit fees will be paid by the Project to a transit provider or some other transportation entity in order to facilitate transit opportunities in Elk Grove. In the event that a transit provider cannot commit to the commencement of service to the Project within a time period acceptable to either the Project or the City, fee proceeds shall be placed in an interest bearing account with the City to be applied to a comprehensive transit alternative developed to serve Elk Grove.

The need for these roadway improvements is supported by the urban land uses that were shown in the General Plan for the area south of Elk Grove Boulevard when the County designated the area as an UDA. Since that time, various projects have been, or are in the process of being reviewed and approved. These projects (e.g. East Franklin, Laguna Ridge and South Pointe) are predominantly residential in nature and will total approximately 26,000 units. The Project, will consist primarily of retail uses, and will provide community and neighborhood shopping/restaurant/entertainment opportunities, as well as employment opportunities, in close proximity to the surrounding residential areas. This will contribute to a more balanced mix of land uses that will promote a reduction in overall vehicle miles, since the closest viable regional shopping center to serve the region is approximately 36 miles away roundtrip.

Therefore, in accordance with the above Goal, and related Objectives and Policies, the Project will contribute to a balanced transportation system that will move people and goods in a safe and efficient way, while minimizing environmental impacts. Although, at present, the Project site and surrounding area is largely rural, because several large development projects in the area have either been proposed (e.g. South Pointe) or approved (e.g. East Franklin, East Elk Grove and North Vineyard Station), that transportation system will be supported by urban land uses in the region.

### **AIR QUALITY ELEMENT**

**Goal: Air quality which protects and promotes the public health, safety, welfare, and environmental quality of the community. (and related Objectives and Policies)**

Although the Project will create a significant air quality impact, it will comply with the requirements of the General Plan with respect to Policy AQ-15 which requires that all new major indirect sources of emissions be reviewed and modified to achieve a reduction in emissions. Specifically, AQ-15 requires that projects achieve a fifteen percent reduction (15 point) in emissions from the level that would be produced by a base-case project assuming full trip generation in a cost-effective manner. To achieve this Goal, the Project will mitigate its air quality impacts to the extent possible. Specifically, the Project applicant has worked with the Sacramento Metropolitan Air Quality Management District (AQMD) to develop a strategy that is both effective and cost-efficient. First, it has developed a TSM/AQ-15 Plan in accordance with City Zoning Code requirements to reduce single occupant vehicle employee commute trips for new developments during peak hours. The Plan developed by the Project will help reduce both vehicular trips and vehicular miles traveled, as well as improve Project design to encourage non-automobile travel. TSM measures will include: a mix of land uses (retail, multi-family, office) proximate to one another to encourage linkages; bicycle and pedestrian paths and connectivity throughout the project; bus stop improvements to accommodate future transit service; a central transportation information kiosk; bicycle lockers, racks, and storage; and carpool parking and electric vehicle charging facilities.

In addition, the Project meets the intent of AQ-15 through its incorporation of a mixed-use element (i.e., a residential component) with land uses located within walking distance of each other. Furthermore, the Project will help reduce automobile travel (both trips and vehicle miles travelled) by providing retail uses in the Elk Grove and South County area, where there is a projected shortage of commercial development to serve the existing and proposed residential development that is predominant in the area. Without the Project, residents from surrounding areas will be forced to drive substantial distances (the closest regional shopping center that would be a viable alternative is approximately thirty-six miles away roundtrip) for comparable shopping, services, restaurants and entertainment. Also, much of the adjacent South Pointe Development, with its proposed approximately 1,000 residential units, will be within walking distance of the Project Site. At build-out, the Project is expected to provide approximately 7,700 jobs, and many of these jobs may be filled by residents of the new residential development nearby, thus reducing vehicle miles travelled.

Therefore, the Project will contribute to a more balanced mix of land uses that will promote a reduction in automobile usage resulting in a reduction in air emissions from the level that would be produced by a base-case project assuming full trip generation. Nevertheless, as previously indicated, and in spite of its compliance with AQ-15, the Project will create a significant air quality impact.

### **CONSERVATION ELEMENT**

**Major Goal: Natural resources managed and protected for the use and enjoyment of present and future generations while maintaining the long-term ecological health and balance of the environment.**



**Goal: Conjunctive use of surface and ground water to provide long-term water supply for Sacramento residents while maintaining river flows and reservoir levels which protect environmental resources and provide substantial recreational benefits. (and related Objectives)**

**Objective: Population and economic activities shall be planned to grow at a rate which will not exceed the capacity of dependable water supplies, in conjunction with safe ground water yield.**

The Project will use a combination of groundwater, surface water, and possibly reclaimed water to meet its water needs. Historically ground water wells have been used to supply water for mainly agricultural uses on the Site. However, since the Sacramento County Water Agency (SCWA) is responsible for the development of surface water and groundwater facilities up to the USB, and since the Project is located within USB limits, water service will be available to the Site from Zone 41 of the SCWA. On June 13, 2000 the Sacramento County Board of Supervisors approved a resolution creating Zone 41 of the Sacramento County Water Agency. New Zone 41 combines the functions of both existing Zone 40 and the existing Sacramento County Water Maintenance District. Zone 41 will be responsible for the production, conservation, transmittal, distribution and sale of ground or surface water or both for the project area.

Zone 40 adopted a Water Supply Master Plan in 1987, which was updated in 1995. The preferred water supply alternative identified in the Master Plan calls for the conjunctive use of water conservation, groundwater, surface water and reclaimed water. Project water will be supplied from sources that track this preferred alternative. The Project is located within the Expanded Zone 40 Area (now Zone 41) which is generally located south and east of Zone 40, south of the American River and west of Grant Line Road. Funds needed to construct conjunctive use supply, treatment and transmission facilities to serve projects within the Zone 41 area are collected through Zone 41 fees. The Project will pay approximately \$1.8 million in baseline Zone 41 fees to meet this obligation. Substantial additional fees are collected with service connections.

Policy CO-20 also requires that in new development areas, entitlements for urban development should not be granted until a Master Plan for water supply has been adopted by the Board and all agreements and financing for supplemental water supplies are in place. Determining that adequate progress had been made toward acquiring supplemental water to allow a limited amount of development to occur within urban growth areas for projects with approved water supply master plans, the Board established a development cap on the number of water connections that could occur within the urban growth areas. The Sacramento County Water Agency has historically monitored ground water levels throughout the county, particularly in areas served by the Agency. Sacramento County established Zone 40 to provide a conjunctive water supply system utilizing both ground and surface water. As a part of this conjunctive supply concept, the county established unit number / water usage caps on the amount of development that could occur exclusively utilizing ground water. Recently the amount of development that could occur in this area, before exceeding the cap, was increased

when additional surface water supplies were contracted for and delivery of this new water (so-called "Fazio water") was assured by wheeling agreements with the City of Sacramento. The Lent Ranch Marketplace project is exempt from the development cap because its historical ground water use exceeds the developed condition water use.

Annual water demands for the Project at buildout are estimated at 1,030 acre-feet. In a June 1998 study entitled "Lent Ranch Water System Evaluation", the Sacramento County Water Resources Division concluded that proposed water system facilities would be capable of providing both domestic water and fire flows for the Project.

In conclusion, the use of water by the Project is consistent with the above Goals, and its related Objectives and Policies, since its water needs will be met by a conjunctive use of surface and ground water, water will be available to meet Project demand, and Project demand will not exceed the capacity of dependable water supplies. The Project will, in fact, use substantially less groundwater than the historic use of the site for agriculture, resulting in an improvement in groundwater levels in the area.

**Goal: Surface water quality which promotes a healthy aquatic environment, and is safe for public use and enjoyment.**

**Objective: Cost effective urban runoff controls using best management practices to limit toxic chemicals and nutrients entering receiving waters of the state and reduce the amount of toxics stored in areas exposed to flood hazards. (and related Policies)**

**Objective: Minimal erosion from new development in urban areas. (and related Policies)**

**Objective: Disposal of hazardous materials so as not to adversely affect surface water quality. (and related Policies)**

The Project Site drains to an existing drainage ditch to the west that ultimately drains to the Beach- Stone Lakes Basin. Since the Project will increase runoff by increasing on-site impervious surfaces, the Lent Ranch Drainage Study was prepared in March 1998 to evaluate the extent of the required off-site improvements necessary to handle the increased drainage. The study was reviewed by the Sacramento County Water Resources Division (SCWRD). It was determined that Project uses would create runoff peak flows significantly higher than current agricultural land use of the Site. A detention basin, immediately west of the Project Site, was proposed to serve as a joint use facility combining a water quality function as well as a detention basin function. In accordance with the SCWRD recommendation, the detention basin will be designed to detain development flows to pre-project condition flows (i.e., no increase in existing runoff). By providing the basin at the downstream end of the development, the urbanized pollutants would be significantly reduced prior to discharge into the agricultural ditch.

Furthermore, all drainage improvements and easements will be provided pursuant to the City Floodplain Management Ordinance, City Water Agency Drainage Ordinance

and the City of Elk Grove Improvement Standards, including payment of City Water Agency Zone 11A fees to provide funding for on-and off-site regional drainage improvements. Development impact fees from the Project will fund an estimated \$4 million in drainage improvements. Finally, the Project Site is designated on FEMA floodplain maps as Zone X, which is defined as an area outside of any 500-year floodplain. The project is, therefore, located outside of the 100-year floodplain of the Cosumnes River.

The Project will be subject to, and will comply with, the requirements of the National Pollutant Discharge Elimination System Permit (NPDES) for clearing, grading and excavation activities. A "Notice of Intent" will be filed with the State Water Resources Control Board for Project inclusion in the Statewide General Construction Permit. This must be done prior to commencing construction. As a condition of the General Permit, a Stormwater Pollution Prevention Plan (SWPPP) must also be developed for the Project. Furthermore, the Project is subject to the City Land Grading and Erosion Control Ordinance. This Ordinance contains standards and implementation and enforcement procedures for controlling erosion, sedimentation and disruption of existing drainage caused by grading and excavating of land. Thus, erosion will be regulated at both the local and state level and, by complying with these requirements, erosion and the impacts of erosion will be minimized during the development of the Project.

Finally, with respect to the disposal of hazardous materials, future tenants will be required to comply with State and Federal rules and regulations, including Proposition 65, the Safe Drinking Water and Toxic Enforcement Act.

Therefore, the Project will be consistent with the Goal, and its related Objectives and Policies, of maintaining surface water quality that promotes a healthy aquatic environment, and is safe for public use and enjoyment.

**Goal: Adequate long-term quantity and high quality of ground water resources for both human and natural systems.**

**Objective: Growth managed to protect ground water quality and supply. (and related Policies)**

The proposed Project will significantly reduce the amount of groundwater usage as compared to the historical agricultural uses of the area, resulting in an improvement in groundwater levels. In addition, Project water sources will be consistent with the Policy calling for a conjunctive use program between groundwater and surface water. Thus, the Project is consistent with the Objective of protecting groundwater. (See additional discussion under the first Goal listed above.)

**Goal: Water resources utilized with maximum feasible conservation and reuse.**

**Objective: Water efficient landscape and design that utilizes water conservation methods and water reuse technology whenever possible. (and related Policies)**

Reclaimed water lines will be installed with Project development so that if and when reclaimed water from the Regional Waste Water Treatment Plant becomes available it can be used for non-domestic uses, to irrigate landscape corridors and for other appropriate uses. In addition, water-efficient landscaping will be used wherever possible in order to minimize net water consumption. Finally, the Project will include the reuse of water where possible (e.g. for fountains, landscaping, etc.) and will incorporate the latest technological devices to assist in reducing individual and collective water consumption, such as plumbing fixtures which function with reduced water volume. Thus, the Project is consistent with the above Goal, and its related Objective and Policies, of utilizing water resources in a manner that emphasizes feasible conservation and reuse.

**Goal: Mineral resource protected for economic extraction with minimal adverse impacts.**

There are no known mineral resources located on the Project Site.

**Goal: Widespread use, reuse and recycling of materials by city residents and businesses leading to significant per capita waste reduction. (and related Objectives and Policies)**

The Project will implement various recycling measures. Those measures will include: (1) the recycling of construction debris during Project construction where feasible; (2) waste storage areas for collecting recyclable materials will be depicted on the approved site plan for the Project; and (3) future commercial tenants of the Project, as well as residents of the multi-family component of the Project, will be required to comply with any relevant City-adopted recycling ordinances. These measures will encourage the reuse and recycling of materials by both residential and commercial components of the Project, which will help the City meet its state-mandated recycling goals. Therefore, the Project is consistent with the above Goal, and its related Objectives and Policies.

**Goal: Preserve and protect long-term health and resource value of agricultural soils.**

Although historically used for agriculture, the Project Site was designated as an Urban Development Area, and was included within the USB as a result of the 1993 General Plan Update process. It is located, therefore, within an area that has been designated for urban growth.

**Goal: Healthy, well-managed marsh and riparian woodlands along the City of Elk Grove's waterways.**

**Goal: Preserve and enhance high-quality, self-sustaining vernal pool habitats.**

**Goal: Natural and open space values of urban stream corridors preserved and protected.**

**Goal: Elk Grove trees preserved and protected.**

**Goal: Increase population of threatened and endangered species found in the City of Elk Grove.**

**Goal: Fisheries in City waterways and water bodies preserved and protected.**

**Goal: Public/Private cooperative efforts to conserve wildlife values, wetland features and woodland.**

With respect to the above seven Goals, the Project Site does not contain any marsh or riparian woodlands, high-quality, self-sustaining vernal pool habitats, urban stream corridors, threatened or endangered species, fisheries and, therefore, contains little existing value for wildlife, no wetland features (other than wetland habitat associated with an irrigation ditch) or woodland to conserve.

There are 162 trees on the Site consisting of mostly ornamental species. Of the 162 trees, 17 are native oaks. Although every effort will be made to preserve oak trees, the Project will comply with the requirements of the City Oak Tree Ordinance with respect to any oak trees removed and will mitigate any potential impacts by planting replacement trees consistent with City requirements. Therefore, the Project will be consistent with the relevant Policies of the Conservation Element with respect to the preservation of trees.

**Goal: Promote the inventory, protection and interpretation of the cultural heritage of the City of Elk Grove, including historical and archaeological settings, sites, buildings, features, artifacts and/or areas of ethnic historical, religious or socio-economical importance.**

**Objective: Attention and care during project review and construction to ensure that cultural resource sites, either previously known or discovered on the project site, are properly protected with sensitivity to cultural and ethnic values of all affected. (and related Policies)**

Although portions of the Lent Ranch complex date from as early as 1929, the complex is not an important resource under CEQA criteria, nor is it eligible for the California Register of Historic Resources, as there is no consistency of design and most of the buildings have been extensively modified and, thus, lack the architectural integrity for

eligibility. Therefore, the Site does not contain any historically important structures. In addition, no prehistoric sites were found during a survey conducted in May and July of 1998. Finally, the Project will take care during construction to ensure that any potential resource sites discovered on the Project Site are properly protected by complying with Policy CO-162. Therefore, the Project is consistent with the above Goal and its related Objective and Policies.

### **AGRICULTURAL ELEMENT**

**Goal:        PROTECT IMPORTANT FARMLANDS FROM CONVERSION AND ENCROACHMENT AND CONSERVE AGRICULTURAL RESOURCES.**

**Objective:   Prime farmlands (as defined by the California Department of Conservation) and lands with intensive agricultural investments (such as orchards, vineyards, dairies, and other concentrated livestock or poultry operations) protected from urban encroachment (and related Policies AG-1 through AG-5).**

The federal Natural Resource Conservation Service (NCRS) has established a farmland classification system, known as the Important Farmland Inventory (IFI), which is used by the California Department of Conservation to establish a farmland database and inventory system. Under the IFI system, the highest quality farmland is designated as "Prime Farmland," which is defined as:

**"Farmland with the best combination of physical and chemical features able to sustain long term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields."**

A lower category of farmland is Farmland of Statewide Importance, which is defined as:

**"Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture"**

The Project site does not contain any Prime Farmland.. The vast majority of the Project site (approximately 97%) is classified under the IFI system as "Farmland of Statewide Importance." The remaining portion of the site, occupied by the Lent Ranch complex, is classified as "Urban and Built-Up Land."

The 1993 General Plan Update addressed the loss of agricultural land in the USB and UPA, and noted that "*Development consistent with the General Plan Update would result in the conversion of prime farmland to urban uses.*" (Impact 4.2-4) and "*could result in the decrease in the viability of continuing agricultural production in the County.*" (Impact 4.2-5).

These impacts were regarded by the General Plan EIR as acceptable in light of the need for available land for development, and while the impacts were regarded as

significant, the County approved a Statement of Overriding Considerations under CEQA which allowed the development. The General Plan EIR noted that a mitigation measure that required all new development to take place on non-prime farmland would not only require severe growth control, but would also result in leap-frog development. In the Statement of Overriding Considerations, the Board of Supervisors found that “meeting market demand for housing and maintaining economic viability outweighed the loss of some important farmland and habitat to urban uses.” The Board also found that “[r]elative to other Alternatives and to the importance of accommodating growth, and meeting market demand, the [General Plan Update] reduces potential impacts on important farmland and critical habitat and the cost of supporting infrastructure.”

Subsequently, the County changed its position and determined that adoption of the SOC with regard to impacts to agricultural lands was incompatible with General Plan Agricultural Element Policy AG-1 which states that “the County shall protect prime farmlands and lands with intensive agricultural investments from urban encroachments.” As a result, the County decided to require mitigation for significant impacts to agricultural land. However, the Project site does not contain “prime farmlands” (see discussion above), nor does it represent a land with intensive agricultural investments, as farming on the Project site is not economically viable (see discussion below). It should also be noted that the City of Elk Grove may now make its own decision as to how it will implement this Policy, and whether or not the Project is consistent with this Policy.

Continued farming is no longer an economically viable enterprise due to poor soil quality, high energy and water costs, and depressed commodity prices. On the Project site, 91 percent of the soils are San Joaquin series soils, which are listed as Class III soils (severe limitations that reduce the choice of plants or that require special conservation practices, or both), and six percent of the soils are classified as Galt series soils, which are Class IV soils (very severe limitations that reduce the choice of plants or that require very careful management, or both). Thus, the Project site does not contain the intensive agricultural investments which the General Plan Policies are designed to protect.

The triangular Project site is fronted to the northeast by SR 99, and to the west by a 200 acre parcel proposed for development with low density residential uses (South Pointe). The property is separated from agricultural uses to the south by Kammerer Road, planned for six lanes in width. The Project’s interface with these agricultural uses, which are located on property south of the USB, extends for 9/10 of a mile of the approximately 132 mile USB throughout the County. The General Plan contains Policies which require buffer space to separate urban uses from disruption by farming practices in close proximity. While the City does not have specific guidelines for buffers, the General Plan states that such buffers shall generally be 300 to 500 feet wide, including roadways, although the General Plan recognizes that narrower buffers may be appropriate and can be approved based upon the natural features of the site and the relative intensities of the urban and agricultural uses.

The buffer area is both intended to protect farming operations from urban threats, such as trespass, vandalism, theft and citizen complaints, and also to protect urban uses from ill effects related to exposure to normal farming practices. While the Agriculture Element sets forth a general width of 300 to 500 feet, it is also recognized that flexibility in buffer design is appropriate based upon both the nature of the urban use in question as well as physical characteristics of the buffer. As a result, the Agriculture Element allows for the design and width of the buffer to be dictated by what is effective to reduce or eliminate the impacts in both directions.

The Project site is separated from agricultural land to the south by Kammerer Road. Kammerer Road and the traffic it carries, as well as project landscaping along Kammerer Road, serve as a physical barrier between the agriculture uses on the south side of the road and the proposed commercial uses to the north, and creates a significant impediment to trespass, vandalism and theft. Kammerer Road serves as a more effective buffer than would an equivalent width of raw land, in that it functions as an obvious separation between land uses and one that is clearly visible to cropdusting planes applying pesticides or fertilizers.

Because the Project does not result in the loss of Prime Farmland or farmland with intensive agricultural investments, the Project is not subject to the General Plan Policy of mitigating the loss of such farmland with in-kind protection. Since the Project is proposed to be located on a site that has already designated for urban development and the appropriate CEQA analysis has already been made, no mitigation measures for the loss of agricultural land are necessary or required by CEQA. Therefore the Project is consistent with the above Goal, and its related Objective and Policies.

**Objective: Retain agricultural land holdings in units large enough to guarantee future and continued agricultural use (and related Policies AG-6 through AG-8).**

The Project is proposed to be located on land designated as Urban Development Area by the General Plan Update, and thus is not "agricultural land" within the meaning of this Objective. For the purposes of this Objective, the Agriculture Element defines agricultural land as land under the General Plan designations of Agricultural Cropland, General Agriculture 20, General Agriculture 80, and Agriculture Urban Reserve. By establishing the USB and UPA at their present locations, it has already been determined that the Project site will be utilized for urban development. As a result, development of the Project will not affect the City's ability to implement the General Plan Policies linked to the maintenance of agricultural zoning and minimum lot sizes in the agricultural areas subject to these General Plan land use designations, since it has already determined through the General Plan Update that these Policies do not apply to the Project site.

**Objective: Prime farmlands and farmlands with intensive agricultural investments protected from encroachment by natural resource preserves without compromising biologic diversity and habitat values (and related Policies AG-9 through AG-15).**



The Project does not involve the creation or maintenance of a natural resource preserve and, as such, would not lead to the encroachment of a preserve upon Prime Farmland or land with intensive agricultural investment. Moreover, development of the Project will not impede the City's ability to implement the General Plan Objectives and Policies in this regard.

**Objective: Farmlands protected from encroachments by recreational facilities and unlawful activities associated with the use of recreational facilities (and related Policies AG-16 through AG-21)**

The Project does not involve the creation or maintenance of outdoor recreational areas and, as such, would not lead to the encroachment of such uses or activities upon Prime Farmland or land with intensive agricultural investment. Moreover, development of the Project will not impede the City's ability to implement the Policies in the General Plan relating to this Goal. The Project site is not located within the Cosumnes River riparian area.

**Objective: Ten thousand-acre increase in land under Williamson Act contract and percentage of contract lands with non-renewal notices stabilized or reduced (and related Policies AG-22 through AG-24).**

The Project Site, as well as the adjacent 200-acre parcel to the west, were subject to a Williamson Act contract which expired on March 28, 1998. The notice of nonrenewal was filed ten years earlier, on March 28, 1988. The location of the Project site within the boundary of the USB, its General Plan designation of Urban Development Area, and its general unsuitability for viable agricultural use make it unlikely that a Williamson Act contract would be executed for this property in the future, regardless of Project approval.

The decision of a particular landowner to enroll in a Williamson Act contract, or to rescind a previously filed notice of nonrenewal, is primarily based upon long term planning considerations, both on the part of the landowner as well as the City's development policies, particularly the General Plan. In the case of non-renewal, a decision not to participate in the Williamson Act program must be made a decade in advance of the date the contract expires, and thus is not influenced in any significant way by the approval or development of a particular project. Future decisions by agricultural landowners in the City of Elk Grove to withdraw from the Williamson Act program would be based more substantially on the relative probability of whether an amendment of the General Plan to relocate the USB and UPA further south of its present location would occur, as well as economic conditions affecting agricultural enterprise. The General Plan Land Use Element at Page 79 indicates that placement of the USB is based upon natural and environmental constraints to urban growth, and is intended to be a permanent boundary not subject to modification except under extraordinary circumstances. As a result it is unlikely that the City would lightly consider relocating the USB southward, and would in any event retain the authority to evaluate

whether future circumstances are sufficiently 'extraordinary', as dictated by specific General Plan criteria, to warrant a General Plan Amendment to that effect. For this reason, approval of the Project would not materially affect the City's ability to expand Williamson Act participation on land outside the USB and UPA.

**Objective: Groundwater overdraft reduced or eliminated in farming areas (and related Policy AG-25)**

The County Water Resources Division has evaluated the effect of the proposed Project on groundwater resources, and has concluded that the estimated water usage of the Project will be less than the historical water usage for agricultural irrigation on the Project Site. As a result, the Project will have a positive impact on the groundwater table.

**Objective: Reduced Soil Erosion (and related Policy AG-26)**

The Project will be subject to the City Land Grading and Erosion Control Ordinance, and will be required to implement erosion and sediment control measures prior to and during grading phases. In addition, the Project will install and maintain landscaping. As a consequence, the Project will not result in increased erosion, and in fact will reduce the amount of erosion currently taking place on the site in its present condition as farmland. Also refer to the related discussion in the analysis of the Conservation Element Goals concerning surface water quality.

**Objective: No increase in the level or intensity of flooding of intensively farmed land (and related Policy AG-27).**

Off-site drainage improvements will be necessary in order to develop the Project. These include construction of a detention basin and widening of an existing drainage ditch, as described in the Public Services section of the Draft EIR. As a result, all runoff from the Project site will be detained, and as a result, the Project will not pose a flood risk to agricultural land in the vicinity. Also refer to the related discussion in the analysis of the Safety Element Goals concerning hazards from flooding.

## **HOUSING ELEMENT**

**Goal: Promote an adequate supply of decent, safe and affordable housing to meet the needs of all residents of the City of Elk Grove without regard to race, color, age, sex, religion, national origin, family status or disability.**

**Policy HE-1: The City shall maintain an adequate supply of residential and agricultural-residential zoned land to accommodate projected housing needs.**

In the northern portion of the Project, west of West Stockton Boulevard, a 15-acre multi-family residential site is planned with a Medium-Density Residential (MDR) General

Plan designation and Residential Density-20 (RD-20) Zoning classification. At buildout, the multi-family site could accommodate up to 280 multi-family residential units.

The Site is located in District F of the Project, immediately adjacent to a neighborhood commercial site which will feature neighborhood-serving uses such as a food market, small restaurants, personal services (salon, Video store, etc.). These uses complement multi-family housing and will be conveniently within walking distance.

**Policy HE-3: Promote the development of various types of housing opportunities by ensuring an adequate supply of designated or zoned sites for rental and purchase housing, in all residential areas throughout the City.**

**Policy HE-5: Ensure the provision of adequate sites through appropriate zoning and development standards, and with public services and facilities needed to facilitate the development of housing affordable to lower income households. The City shall take all actions necessary to expand and maintain the inventory of vacant sites available for affordable housing development (zoned RD-20 and greater or in the LC and SC zones) to include 1,003 acres no later than June 30, 1998.**

Table 3.1 of the City General Plan Housing Element identifies anticipated multi-family dwelling unit yields for specific plan areas by designating the minimum acreage to be designated for multi-family uses. The intent of Table 3.1 is to maintain and increase the City's inventory of land available for multi-family development. The table also lists an appropriate amount of acreage within the Lent Ranch to designate for Shopping Center (SC) and Limited Commercial (LC) zoning, recognizing that multi-family uses are among the uses permitted in the SC and LC zones.

In Table 3.1 Lent Ranch was considered as a 500-acre project which has since been separated into two separate projects: The proposed 297-acre Project and the 200-acre Southpointe project proposed immediately west of the Project. Since the Project consists of three-fifths (3/5) of the overall Lent Ranch acreage (in Table 3.1), the multi-family housing allocation obligation of the Lent Ranch Marketplace is considered to be proportional, or three-fifths of the obligation listed in Table 3.1. Therefore, consistent with Table 3.1, the Project is required to provide 9 to 12 acres designated for multi-family land uses with a yield of between 180 and 240 multi-famiily units. Since the multi-family site in the Project is 15 acres and may accommodate up to 280 units, the Project exceeds the General Plan requirement of Table 3.1 by approximately twenty percent.

Table 3.1 of the General Plan Housing Element further requires that within each planning area, a certain amount of land be designated for SC and LC zoning. Multi-family projects are a permitted use in the SC and LC zones. The proportional allocation of land within the Project that is required to be designated SC or LC is 11 acres. The Project includes approximately 215 acres zoned for SC uses, which exceeds the 11 acres designated on Table 3.1 by a factor of twenty.

The Project includes an adequate amount of land designated and zoned for multi-family uses. Land available for multi-family uses in the Project are not constrained and are suitable for both market-rate and affordable housing projects. Therefore, the Project is consistent with the above Goal and Policies and the requirements of Table 3.1.

**Policy HE-6: Support development proposals that seek to locate new market rate multi-family uses at strategic locations within transportation corridors and at transit stops and stations, or at other strategically-located reuse and underdeveloped sites.**

The site is located in District F of the Project, immediately adjacent to a neighborhood commercial site which will feature neighborhood-serving uses such as a food market, small restaurants, personal services (salon, video store, etc.). These uses complement multi-family housing and will be conveniently within walking distance. The multi-family site is planned immediately across the street from proposed entertainment and office uses and immediately north of the proposed regional mall. The Project is accessible by transit on West Stockton Boulevard and transit stops are identified near the proposed multi-family site and adjacent to the proposed regional mall. Transit access is proximate to the multi-family site. Therefore, the Project is consistent with this Policy.

## **NOISE ELEMENT**

**Goal: To Protect the citizens of the City of Elk Grove from the harmful and annoying effects of exposure to excessive noise. (and related Policies)**

With respect to residential development, the Noise Element states that residential uses are compatible with exterior noise levels of up to 60 dB Ldn/CNEL and interior noise levels of 45 dB Ldn/CNEL, and that where exterior noise levels range between 60 and 75 dB Ldn/CNEL, residential uses should be permitted only after careful study and inclusion of protective measures as needed to satisfy the Policies of the Noise Element. Since noise modeling studies indicate that the future multiple-family residential uses might be subject to substantial noise from traffic along West Stockton Boulevard of about 70 db Ldn, in accordance with Noise Element Policies, an acoustical analysis will be performed to determine what, if any, mitigation measures (such as sound walls, berms or other methods of attenuation) should be employed to reduce exterior noise levels to the 60 – 65 dB Ldn/CNEL level and, if necessary, to reduce interior residential noise levels to 45 dB Ldn/CNEL. The acoustical analysis will recommend appropriate mitigation to achieve compliance and such mitigation will be incorporated into Project design.

With respect to the commercial component of the Project, the Noise Element indicates that commercial uses exposed to exterior noise levels between 65 dB Ldn and 75 dB Ldn should also be permitted only after careful study and inclusion of protective measures as needed to satisfy the Policies of the Noise Element. Table II-3 in the

Noise Element seems to indicate that an acceptable noise level from transportation noise for commercial uses is 45-50 dBA. Noise modeling results appear to indicate that development along West Stockton Boulevard and Kammerer Road will be subject to noise levels of up to 70 dB Ldn and development along State Route 99 will be subject to noise levels of up to 75 dB Ldn. However, the majority of commercial uses adjacent to State Route 99 will be contained in an indoor mall so that exposure to exterior noise levels will be of very limited duration. Furthermore, standard commercial construction techniques for new concrete buildings provide a noise level reduction of 25 dBA – 30 dBA depending on the amount of glass used. As a result, interior noise levels in the proposed commercial buildings should not exceed 50 dB Leq and they will be compatible with the requirements of the Noise Element.

Therefore, the Project as designed will be compatible with the above Goal, and related Policies, of the Noise Element of protecting City citizens from the effects of exposure to excessive noise.

**Goal: To protect the economic base of the City of Elk Grove by preventing incompatible land uses from encroaching upon existing or planned noise-producing uses.**

The Project does not represent an example of a use that would be sensitive to existing or planned noise-producing uses, which incompatibility would result in a threat to the economic base of the City.

### **SAFETY ELEMENT**

**Goal: Minimize the loss of life, injury, and property damage due to seismic and geological hazards. (and related Policies)**

Although there are no known active earthquake faults in the area, the Project could be subject to ground shaking from regional faults. The Site is nearly flat and would not be subject to landslides. Project construction will comply with all relevant Uniform Building Code and City of Elk Grove Department of Public Works requirements. Soil studies conducted on the Site indicate no evidence of subsidence, liquefaction or unstable soils. Therefore, the Project is consistent with this Goal, and its related Policies.

**Goal: Minimize the loss of life, injury, and property damage due to flood hazards. (and related Policies)**

With respect to flood hazards, the Project will incorporate runoff control measures to minimize peak flows of runoff, and all drainage improvements and easements will be provided pursuant to the City Floodplain Management Ordinance, City Water Agency Drainage Ordinance and City of Elk Grove Improvement Standards, including payment of City Water Agency Zone 11A fees in the amount of approximately \$4 million to fund on- and off-site regional drainage improvements. In addition, it should be noted that the Project Site is located outside of the 100-year floodplain of the Cosumnes River and the Morrison Stream group, and the Site is designated on FEMA floodplain maps as Zone

X, defined as an area outside of the 500-year floodplain. Thus, the Project is consistent with this Goal and related Policies.

**Goal: Minimize the loss of life, injury, and property damage due to fire hazards. (and related Policies)**

The Project is located within the Elk Grove Community Services District Fire Department service area and will fund its fair share of fire protection services and equipment through payment of fire development impact fees. In addition, the Project will comply with Fire Department standards for water supply and pressure, hydrants and access to structures by fire-fighting equipment and personnel. Therefore, the Project will be consistent with this Goal and related Policies.

**Goal: An Emergency Preparedness System that can effectively respond in the event of a natural or man-made disaster. (and related Policy)**

The Project will not preclude or interfere in any way with the effectiveness of the City's Emergency Response Plan. Infrastructure provided by the Project will facilitate access to the Site and surrounding areas, thus resulting in improved public safety by enabling a quicker, more effective response to flooding, fire hazards, and other natural and man-made disasters in the area. Therefore, the Project is consistent with this Goal and related Policy.

**HAZARDOUS MATERIALS ELEMENT**

**Objective: Protect the residents of the City of Elk Grove from the effects of a hazardous material incident via the implementation of various public health and safety programs. (and related Policies HM-8 and HM-9)**

The Project consists of commercial development and a small amount of residential development and, therefore, does not include uses that are likely to result in a hazardous material incident. No indication of previous uses of underground or aboveground storage tanks, or releases of hazardous materials or hazardous waste were identified on the Property as the result of a Phase I Environmental Site Assessment conducted on the Site in 1996. Measures to prevent future groundwater and surface water contamination as a result of construction and operation of the Project are discussed under Water Quality Goals and Objectives above, and include measures to control run-off, minimize erosion, and reduce the use of groundwater. Also, as previously indicated, future tenants will be required to comply with State and Federal rules and regulations, including Proposition 65, the Safe Drinking Water and Toxic Enforcement Act. Finally, with respect to the potential risk of a propane emergency release at the Suburban Propane Elk Grove facility, located approximately 3,500 feet east of the closest portion of the proposed Project mall, a risk analysis performed by Quest Consultants concluded that the level of risk posed by the Suburban Propane facility is within acceptable limits (i.e. less than 1 in 10 million) and less than significant. Therefore, the Project is consistent with this Objective and related Policies.