

RESOLUTION NO. 2008-121

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
STERLING MEADOWS PROJECT, MAKING FINDINGS OF FACT, ADOPTING A
STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION
MONITORING AND REPORTING PROGRAM**

WHEREAS, Award Homes has proposed development of approximately 200 acres of land with a mix of land uses including low, medium, and high density residential, parks, storm water detention basin and infrastructure, known as the Sterling Meadows project; and

WHEREAS, the project site is located on the north side of Kamerer Road, approximately one-half mile westerly of the Grant Line Road/SR 99 interchange; and

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

WHEREAS, in compliance with Public Resources Code §21080.4 a Notice of Preparation (NOP) was prepared by the City of Elk Grove and was distributed to the State Clearinghouse, Office of Planning and Research, responsible agencies and other interested parties on November 23, 2004 with the comment period ending on January 20, 2005; and

WHEREAS, the City of Elk Grove distributed a Notice of Availability for the Sterling Meadows Draft EIR on April 25, 2005, which started the 45-day public review period, ending on June 9, 2005; and

WHEREAS, the Draft EIR was filed with the State Clearinghouse (SCH No. 1999122067) and was distributed to public agencies and other interested parties for public review and comment; and

WHEREAS, the City of Elk Grove prepared and distributed a Final EIR for public review on April 22, 2008, which consists of: (1) Draft EIR, (2) comments received on the Draft EIR during its public review period, (3) responses to comments received, (4) project modifications subsequent to preparation of the Draft EIR, and (5) errata; and

WHEREAS, since the release of the Final EIR, minor modifications to the project design have occurred and the Final EIR was modified to note these changes; and

WHEREAS, since the release of the Final EIR, the City has made minor revisions to mitigation measures, in response to comments from other public agencies, changes in project design subsequent to preparation of the Draft EIR, and changes to the current description of public financing mechanisms; and

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

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

1. Certification of the Final EIR

A. The City Council of the City of Elk Grove hereby certifies that the Final EIR has been completed in compliance with the requirements of the California Environmental Quality Act.

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

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

2. Findings on Impacts

The City Council finds:

A. The EIR identifies potentially significant impacts that can be mitigated to less-than-significant levels. The City Council makes the findings with respect to significant impacts as set forth in Exhibit A, attached hereto and incorporated herein by reference.

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

3. Findings on Alternatives

Three (3) project alternatives (“No Project,” “Reduced Density,” and “Poppy Ridge Road”) were evaluated by the City of Elk Grove during project development and in the EIR. As set forth in Exhibit A, these alternatives result in more severe environmental effects, do not meet the basic project objectives, or do not provide any substantial environmental benefits as compared to the proposed Sterling Meadows project. The

City Council hereby finds that the proposed Sterling Meadows project, as mitigated by adoption of mitigation measures identified in the EIR, can be feasibly implemented and serves the best interests of the City of Elk Grove.

4. Statement of Overriding Considerations

Because the adoption of all feasible mitigation measures will not substantially lessen or avoid all significant adverse environmental effects caused by the project, the City Council adopts a Statement of Overriding Considerations concerning the project's unavoidable significant impacts to explain why the project's benefits override and outweigh its unavoidable impacts on the environment as set forth in Exhibit A.

5. Adoption of the Mitigation Monitoring and Reporting Program

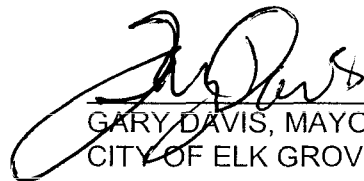
A. The City Council hereby finds that the proposed mitigation measures described in the Final EIR and Findings are feasible, and therefore will become binding upon the City and on future applicants. The Mitigation Monitoring and Reporting Program is included as Exhibit B.

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

6. Other Findings

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

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 28th day of May 2008.


GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:


SUSAN BLACKSTON, CITY CLERK


SUSAN COCHRAN, CITY ATTORNEY

EXHIBIT A
FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE
STERLING MEADOWS EIR

SCH# 1999122067

PREPARED BY:

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

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

I. Introduction

The City of Elk Grove ("City") prepared a Final Environmental Impact Report ("Final EIR") for the proposed Sterling Meadows project and other related entitlements including a General Plan Amendment and Development Agreement.

The Final EIR addresses the potential environmental effects associated with the proposed development of 984 single family units and 200 multifamily units, as well as 18.5 acres of parks, 10.6 acres of landscaped corridors/paseos, and a 14.6-acre detention and water treatment basin. The proposed project has been modified to include a fire station and a sewer lift station and no longer includes 4 acres of commercial uses. The project applicant is requesting a General Plan Amendment, Development Agreement, rezone, a large lot tentative map, one tentative subdivision map, and abandonment of a drainage easement. The project site consists of approximately 200 acres of agricultural land located southwest of State Route (SR) 99, and north of Kammerer Road.

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

II. General Findings and Overview

A. Relationship to the City of Elk Grove General Plan and the South Pointe Policy Area.

The Sterling Meadows project is located in the South Pointe Policy Area as designated in the City's General Plan. The General Plan provides the long-term vision or blueprint for development of the City; all subsequent land use approvals are required to be consistent with the goals, objectives, and policies embodied in the General Plan.

B. Procedural Background

The City prepared a Notice of Preparation (NOP) of an EIR for the project on November 23, 2004. A scoping meeting was held on December 20, 2004 to solicit input from interested agencies and the public. Concerns raised in response to the NOP and at the scoping meeting were considered during preparation of the Draft EIR. The Notice of Availability for the DEIR was published on April 22, 2005. The Draft Environmental Impact Report (referred to as, the "Draft EIR" or the "DEIR") was published for public review and comment on April 25, 2005 and was filed with the State Office of Planning & Research under State Clearinghouse No. 1999122067. The review period for the DEIR ended on June 9, 2005.

The City prepared written responses to the comments received during the comment period and included these responses in a separate volume entitled "Sterling Meadows Final Environmental Impact Report". The Final EIR provides a list of those who commented on the DEIR, copies of written comments (coded for reference), written responses to comments regarding the environmental review, and an errata with minor text changes made to the DEIR as a result of comments on the DEIR. The Final EIR was made available for public review on April 22, 2008.

C. Project History

The proposed Sterling Meadows project (formerly known as South Pointe) was initially submitted to Sacramento County for consideration in 1999 (99-GPB-CZB-SVB-SDP-0079). At the time of its submittal, the County was the lead agency and decision-making body for this project. A Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) was prepared and circulated, but a Draft EIR was not prepared, and the Board of Supervisors never considered the project. With the incorporation of the City of Elk Grove in July 2000, the City became the lead agency and decision-making body for this project. The project was resubmitted to the City as a complete application on April 17, 2001. The City prepared a new NOP and Initial Study and proceeded with environmental review as described in Section B. Since this time, the project has undergone further changes in its proposed mix of land uses and residential densities. The modifications to the proposed project are described in Section 3.0, Modifications to the Project Characteristics, of the Final EIR.

D. Record of Proceedings and Custodian of Record

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

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

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Elk Grove at 8380 Laguna Palms Way, Elk Grove, California 95758.

E. Consideration of the Environmental Impact Report

In adopting these Findings, this City Council finds that the Final EIR was presented to this Council, which reviewed and considered the information in the Final EIR prior to approving the Sterling Meadows project, including the General Plan Amendment, Development Agreement, rezone, large lot tentative subdivision map, tentative subdivision map, and abandonment of a drainage easement. By these findings, this Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The Final EIR represents the independent judgment of the City.

F. Severability

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

III. Findings and Recommendations Regarding Significant and Unavoidable Impacts

A. Agricultural Resources

1. Conversion of Agricultural Land/Loss of Farmland (EIR Impact 4.2.1)

(a) **Potential Impact:** The potential of the project to convert approximately 200 acres of agricultural land including 67 acres of Prime Farmland and 133 acres of Farmland of Statewide Importance is discussed on pages 4.2-9 through 4.2-12 of the DEIR and pages 5.0-3 and 5.0-4 of the FEIR.

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

Implement Sterling Meadows Mitigation Measure MM 4.2.1.

(c) **Findings:** Based on the DEIR and the entire record before this City, the City finds that:

(1) **Effects of Mitigation:** The potential impact of the project on conversion of agricultural land and loss of farmland can be reduced by the mitigation measure described above because it requires that the applicant protect one acre of existing farmland or land of equal or higher quality for each acre of Prime Farmland, Unique Farmland or Farmland of Statewide Importance that would be developed as a result of the project. Protection could include the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism that ensures the preservation of that land from conversion in perpetuity. However, the significant and

unavoidable impacts cannot be mitigated because requiring the preservation of existing agricultural land in another location or requiring the payment of fees to allow for the purchase of conservation easements on existing agricultural land would not fully offset this permanent loss, and thus would not completely rectify the impact.

- (2) **Remaining Impacts:** While, implementation of mitigation measure MM 4.2.1 is required, it would not reduce the impact resulting from the conversion of Prime Farmland and Farmland of Statewide Importance because it would not fully mitigate the permanent and irreplaceable loss of the Prime Farmland or Farmland of Statewide Importance. The development of agricultural land with an urban use, as proposed by this project, would result in the permanent loss of the agricultural resource. The impact of agricultural conversion resulting from the project is considered significant and unavoidable as there are no feasible mitigation measures that would reduce this impact to a less than significant level.
- (3) **Overriding Considerations:** The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project to conversion of agricultural land/loss of farmland, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

2. Cumulative Loss of Agricultural Land (EIR Impact 4.2.3)

- (a) **Potential Impact:** The potential of the project to convert approximately 67 acres of Prime Farmland and 133 acres of Farmland of Statewide Importance to urban uses is discussed on pages 4.2-15 and 4.2-16 of the DEIR.
- (b) **Mitigation Measures:** The following mitigation measures are hereby adopted and will be implemented by the Mitigation Monitoring Program:

Implement Sterling Meadows Mitigation Measure MM 4.2.1.
- (c) **Findings:** Based on the DEIR and the entire record before this City, the City finds that:
 - (1) **Effects of Mitigation:** The potential impact of the project on cumulative loss of agricultural land can be reduced by the mitigation measure described above because it requires that the applicant protect one acre of existing farmland or land of equal or higher quality for each acre of Prime Farmland, Unique Farmland or Farmland of Statewide Importance that would be developed as a result of the project. The mitigation measure would reduce the impact related to loss of agricultural lands by limiting future loss in the region and would therefore reduce the project impact as it relates to cumulative development. However, a permanent and

irreplaceable loss of farmland and land with intensive agricultural investments would still occur and the significant and unavoidable impacts cannot be mitigated because the mitigation measure would not fully replace agricultural lands irrevocably lost to development.

- (2) **Remaining Impacts:** While, implementation of mitigation measure MM 4.2.1 is required, it would not reduce the cumulative impact resulting from the loss of agricultural land. The development of agricultural land with an urban use, as proposed by this project, would result in the permanent loss of the agricultural resource. The cumulative loss of agricultural land resulting from the project is considered significant and unavoidable as there are no feasible mitigation measures that would reduce this impact to a less than significant level.
- (3) **Overriding Considerations:** The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project to conversion of agricultural land/loss of farmland, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

3. **Cumulative Impacts to Agricultural Productivity/Land Use Compatibility (EIR Impact 4.2.4)**

- (a) **Potential Impact:** The potential of the project to impair agricultural productivity and land use compatibility impacts is discussed on page 4.2-16 and 4.2-17 of the DEIR.
- (b) **Mitigation Measures:** The following mitigation measures are hereby adopted and will be implemented by the Mitigation Monitoring Program:

Implement Sterling Meadows Mitigation Measures MM 4.2.2a and MM 4.2.2b.
- (c) **Findings:** Based on the DEIR and the entire record before this City, the City finds that:
 - (1) **Effects of Mitigation:** The potential impact of the project on cumulative impacts to agricultural productivity/land use compatibility can be reduced by the mitigation measure described above because it requires landscape corridors between existing agricultural operations or agriculturally zoned properties. The landscaped corridors would act as a buffer between conflicting uses and would reduce the potential for littering and trespassing on agricultural lands. In addition, the mitigation requires that a disclosure statement be recorded against the property regarding nearby agricultural activities, including a notice of the Right-to-Farm-Ordinance, against the property. This disclosure statement and notice is required to be provided to all prospective buyers of properties within the Sterling

Meadows project and notifies such persons that the property may be affected by nearby agricultural uses. The disclosure would reduce the potential for nuisance complaints against agricultural operations. However, the significant and unavoidable impacts cannot be fully mitigated because the mitigation measures would not entirely eliminate cumulative conflicts between adjacent agricultural land uses and the urban uses proposed under the project.

- (2) **Remaining Impacts:** While, implementation of mitigation measures MM 4.2.2a and MM 4.2.2b are required, these measures would not reduce cumulative impacts to agricultural productivity/land use compatibility. The development of agricultural land with an urban use, as proposed by this project, would result in the permanent loss of the agricultural resource and potential land use conflicts. Cumulative impacts to agricultural productivity/land use compatibility resulting from the project is considered significant and unavoidable as there are no feasible mitigation measures that would reduce this impact to a less than significant level.
- (3) **Overriding Considerations:** The environmental, economic, social and other benefits of the project override any remaining significant adverse cumulative impact of the project to agricultural productivity/land use compatibility, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

B. Noise

1. Exposure to Noise in Excess of Standards (EIR Impact 4.6.1)

- (a) **Potential Impact.** Construction activities resulting from implementation of the proposed project would result in a temporary increase in noise levels in nearby areas discussed on pages 4.6-13 through 4.6-15 of the DEIR and 5.0-12 of the FEIR.
- (b) **Mitigation Measures:** The following mitigation measures are hereby adopted and will be implemented by the Mitigation Monitoring Program:

Implement Sterling Meadows Mitigation Measures MM 4.6.1a, MM 4.6.1b, MM 4.6.1c and MM 4.6.1d.
- (c) **Findings.** Based upon the DEIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation.** Construction noise impacts will be substantially lessened by implementation of the mitigation measures described above as these measures addresses construction noise by requiring its regulation and control. The measures limit the hours of construction and require contractors to meet construction specifications that include noise attenuation measures. These measures include temporary sound barriers and mufflers on

equipment. However, the significant and unavoidable impacts cannot be mitigated because the mitigation measures would not entirely eliminate exposure to noise in excess of standards.

- (2) **Remaining Impacts.** Although the implementation of the mitigation measures described above would substantially reduce the project's construction noise levels, the project would still result in periods of elevated noise levels for existing surrounding residences, future residents within the project site, and surrounding future uses. This would represent a significant impact of the project.
- (3) **Overriding Considerations.** The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project resulting from exposure to noise in excess of standards, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

2. Agricultural Activity Noise (EIR Impact 4.6.4)

- (a) **Potential Impact.** The potential impact of exposure of residential uses to noise caused by agricultural activities is discussed on pages 4.6-16 through 4.6-18 of the DEIR, and page 5.0-13 and 5.0-14 of the FEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.6.4.

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

- (1) **Effects of Mitigation.** Agricultural activity noise impacts will be substantially lessened through the implementation of the mitigation measures described above because the project applicant will be required to construct a six foot high solid masonry wall to provide a noise buffer or to provide a 100-foot buffer between the residential and agricultural land use areas. These buffers would provide sound attenuation and would result in a reduction of agricultural noise levels at affected sensitive receptor locations. However, the significant and unavoidable impacts cannot be mitigated because the mitigation measures would not be sufficient to meet the requirements of the Elk Grove General Plan noise guidelines in every instance.

- (2) **Remaining Impacts.** Although the implementation of the mitigation measures described above would substantially reduce the project's construction agricultural activity noise levels, neither the wall nor the buffer would completely eliminate the potential for noise exposure in excess of standards. This would represent a significant impact of the project.

- (3) **Overriding Considerations.** The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project resulting from exposure to agricultural activity noise in excess of standards, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

3. Permanent Cumulative Noise Increase: Traffic (EIR Impact 4.6.5)

- (a) **Potential Impact.** The potential impact of permanent cumulative traffic noise increase caused by approved and planned urban development in the region is discussed on pages 4.6-18 through 4.6-19 of the DEIR and page 5.0-14 of the FEIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Sterling Meadows Mitigation Measure MM 4.6.5.

- (c) **Findings.** Based upon the DEIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation:** The mitigation measure described above requires the project applicant to construct 6- to 8-foot masonry sound walls along B Drive, Lotz Parkway, and Kammerer Road. These masonry walls would reduce traffic noise levels by providing noise attenuation at affected sensitive receptor locations. However, traffic noise levels would not be reduced to levels of insignificance and no other feasible mitigation measure is available.
 - (2) **Remaining Impacts.** Although the implementation of the mitigation measures described above would substantially reduce the project's exposure to noise from surrounding roadways and internal uses, the use of soundwalls would not completely eliminate the potential for permanent cumulative noise exposure in excess of standards. This would represent a significant impact of the project.
 - (3) **Overriding Considerations.** The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project resulting from exposure to permanent cumulative traffic noise increases, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

C. Air Quality

1. Conflict with SMAQMD Threshold (EIR Impact 4.7.2).

- a) **Potential Impact.** The operation of the project would conflict with SMAQMD thresholds as a result of emissions from mobile and area sources as discussed on pages 4.7-11 through 4.7-12 of the DEIR and pages 5.0-19 and 5.0-20 of the FEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.7.2.

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

(1) **Effects of Mitigation.** The impacts from project mobile and area sources during the operational phase which exceed SMAQMD thresholds would be reduced by the mitigation measure described above. These measures require the applicant to prepare an air quality mitigation program to provide a 15 percent reduction in operational emissions. However, this reduction will not bring the operational emissions associated with the project to a level that is under SMAQMD's thresholds.

(2) **Remaining Impacts.** Implementation of the mitigation measures described above would reduce project emissions by 15 percent. However, this reduction will not bring the operational emissions associated with the project to a level that is under SMAQMD's thresholds. While the DEIR identified mitigation to reduce remaining impacts through payment of off-site mitigation fees to fund SMAQMD programs that would provide for reduction of off-site air quality emissions to the extent that project emissions exceeded the threshold following implementation of mitigation measure MM 4.7.2a, SMAQMD has subsequently indicated that they do not recommend off-site mitigation fees and requested that the mitigation measure requiring off-site mitigation for operational impacts be removed from the FEIR. Implementation of MM 4.7.2b is not considered feasible as the agency that would implement the off-site mitigation programs has identified that they are not recommending such an approach. Therefore, this impact is significant and unavoidable.

- (3) **Overriding Considerations.** The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project exceeding SMAQMD thresholds for operational emissions of air quality pollutants, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

2. Cumulatively Considerable Net Increase of Criteria Pollutants: Ozone and PM₁₀ (EIR Impact 4.7.5)

- (a) **Potential Impact.** The potential impact of a cumulatively considerable net increase of criteria pollutants including ozone and PM₁₀ resulting from the proposed project in combination with other approved and planned urban development in the region is discussed at page 4.7-13 through 4.7-15 of the DEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.7.1a, MM 4.7.1b, MM 4.7.1c, MM 4.7.1d, MM 4.7.1e, MM 4.7.1f, MM 4.7.1g, MM 4.7.2a and MM 4.7.2b.

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

(1) **Effects of Mitigation.** Implementation of the mitigation measures indicated above will serve to reduce the cumulatively considerable net increase of criteria pollutants, specifically ozone and PM₁₀ through implementation of best management practices (BMPS) during construction, implementation of Emissions Reduction Measures, and payment of in lieu fees for operational air emissions. These measures would reduce the emissions of fugitive dust during construction activities, provide a 15 percent reduction in operational emissions, and provide funding for off-site pollution reductions that would off-set the project's operational air quality emissions exceeding the SMAQMD thresholds. However, the mitigation measures would not reduce these impacts to levels of insignificance. As a result, there is no other feasible mitigation measure available.

(2) **Remaining Impacts.** Although the implementation of the mitigation measures described above would substantially reduce the project's contribution to the net increase of criteria pollutants ozone and PM₁₀, the use of BMPs, Emissions Reduction Measures and payment of in lieu fees would not completely eliminate the potential for a cumulatively considerable net increase of criteria pollutants. This would represent a significant impact of the project.

(3) **Overriding Considerations.** The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project exacerbating existing regional problems with ozone and PM₁₀, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

D. Biological and Natural Resources

1. Cumulative Biological Resource Impacts (EIR Impact 4.10.9)

(a) **Potential Impact.** The potential cumulative biological resource impacts resulting from loss of biological resources in the region are discussed on pages 4.10-24 through 4.10-25 of the DEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.10.3, MM 4.10.4a, MM 4.10.4b, MM 4.10.4c, MM 4.10.5, MM 4.10.6a, MM 4.10.6b, MM 4.10.6c, MM 4.10.6d, MM 4.10.63, MM 4.10.7 and MM 4.10.8.

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

- (1) **Effects of Mitigation.** Implementation of the mitigation measures indicated above will serve to reduce cumulative biological resources impacts through the use of conservation easements for Swainson's hawk, focused surveys for raptors, burrowing owl survey, halting of construction if burrows or song bird are found; evaluation of wetland features; preconstruction survey for Giant Garter Snake; protocol surveys for Giant Garter Snakes an associated activities if required; limiting periods when grading can occur; dewatering, worker awareness programs for Giant Garter Snakes, avoidance of Valley Elderberry Longhorn Beetle and performing a wetland delineation. These measures would reduce the direct project-specific impacts on special-status species and protected wetlands/waters of the US to a less than significant level. However, on a cumulative level, the mitigation measures would not reduce cumulative biological resource impacts to levels of insignificance. As a result, there is no other feasible mitigation measure available.
- (2) **Remaining Impacts.** Although the implementation of the mitigation measures described above would substantially reduce the project's contribution to cumulative impacts to biological resources, the measures identified would not completely eliminate the potential for cumulatively considerable impacts to biological resources. This would include loss of potential habitat for the endangered and protected species of concern including Swainson's hawk, migratory birds, and raptors. This would represent a significant impact of the project.
- (3) **Overriding Considerations.** The environmental, economic, social and other benefits of the project override any remaining significant adverse impact to cumulative biological resources, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

E. Visual Resources Light and Glare

1. **Adverse Effect on Scenic Views/Degrade Existing Visual Character (EIR Impact 4.13.1)**
 - (a) **Potential Impact.** The alteration of views of the existing landscape characteristics as viewed from Kammerer Road and the surrounding area are discussed on pages 4.13-4 and 4.13-5 of the DEIR and 5.0-38 in the FEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.13.1a and 4.13.1b.

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

(1) **Effects of Mitigation.** Implementation of the mitigation measures indicated above will serve to reduce adverse effects on scenic views and degradation of the existing visual character through the use of fences and landscaping such as trees and/or shrubs. The fences will blend with features of the surrounding area, thus reducing impacts associated with new urban development. The use of taller growing trees and/or shrubs will screen the project from surrounding uses and minimize the potential for light and glare. However, the mitigation measures would not entirely reduce or avoid the environmental effects of altering the existing agricultural landscape to urbanized development. As a result, there is no other feasible mitigation measure available.

(2) **Remaining Impacts.** Although the implementation of the mitigation measures described above would reduce the project's alteration of views of the site, the measures identified would not completely eliminate the visual impacts resulting from conversion of the site from agricultural uses to urban development. This would represent a significant impact of the project.

(3) **Overriding Considerations.** The environmental, economic, social and other benefits of the project override any remaining significant adverse effect on scenic views/degradation of existing visual character as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

2. **Degrade Existing Visual Character/Create Substantial Light and Glare (Impact 4.13.3)**

- (a) **Potential Impact.** The proposed project, in combination with other projects would cause a conversion of the area's rural landscape to residential, commercial and other land uses which would result in alteration of the visual resources of the area as discussed on pages 4.13-6 and 4.13-7 of the DEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.13.2a and 4.13.2b.

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

(1) **Effects of Mitigation.** Implementation of the mitigation measures indicated above will serve to reduce adverse effects through shielding light fixtures and the use of low reflectance non-polished surfaces. These measures would reduce the amount of light spillage and glare associated with the project. However, the mitigation measures would not entirely reduce or avoid the environmental effects that cumulative development would have on visual character and light and glare. As a result, there are no other feasible mitigation measures available.

(2) **Remaining Impacts.** Although the implementation of the mitigation measures described above would reduce the project's contribution to cumulative visual impacts, measures identified would not completely eliminate the inevitable changes to existing visual resources and increased light and glare resulting from increased development. This would represent a significant impact of the project.

(3) **Overriding Considerations.** The environmental, economic, social and other benefits of the project override any remaining significant adverse effect on degrading visual character and creating substantial light and glare, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

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

A. AGRICULTURAL RESOURCES

1. Impairment to Productivity/Land Use Compatibility (EIR Impact 4.2.2)

(a) **Potential Impact.** The potential impact of the project, due to placing urban land uses adjacent to agricultural uses and associated compatibility conflicts is discussed on Pages 4.2-12 through 4.2-15 of the DEIR and pages 5.0-4 and 5.0-5 of the FEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.2.2a and MM 4.2.2b.

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

- (1) **Effects of Mitigation.** Project impacts related to the impairment of agricultural productivity/land use compatibility will be mitigated to a less than significant level by the mitigation measures described above because the measures will ensure that landscape corridors are located directly between existing agricultural operations or agriculturally zoned properties and urban uses and that a disclosure statement, including a notice of the Right to Farm Ordinance, is recorded on properties adjacent to the agricultural uses. The landscaped corridors would act as a buffer between conflicting uses and would lessen the chance of littering and trespassing on agricultural land. The disclosure statement would reduce the likelihood of nuisance complaints against agricultural operations.
- (2) **Remaining Impacts.** Any remaining impacts related to the proposed impairment to productivity/land use compatibility would not be significant.

B. TRAFFIC AND CIRCULATION

1. **Existing Plus project: Roadway Segment and Intersection Operations (EIR Impact 4.5.2)**
 - (a) **Potential Impact.** The project would increase traffic volumes on area roadways contributing to an unacceptable LOS under existing plus project conditions as discussed on pages 4.5-15 through 4.5-17 of the DEIR and page 5.0-5 of the FEIR.
 - (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Sterling Meadows Mitigation Measure MM 4.5.2.
 - (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation.** The project impacts related to an unacceptable LOS under existing plus project conditions will be mitigated to acceptable levels by the mitigation measure described above. This is because the measure requires ultimate improvements to the Grant Line/SR 99 Interchange Reconstruction project to be constructed and operational prior to approval of improvement plans for the Sterling Meadows project. The Grant Line/SR 99 improvements will allow adequate circulation and thus allow Sterling Meadows traffic to function satisfactorily.

- (2) **Remaining Impacts.** Any remaining impacts related to roadway segment and intersection operations would not be significant.

2. **Site Access and Internal Circulation (EIR Impact 4.5.3)**

- (a) **Potential Impact.** The proposed project has the potential to develop without adequate traffic controls at intersections as described on page 4.5-17 of the DEIR and page 5.0-5 of the FEIR.

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

Implement Sterling Meadows Mitigation Measure MM 4.5.3.

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

- (1) **Effects of Mitigation.** The potential impact of the project on site access and internal circulation will be mitigated to a less than significant level through the implementation of the mitigation measure described above because the measure will require the project applicant to construct traffic signals at all intersections within or immediately adjacent to the project site (e.g. Lotz Parkway and Kammerer Road) prior to the approval of improvement plans for the project, or, if applicable, for each phase of the project. The traffic signals will ensure adequate operation of internal intersections and access to the project site.

- (2) **Remaining Impacts.** Any remaining impacts related to site access and internal circulation will not be significant.

C. **NOISE**

1. **Permanent Noise Increase: Internal Operational (Impact 4.6.2)**

- a) **Potential Impact.** The proposed project could result in noise producing uses on the site which would exceed City of Elk Grove noise standards as discussed on pages 4.6-15 through 4.6-16 of the DEIR and page 5.0-13 of the FEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.6.2a and MM 4.6.2b:

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

(1) **Effects of Mitigation.** The impacts related to permanent operational noise will be mitigated to a less than significant level by the mitigation measures described above because the project will be required to construct a six-foot high solid wall between park and residential uses and between multi-family and adjacent single-family uses. These walls would provide sound attenuation between uses and would therefore reduce impacts associated with internal operation noises to less than significant levels.

(2) **Remaining Impacts.** Any remaining impacts related to permanent increases in operational noise would not be significant.

4. **Construction Related Air Quality Impact (EIR Impact 4.7.1).**

a) **Potential Impact.** Construction activities associated with the proposed project may emit pollutants equal to or greater than five percent of the CAAQS resulting in an exceedance of the threshold for NO_x and PM₁₀ as discussed on pages 4.7-8 through 4.7-11 of the DEIR and pages 5.0-15 through 5.0-19 of the FEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.7.1a, MM 4.7.1b, MM 4.7.1c, MM 4.7.1d, MM 4.7.1e, MM 4.7.1f, MM 4.7.1g, MM 4.7.1h and MM 4.7.1i.

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

(1) **Effects of Mitigation.** The impacts related to construction-related air quality impacts will be mitigated to a less than significant level by the mitigation measures described above because the measures would reduce the project's air quality construction impacts for nuisance conditions. The measures require the project applicant to comply with best management practices relative to operation of construction equipment, site management, watering unpaved areas, sweeping the site, ensuring a heavy duty fleet mix that meets NO_x and particulate reduction, payment of fees to SMAQMD to mitigate NO_x emissions, etc. Best Management Practices will reduce the emissions of fugitive dust during construction activities, ensure a project-wide fleet average 20 percent NO_x reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction, ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour provide a 15 percent reduction in operational emissions, and provide funding for off-site pollution reductions that would off-set the project's operational air quality emissions exceeding the SMAQMD thresholds.

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

D. HYDROLOGY AND WATER QUALITY

1. Violate Water Standards/Runoff and Erosion (EIR Impact 4.8.1)

- a) **Potential Impact.** The potential impact of the project to violate water standards as a result of soil disturbance which could cause accelerated soil erosion and sedimentation or the release of other pollutants to local waterways is discussed on pages 4.8-11 through 4.8-13 of the DEIR and pages 5.0-20 and 5.0-21 of the FEIR.

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

Implement Sterling Meadows Mitigation Measure MM 4.8.1.

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

- (1) **Effects of Mitigation.** The impacts related to accelerated soil erosion and sedimentation or the release of other pollutants to local waterways would be mitigated to a less than significant level by the mitigation measure described above. This is because this measure would require dischargers to eliminate non-storm water discharges to storm water systems and require monitoring of discharges to storm water systems. In addition, the measure requires implementation of a Storm Water Pollution Prevention Plan. This plan must specify best management practices that would prevent all construction pollutants from contacting stormwater, with the intent of keeping all products of erosion from moving off site into receiving waters. The permit also requires elimination or reduction of non-stormwater discharges to receiving waters and inspection of all best management practices.

- (2) **Remaining Impacts.** Any remaining impacts related violation of water standards would not be significant.

7. Degrade Water Quality (EIR Impact 4.8-2).

- a) **Potential Impact.** The potential impact of the project on surface water quality is discussed on pages 4.8-13 through 4.8-15 of the DEIR and 5.0-21 of the FEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.8.2a, MM 4.8.2b, MM 4.8.2c and MM 4.8.2d.

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

- (1) **Effects of Mitigation.** Project impacts related to water quality degradation will be mitigated to a less than significant level by the mitigation measures described above because these impacts would be avoided with provision of the required Best Management Practices (BMPs). The BMPs include source control and treatment control actions and procedures to reduce the pollutant loadings in storm drain systems. Additionally, the measures require the use of biofilter swales and vegetated strips, place restrictions on the location of non-residential storage and containment of hazardous materials, and place requirements on the design of the proposed detention basin to conform to the BMPs. These requirements will lessen the amount of pollutants in urban runoff and would thus reduce adverse impacts to water quality.
- (2) **Remaining Impacts.** Any remaining impacts related to water quality degradation would not be significant.

8. Drainage Patterns, Surface Runoff, and Localized Flooding (EIR Impact 4.8.4).

- a) **Potential Impact.** The potential impact of the project on increased surface runoff and localized flooding is discussed on pages 4.8-16 and 4.8-18 of the DEIR and 5.0-21 of the FEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Sterling Meadows Mitigation Measure MM 4.8.4.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation.** The drainage patterns, surface runoff and localized flooding resulting from implementation of the proposed project will be mitigated to a less than significant level by the mitigation measures described above. This is because MM 4.8.4 requires the applicant to demonstrate that permanent drainage facilities would adequately serve the project or phase of the project, consistent with City standards and prior to approval of improvement plans; that increases in off-site flooding impacts would not result; and that planned drainage facilities would be available upon site development.
 - (2) **Remaining Impacts.** Any remaining impacts related to increased surface runoff and localized flooding would not be significant.

9. **Regional Water Quality, Runoff Patterns and Flooding (EIR Impact 4.8.5).**

a) **Potential Impact.** The project's contribution to the cumulative effects of degradation of regional water quality, changes to runoff patterns, and the potential for increased flooding are discussed on pages 4.8-18 and 4.8-19 of the DEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.8.1, MM 4.8.2a through MM 4.8.2d, and MM 4.8.4.

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

(1) **Effects of Mitigation.** The project's contribution to the cumulative effects of degradation of regional water quality, changes in runoff patterns, and the potential for increased flooding would result in a less than significant level with implementation of the mitigation measures described above. This is because the project will be required to prepare a SWPPP and implement BMPs to protect long term water quality through various on-site features (swales, detention basins), etc. The BMPs will reduce pollutants in runoff from construction sites and would reduce pollutant discharges to the maximum extent practical from the new development.

(2) **Remaining Impacts.** Any remaining impacts related to degradation of water quality would not be significant.

E. **GEOLOGY AND SOILS**

1. **Soil Erosion and Ground Stability (EIR Impact 4.9.1)**

a) **Potential Impact.** The proposed project may include on and offsite improvements that require grading that could result in increased soil erosion due to excavation and grading activities as discussed on pages 4.9-8 and 4.9-9 of the DEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.8.1, MM 4.8.2a, MM 4.8.2b, and MM 4.8.2c.

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

(1) **Effects of Mitigation.** The project's disruption of soils resulting in the potential for erosion resulting from water and wind would result in a

less than significant level with implementation of the mitigation measures described above. This is because the measure requires implementation of a Storm Water Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMP). The SWPPP and BMPs would reduce runoff resulting from the project (as discussed under D.1. above) that could increase erosion of disturbed soils. Therefore, the BMPs would reduce the potential for erosion on the site.

- (2) **Remaining Impacts.** Any remaining impacts related to soil erosion and ground stability would not be significant.

F. BIOLOGICAL AND NATURAL RESOURCES

1. Habitat Modification: Swainson's Hawk Foraging Habitat (EIR Impact 4.10.3).

- a) **Potential Impact.** Development of the proposed project would result in the loss of 200 acres of foraging habitat for Swainson's hawk, other special-status raptors, and other birds. Therefore, implementation of the proposed project would result in a potentially significant impact to Swainson's hawk foraging habitat. This impact is discussed on pages 4.10-14 through 4.10-16 of the DEIR.

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

Implement Sterling Meadows Mitigation Measure MM 4.10.3.

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

- (1) **Effects of Mitigation.** The mitigation measure described above would reduce impacts to Swainson's hawk foraging habitat by requiring the applicant to acquire conservation easements or other instruments to preserve suitable foraging habitat for Swainson's hawk, as determined by the CDFG. This measure would ensure that foraging habitat for the Swainson's hawk is provided at a 1:1 mitigation ratio for each acre developed at the project site, thereby reducing impacts to less than significant for foraging habitat for Swainson's hawk, other special-status raptors, and other birds.

- (2) **Remaining Impacts.** Any remaining impacts related to Swainson's Hawk foraging habitat would not be significant.

2. Habitat Modification: Nesting Birds (EIR Impact 4.10.4)

- a) **Potential Impact.** Implementation of the proposed project could result in disturbance to nesting raptors and other migratory birds, including burrowing owls, northern harrier, and tricolored blackbird is discussed on pages 4.10-16 and 4.10-18 of the DEIR and pages 5.0-22 and 5.0-23 of the FEIR.

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

Implement Sterling Meadows Mitigation Measure MM 4.10.4a, MM 4.10.4b and MM 4.10.4c.

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

(1) **Effects of Mitigation.** Project impacts related to nesting birds will be mitigated to a less than significant level by the mitigation measures described above. This is because focused nest and burrow surveys would be conducted and measures would be implemented to protect any active songbird nests or active owl burrows found within the survey area. Construction activities are required to be postponed in the event that active nests and/or burrows are discovered. This would prevent disturbance of active nests and burrows and would reduce impacts to nesting birds to a less than significant level.

(2) **Remaining Impacts.** Any remaining impacts related to habitat modification for nesting birds would not be significant.

3. **Special Status Species: Sensitive Vernal Pool Invertebrates (EIR Impact 4.10.5)**

- a) **Potential Impact.** Development of the proposed project could result in removal of sensitive vernal pool invertebrates including federally-listed species habitat is discussed on page 4.10-18 of the DEIR and pages 5.0-23 and 5.0-24 of the FEIR.

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

Implement Sterling Meadows Mitigation Measure MM 4.10.5:

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

(1) **Effects of Mitigation.** Project impacts to sensitive vernal pool invertebrates will be mitigated to a less than significant level by the mitigation measures described above. This is because the mitigation requires protocol level surveys (using methodologies approved by the United States Fish and Wildlife Service) to determine if the wetland features on the proposed site support listed vernal pool invertebrates. If these features are present, the applicant must receive authorization from USFWS to impact these features and must mitigate for impact through creation, restoration, and/or preservation of listed vernal pool invertebrate habitat at no less than 3 acres of habitat created, restored and/or preserved for each acre impacted.

- (2) **Remaining Impacts.** Any remaining impacts related to sensitive vernal pool invertebrates would not be significant.

4. Special Status Species: Giant Garter Snake (EIR Impact 4.10.6)

- a) **Potential Impact.** The potential impact of the proposed project for noise generated by project activities at schools, parks, commercial development sites and the proposed fire station are discussed on pages 4.10-19 through 4.10-21 of the DEIR and pages 5.0-24 and 5.0-25 of the FEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.10.6a, MM 4.10.6b, MM 4.10.6c, MM 4.10.6d and MM 4.10.6e.

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

- (1) **Effects of Mitigation.** Project impacts to Giant Garter Snake (GGS) will be mitigated to a less than significant level by the mitigation measures described above. This is because the mitigation requires preconstruction as well as protocol level surveys if a GGS is identified within the project site. If a GGS is identified, the City of Elk Grove would be notified and the applicant would be required to consult with USFWS and provide the City with proof of compliance. The measure requires that construction personnel be educated about dealings with GGS. In addition, the measure restricts grading or other construction activities from being conducted from October 1 to April 30, which is the inactive period of the GGS and when they are more susceptible to more danger because they are occupying underground burrows or crevices and are more susceptible to direct effects, especially during excavation.

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

5. Special Status Species: Valley Elderberry Longhorn Beetle (EIR Impact 4.10.7)

- a) **Potential Impact.** Construction activities would result in the loss of habitat for valley elderberry longhorn beetles on the project site as discussed on pages 4.10-21 and 4.10-23 of the DEIR and pages 5.0-25 through 5.0-27 of the FEIR.

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

Implement Sterling Meadows Mitigation Measure 4.10.7

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

- (1) **Effects of Mitigation.** Project impacts to valley elderberry longhorn beetle (VELB) will be mitigated to a less than significant level by the mitigation measures described above because the mitigation requires the applicant to revise the site plan to avoid impacts to potential habitat for VELB and if project development is required in areas that may impact elderberry shrubs the project applicant is required to perform protection, restoration, and maintenance measures that would reduce impacts to the VELB by protecting their habitat. The mitigation measure described above also requires development of a mitigation plan for elderberry shrubs that cannot be avoided, including purchasing credits at an approved mitigation bank or transplantation of the shrub and planting of elderberry seedlings.
- (2) **Remaining Impacts.** Any remaining impacts related to VELB would not be significant.

6. Wetland Impacts (EIR Impact 4.10.8)

- a) **Potential Impact.** The potential impact of the proposed project to jurisdictional and non-jurisdictional waters is discussed on pages 4.10-23 and 4.10-24 of the DEIR and pages 5.0-27 and 5.0-28 of the FEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Sterling Meadows Mitigation Measures 4.10.8a and 4.10.8b.

- c) **Findings.** Based upon the DEIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation.** The project's impacts to jurisdictional and non-jurisdictional waters of the U.S. would be mitigated to a less than significant level by the mitigation measures described above. This is because the measures will require that the project applicant ensure that the project will result in no-net-loss of waters of the US by providing mitigation through impact avoidance, impact minimization and compensatory mitigation for the remaining impact. Compensatory mitigation requires purchase of credits in an Army Corps of Engineers approved mitigation bank at a ratio no less than one acre purchased for each are impacted.
 - (2) **Remaining Impacts.** Any remaining impacts related to wetlands would not be significant.

G. CULTURAL RESOURCES

1. Undiscovered Resources (EIR Impact 4.11.2)

- a) **Potential Impact.** The project could destroy or disturb currently unknown cultural resources that lie buried on the project site as discussed on pages 4.1-6 and 4.11-7 of the DEIR and pages 5.0-28 and 5.0-29 of the FEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.11.2a and MM 4.11.2b.

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

- (1) **Effects of Mitigation.** The project's potential to disturb or destroy undiscovered resources would be mitigated to a less than significant level by the mitigation measures described above. This is because testing of any suspected archaeological/paleontological resources discovered during construction activities, with subsequent implementation of archaeologist recommendations, if required, would preserve and/or record any archaeological resource at the project site. Such preservation and/or recording are considered adequate mitigation under CEQA and the CEQA Guidelines for this impact. In addition, Project-related impacts to any human remains would be mitigated to a less-than-significant level by the mitigation measures described above because adherence to Native American Heritage Commission guidelines is considered adequate mitigation under CEQA and the CEQA Guidelines for this impact.

- (2) **Remaining Impacts.** Any remaining impacts related undiscovered cultural resources would not be significant.

H. PUBLIC SERVICES AND UTILITIES

1. Fire Protection Construction Impacts (EIR Impact 4.12.1.1)

- a) **Potential Impact.** The potential impact of the proposed project to affect emergency crew response time to the project site is discussed on page 4.12-5 of the DEIR and page 5.0-29 of the FEIR.

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

Implement Sterling Meadows Mitigation Measure MM 4.12.1.1.

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

- (1) **Effects of Mitigation.** Project impacts to emergency crew response time would be mitigated to a less than significant level by the mitigation measures described above. This is because the project site would be required to meet minimum necessary fire flow and other standard fire protection and life safety requirements, have adequate on-site water supply and all water access for fire fighting equipment and emergency vehicles, and pay appropriate Fire Protection Development Fees. These funds would assist in providing future facilities and equipment needed to

serve the project and therefore mitigates the need for facilities and equipment needed to meet response time standards.

- (2) **Remaining Impacts.** Any remaining impacts related to emergency response would not be significant.

2. Project Fire Flow (EIR Impact 4.12.1.2)

- a) **Potential Impact.** The potential impact of the proposed project on provision of fire flow is discussed on pages 4.12-5 and 4.12-6 of the DEIR and pages 5.0-29 and 5.0-30 of the FEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Sterling Meadows Mitigation Measures MM 4.12.1.2a and MM 4.12.1.2b.

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

- (1) **Effects of Mitigation.** Provision of adequate fire flows would be mitigated to a less than significant level by the mitigation measures described above. This is because prior to approval of improvement plans, the project applicant will be required to demonstrate that all required water mains, fire hydrants and fire flow requirements necessary to serve the project are provided and that water supply system plans have been reviewed by the City to ensure adequate fire flows.

- (2) **Remaining Impacts.** Any remaining impacts related to project fire flows would not be significant.

3. Operational Impacts (EIR Impact 4.12.1.4)

- a) **Potential Impact.** The potential impact of the proposed on fire department response times is discussed on pages 4.12-7 through 4.12-9 of the DEIR and page 5.0-30 of the FEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Sterling Meadows Mitigation Measures MM 4.12.1.4a (as revised in the Mitigation Monitoring Program) and MM 4.12.1.4b.

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

- (1) **Effects of Mitigation.** Fire department response times would be mitigated to a less than significant level by the mitigation measures described above. This is because the project developer would be required to pay fair share funding for fire services and facilities needed to serve the project. In addition, the measure requires all signalized intersections installed by the project developer to be equipped with traffic pre-emption devices at the time of installation.
- (2) **Remaining Impacts.** Any remaining impacts related to delays in fire department response times resulting from project construction activities would not be significant.

4. Law Enforcement Operational Impacts (EIR Impact 4.12.2.2)

- a) **Potential Impact.** The potential impact of the proposed on safety issues and lack of visibility is discussed on page 4.12-14 of the DEIR and pages 5.0-30 and 5.0-31 of the FEIR.

Mitigation Measures. The project site plan has been revised to avoid the law enforcement and safety issue associated with the design of the roadway system. MM 4.2.2 has been deleted and no further mitigation is necessary.

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

- (1) **Effects of Mitigation.** The project's potential impacts to safety issues and lack of visibility as they pertain to law enforcement were mitigated to a less than significant level through the revision of the project site plan. The final site plan rectifies the safety issues and lack of visibility for vehicles entering and exiting the neighborhood identified by the Elk Grove Police Department as safety concerns.

- (2) **Remaining Impacts** Any remaining impacts related to circulation safety as it affects law enforcement would not be significant.

5. Water System Facilities (EIR Impact 4.12.4.2)

- a) **Potential Impact.** The potential impact of the proposed project on water system facilities is discussed on pages 4.12-31 through 4.12-35 of the DEIR and pages 5.0-31 through 5.0-33 of the FEIR.

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

Implement Sterling Meadows Mitigation Measures MM 4.12.4.2a, MM 4.12.4.2c (as revised in the Mitigation Monitoring Program), MM 4.12.4.2d, and MM 4.12.4.2e. Sacramento County Water Agency has identified that MM 4.12.4.2b is no longer necessary; therefore, MM 4.12.4.2b is not included in the MMRP.

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

- (1) **Effects of Mitigation.** The project demand for water system facilities would be mitigated to a less than significant level by the mitigation measures described above. This is because the project will be required have an approved water system alternative and two well systems prior to improvement plan or final map approval; and on-site well on the project site; have water intensive commercial and industrial building permit applicants conduct a water use efficiency review; and require efficient cooling systems, re-circulation pumps for fountains and ponds, and water recycling systems for vehicle washing. These measures ensure that adequate water system facilities to serve the project will be provided prior to final map approval.
- (2) **Remaining Impacts.** Any remaining impacts related to water system facilities would not be significant.

6. **Project Consistency with Elk Grove Trails Plan (EIR Impact 4.12.7.2)**

- a) **Potential Impact.** The inconsistency of the proposed project with Elk Grove General Plan policies regarding provision of trails is discussed on page 4.12-54 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Sterling Meadows Mitigation Measure MM 4.12.7.2.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation.** Project impacts to provision of trails would be mitigated to a less than significant level by the mitigation measures described above. This is because the project developer will be required to incorporate a trail system consistent with the Elk Grove General Plan policies and to the satisfaction of the City of Elk Grove.
 - (2) **Remaining Impacts.** Any remaining impacts related to provision of trails would not be significant.

7. **Impacts to Electrical Service (EIR Impact 4.12.8.1)**

- a) **Potential Impact.** The potential impact of the proposed project on the need for new electrical substations and power lines in the area is discussed on pages 4.12-57 and 4.12-58 of the DEIR and pages 5.0-37 and 5.0-38 of the FEIR.

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

Implement Sterling Meadows Mitigation Measure MM 4.12.8.1.

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

(1) **Effects of Mitigation.** The project's contribution to the need for new electrical substations and power lines will be mitigated to a less than significant level by the mitigation measures described above. This measure will limit the number of building permits that can be issued prior to completion of the Lent Ranch substation in order to ensure that adequate electrical service is available to serve all components of the proposed project.

(2) **Remaining Impacts.** Any remaining impacts related to electrical service would not be significant.

I. VISUAL RESOURCES/LIGHT AND GLARE

1. **Creation of Substantial Light and Glare (EIR Impact 4.13.2)**

- a) **Potential Impact.** The potential impact of the proposed project on the introduction of new nighttime light and glare sources is discussed on pages 4.13-5 and 4.13-6 of the DEIR and page 5.0-38 of the FEIR.

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

Implement Sterling Meadows Mitigation Measure MM 4.13.2a and MM 4.13.2b.

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

(1) **Effects of Mitigation.** The project's introduction of new nighttime light and glare source associated with project roadways and residential uses would be mitigated to a less than significant level by the mitigation measures described above. This is because the project would be required to use low-pressure sodium lamps or employ shielding, as well as use at least 50 percent low-reflectance non-polished surfaces on project surfaces. These measures would reduce the amount of light spilling from the project onto adjacent properties and would reduce glare from project structures.

(2) **Remaining Impacts.** Any remaining impacts related to creation of substantial light and glare would not be significant.

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

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

1. **Land Use:** The following specific impacts were found to be less than significant: 4.1.1, 4.1.2, 4.1.3, 4.1.4.
2. **Population, Employment and Housing:** The following specific impacts were found to be less-than significant: 4.3.1, 4.3.2, 4.3.3.
3. **Hazards and Hazardous Materials:** The following specific impacts were found to be less-than significant: 4.4.1, 4.4.2, 4.4.3, 4.4.4, 4.4.5.
4. **Traffic and Circulation:** The following specific impacts were found to be less-than significant: 4.5.1, 4.5.4, 4.5.5, 4.5.6 and 4.5.7.
5. **Noise:** The following specific impact was found to be less-than significant: 4.6.3.
6. **Air Quality:** The following specific impacts were found to be less-than significant: 4.7.3 and 4.7.4.
7. **Hydrology and Water Quality:** The following specific impact was found to be less than significant: 4.8.3.
8. **Geology and Soils:** The following specific impacts were found to be less-than significant: 4.9.2, 4.9.3 and 4.9.4.
9. **Biological and Natural Resources:** The following specific impacts were found to be less than significant: 4.10.1 and 4.10.2.
10. **Cultural Resources:** The following specific impacts were found to be less-than significant: 4.11.1 and 4.11.3.
11. **Public Services and Utilities:** The following specific impacts were found to be less than significant: 4.12.1.3, 4.12.1.5, 4.12.1.6, 4.12.2.1, 4.12.2.3, 4.12.3.1, 4.12.3.2, 4.12.4.1, 4.12.4.3, 4.12.4.4, 4.12.5.1, 4.12.5.2, 4.12.5.3, 4.12.6.1, 4.12.6.2, 4.12.7.1, 4.12.7.3, 4.12.8.2, 4.12.8.3, and 4.12.8.4.

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

1. The EIR determined that the impact is less than significant for the project.

2. The EIR determined that the impact is beneficial for the project.
3. The project entitlements result in new impacts that were less than significant.

V. Project Alternatives

A. Background - Legal Requirements

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

B. Identification of Project Objectives

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

The DEIR identified the following objectives for the Sterling Meadows project:

- Provide a mix of housing types;
- Support retail and commercial growth by providing proximate housing; and
- Provide land uses compatible with proposed development projects in the vicinity, including the Laguna Ridge Specific Plan and Lent Ranch Marketplace SPA.

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

C. Alternatives Analysis in EIR

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

1. Reduced Density Alternative:

The Reduced Density Alternative is discussed on pages 6-12 through 6-22 of the DEIR.

Findings: The Reduced Density Alternative is rejected as an alternative because:

- This alternative would not increase the City's housing stock to the same extent as the proposed project, which could lead to problems of housing availability, adequacy, and affordability.

Explanation: Draft EIR pages 6 -12 through 6-23 provide an analysis of Alternative 2 as compared to the proposed Sterling Meadows project. Environmental benefits of this alternative over the proposed Sterling Meadows project include: noise impacts would be reduced; exposure to noise impacts from agricultural activities would be decreased; cumulative, permanent noise impacts would be decreased; construction related air quality impacts would be better; traffic related operational impacts to air quality would be similar, but less intense; and overall cumulative air quality impacts would be less.

Under CEQA Guidelines Section 15126.6 (e)(2), if the environmentally superior alternative is the No project Alternative, another environmentally superior alternative must be identified. For this analysis, after the No project Alternative (Alternative 1), the Reduced Density Alternative (Alternative 2) is considered the environmentally superior alternative. Alternative 2 has no environmental impacts that are worse than those under the proposed project and has a better impact on the environmental impacts identified in the Draft EIR and above. However, it must be noted that Alternative 2 would have similar impacts to the proposed project and would not increase the City's housing stock to the same extent as the proposed project. For these economic, social and other reasons, the proposed project is deemed superior to Alternative 2.

2. Poppy Ridge Road Site Alternative:

The Poppy Ridge Road Site Alternative is discussed on pages 6-12 through 6-22 of the DEIR.

Finding: The City finds that the Poppy Ridge Road Site Alternative is less desirable than the project and is infeasible for the following reasons:

- This alternative has environmental impacts generally comparable to those of the proposed project.
- Modifications to this area may have to be made in order to allow multi-family development.

- The site is approximately 20 acres smaller and would not accommodate as many homes or require higher density development.
- Existing single-family rural residential development on the site would be displaced.
- Potential conflicts between a higher density development which does not conform to existing uses in the region.

Facts that support the finding: Draft EIR pages 6-22 through 6-33 provide an analysis of the Poppy Ridge Road Site Alternative as compared to the proposed Sterling Meadows project. Environmental benefits of this alternative over the proposed Sterling Meadows project include: land use impacts would be better; cumulative traffic impacts on study intersections would potentially be less; noise exposure from Lent Ranch would be less; construction related air quality impacts would be better; impacts to Swainson's hawk would be less; and impacts to giant garter snakes would be less.

Alternative 3 has environmental impacts similar to those of the proposed Sterling Meadows project with the exception that Land Use impacts would be worse. Alternative 3 would require a specific plan for the entire Southeast Policy area. While residential uses proposed as part of Alternative 3 would be compatible with future surrounding land uses, residents in the vicinity of the proposed Alternative 3 site may be concerned about compatibility of this alternative with surrounding uses because it would potentially involve more dense development than currently envisioned (e.g. multi-family). For these economic, social, and other reasons, the proposed project is deemed superior to Alternative 3.

3. Other Alternatives

Other alternatives were considered but rejected from further consideration. These alternatives included: An alternative that proposes a higher density of residential development on the project site.

- (a) **Findings:** The "Other Alternative" described above was rejected as an alternative to specific project features because it would not have any less adverse impacts than the proposed project, but would have more adverse impacts on issues such as transportation and circulation, noise, air quality, and public services.
- (b) **Explanation:** The Other Alternatives were determined to be infeasible, would not achieve the project objectives and resulted in additional environmental impacts when compared to the proposed project.

4. No Project/No Development Alternative

The No Project/No Development Alternative is discussed on pages 6-1 through 6-12 of the DEIR. As required by CEQA, this alternative assumes that no development would occur in the project area, other than existing agricultural uses.

- (a) **Findings:** The No project/No Development Alternative is rejected as an alternative because it would not achieve the project's objectives nor the objectives of the City.

- (b) **Explanation:** This alternative would not realize the benefits of the project or achieve any of the project objectives. The No project/No Development Alternative would not provide a mix of housing types, support retail and commercial growth by providing proximate housing nor provide land uses compatible with proposed development projects in the vicinity, including the Laguna Ridge Specific Plan and Lent Ranch Marketplace SPA.

VI. Statements of Overriding Considerations Related to the Sterling Meadows project Findings

- A. Increased Housing Opportunities.** The proposed Sterling Meadows project would increase the City's housing stock through the addition of a variety of housing types and densities. The project proposes development of up to 984 single family residential units and designation of a high density residential site to accommodate multi-family residential units. The project would provide more housing options for residents of Elk Grove and the high density residential site will assist the City in maintaining adequate sites to accommodate its fair share of the Regional Housing Needs Allocation. An added benefit is that the housing would be located in close proximity to planned and proposed retail and commercial developments including Laguna Ridge and Lent Ranch Marketplace.
- B. Compatibility with Surrounding Land Uses.** The proposed project would provide a mix of urban uses which are compatible with proposed and planned developments in the area. These include the Lent Ranch Marketplace to the east, the Southeast Policy Area to the immediate north and west and the Laguna Ridge Specific Plan to the northwest.
- C. Increased Tax Revenues.** The proposed project would increase tax revenues as development of uses proposed on the site would result in increased property tax values.
- D. Provision of Public Facilities.** The proposed project would also allocate land within the project site to accommodate a fire station, sewer lift station, park uses, and a drainage/detention basin that would expand the City's public facilities services and utility systems. The project would contribute its fair share contribution to the funding of these facilities. Roadways proposed by the project would improve connectivity between adjacent uses and would contribute to development of planned roadway facilities. Through payment of development impact fees, the project would contribute to the development of public facilities and improvements planned for the City. Construction of the fire station will reduce response times and improve the level of fire protection services in southeast Elk Grove.

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

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

EXHIBIT B

MITIGATION MONITORING
AND
REPORTING PROGRAM

FOR THE

STERLING MEADOWS EIR

SCH# 1999122067

PREPARED BY:

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

EXHIBIT "B" – MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
PRIOR TO APPROVAL OF TENTATIVE MAP AND/OR DESIGN REVIEW		
<p>1. MM 4.7.2a - Air Quality Plan</p> <p>The project applicant shall update its Air Quality Plan to reflect the current project map. The Plan shall reflect current transit services and any revisions to the SMAQMD Land Use Emissions Reduction measures to ensure the project's compliance with the General Plan policy CAQ-30. The updated plan shall be submitted to the SMAQMD and the City of Elk Grove for approval.</p>	<p><i>Prior to tentative map approval. All measures shall be implemented during all phases of the project as required in the plan.</i></p>	<p><i>City of Elk Grove Development Services – Planning and SMAQMD.</i></p>
<p>2. MM 4.10.7 – Valley Elderberry Longhorn Beetle Protection/Restoration</p> <p>The project applicant shall revise the site plan of the Sterling Meadows project to avoid impacts to potential habitat for VELB, if feasible, prior to approval of the tentative map. If project development is required in areas that may impact elderberry shrubs containing stems measuring 1.0 inch or greater in diameter at ground level (development within 100 feet of shrub dripline), the project applicant shall perform one of the following measures prior to issuance of grading permits or approval of improvement plans, whichever occurs first:</p> <ol style="list-style-type: none"> 1) Fence and flag all areas to be avoided during construction activities. In areas where encroachment on the 100-foot buffer has been approved by the USFWS, provide a minimum setback of at least 20 feet from the dripline of each elderberry plant. 2) Brief contractors on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements. 3) Erect signs every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species and must not be 	<p><i>Prior to tentative map approval, if feasible to avoid, or prior to issuance of grading permits or approval of improvement plans, whichever occurs first.</i></p>	<p><i>The City of Elk Grove Development Services, Planning and USFWS</i></p>

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
<p>disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines and imprisonment.” The signs should be clearly readable from a distance of 20 feet and must be maintained for the duration of construction.</p> <p>4) Instruct work crews about the status of the beetle and the need to protect its elderberry host plant.</p> <p><u>Restoration and Maintenance</u></p> <ol style="list-style-type: none"> 1) Restore any damage done to the buffer area (area within 100 feet of elderberry plants) during construction. Provide erosion control and re-vegetate with appropriate native plants. 2) Buffer areas must continue to be protected after construction from adverse effects of the project. Measures such as fencing, signs, weeding and trash removal are usually appropriate. 3) No insecticides, herbicides, fertilizers or other chemicals that might harm the beetle or its host plant should be used in the buffer areas, or within 100 feet of any elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level. 4) The applicant must provide a written description of how the buffer areas are to be restored, protected and maintained after construction is completed. 5) Mowing of grasses/ground cover may occur from July through April to reduce fire hazard. No mowing should occur within five feet of elderberry plant stems. Mowing must be done in a manner that avoids damaging plants (e.g., striping away bark through careless use of mowing/trimming equipment). <p>If the shrub cannot be avoided, then a mitigation plan shall be developed in consultation with USFWS consistent with the conservation guidelines for the valley elderberry longhorn beetle (which likely includes one or more of the following), shall be implemented:</p>		

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
<ul style="list-style-type: none"> • Obtain credits at an approved mitigation bank; or • Implement an onsite mitigation and monitoring plan that includes transplantation of the shrub and planting of elderberry seedlings. • The mitigation plan shall be approved by the USFWS prior to acceptance by the City. Any required onsite mitigation shall be incorporated into subsequent improvement and construction plans. 		
<p>3. MM 4.13.2b – Exterior Materials for Non-residential Structures</p> <p>Exterior building materials on nonresidential structures shall be composed of at least 50 percent low-reflectance non-polished surfaces. All bare metallic surfaces shall be painted with flat finishes to reduce reflected glare.</p>	<p><i>Prior to design review and issuance of building permits.</i></p>	<p><i>City of Elk Grove Development Services Department, Planning.</i></p>
<p>PRIOR TO APPROVAL OF GRADING PERMIT / IMPROVEMENT PLAN AND DURING CONSTRUCTION ACTIVITY</p>		

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
<p>4. MM 4.2.1 – Farmland Preservation</p> <p>The applicant shall protect one acre of existing farmland or land of equal or higher quality for each acre of Prime Farmland, Unique Farmland or Farmland of Statewide Importance (200 acres) that would be developed as a result of the project. This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction or other appropriate farmland conservation mechanism that ensures the preservation of that land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's hawk foraging habitat mitigation). The farmland/wildlife habitat land to be preserved shall be located within Sacramento County, outside the City of Elk Grove city limits, bounded by Hood-Franklin Road, Kammerer Road, Grant Line Road and the Jackson Highway, by Dillard Road and Clay Station Road, by the Sacramento County line, and by the Sacramento River, and must have adequate water supply to support agricultural use. In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving farmlands in proximity to other protected lands. The preservation of off-site farmland may be done at one time, prior to the City's approval of the project's first grading permit, or may be done in increments with the build-out of the project, with preservation occurring prior to each grading permit approval. Grading plans shall include the acreage and type of farmland impacted. In addition, the City shall impose the following minimum conservation easement content standards:</p> <p>a) All owners of the agricultural/wildlife habitat mitigation land shall execute the document encumbering the land.</p> <p>b) The document shall be recordable and contain an accurate legal description of the agricultural/wildlife habitat mitigation land.</p> <p>c) The document shall prohibit any activity which substantially impairs or diminishes the agricultural productivity of the land. If the conservation easement is also proposed for wildlife habitat mitigation purposes, the document shall also prohibit any activity which substantially impairs or</p>	<p><i>Prior to the issuance of grading permits.</i></p>	<p><i>City of Elk Grove Development Services – Planning.</i></p>

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
<p>diminishes the wildlife habitat suitability of the land.</p> <p>d) The document shall protect any existing water rights necessary to maintain agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the agricultural/wildlife habitat mitigation land.</p> <p>e) Interests in agricultural/habitat mitigation land shall be held in trust by an entity acceptable to the City and/or by the City. The entity shall not sell, lease, or convey any interest in agricultural/wildlife habitat mitigation land which it shall acquire without the prior written approval of the City.</p> <p>f) The applicant shall pay to the City an agricultural/wildlife habitat mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15% of the easement price paid by the applicant.</p> <p>g) The City shall be named a beneficiary under any document conveying the interest in the agricultural/wildlife habitat mitigation land to an entity acceptable to the City.</p> <p>h) If any qualifying entity owning an interest in agricultural/wildlife habitat mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City.</p> <p>i) Before committing to the preservation of any particular farmland pursuant to this measure, the Project proponent shall obtain the City's approval of the farmland proposed for preservation.</p>		
<p>5. MM 4.5.2 Completion of Interchange Prior to approval of improvement plans for the Sterling Meadows project,</p>	<p><i>Prior to the approval of improvement plans for the project, or, if applicable, for</i></p>	<p><i>City of Elk Grove Development Services – Planning and Public</i></p>

	MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
	the ultimate improvements to the Grant Line Road/SR 99 Interchange Reconstruction Project shall be constructed and operational.	<i>each phase of the project.</i>	<i>Works Departments</i>
6.	<p>MM 4.5.3 Traffic Signal Evaluation</p> <p>Prior to approval of improvement plans for the project, or for each phase of the project if it develops in phases, the project applicant shall submit an evaluation of the need for traffic signals at intersections within the project site to the City of Elk Grove Development Services for review and approval. The project applicant shall construct traffic signals at all intersections within or immediately adjacent the project site, such as the intersection of Lotz Parkway with Kammerer Road, where signalization is warranted and deemed necessary by the City.</p>	<i>Prior to the approval of improvement plans for the project, or, if applicable, for each phase of the project.</i>	<i>City of Elk Grove Development Services – Public Works</i>
7.	<p>MM 4.6.1a – Hours for Construction</p> <p>Site preparation and construction activities shall be limited to between the hours of 7:00 A.M. to 7:00 P.M. whenever such activity is adjacent to residential uses (Elk Grove General Plan Policy NO-3-Action 1). Construction equipment maintenance shall be limited to the same hours.</p>	<i>Included as a note in all project construction plans and implemented during all construction phases of the project.</i>	<i>City of Elk Grove Development Services Department, Planning and Public Works Department.</i>
8.	<p>MM 4.6.1b – Construction Mitigation</p> <p>The project applicant shall prepare construction specifications that require the contractor to perform the following tasks:</p> <ul style="list-style-type: none"> • Equip all construction equipment with appropriate mufflers in good working condition. • Locate stationary construction equipment and construction staging areas as far from noise sensitive uses as feasible. 	<i>Included as a note in all grading and improvement plans during all grading and construction phases of the project.</i>	<i>City of Elk Grove Development Services Department, Planning and Public Works Department</i>

	MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
	<ul style="list-style-type: none"> • Install temporary or portable acoustic barriers around the equipment and staging area when within 100 feet or less of residential properties or other sensitive uses. 		
9.	<p>MM 4.6.1c - Construction Information Posting</p> <p>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 onsite 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.</p>	<p><i>Included as a note in all grading and improvement plans during all grading and construction phases of the project.</i></p>	<p><i>City of Elk Grove Development Services Department, Planning and Public Works Department</i></p>
10.	<p>MM 4.6.1d - Pile Driving Activity</p> <p>Prior to the commencement of any pile driver operation in proximity to residential areas, an assessment of vibrations induced by pile driving at the site shall be completed. 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. This requirement shall be included as a note in all project construction plans.</p>	<p><i>Prior to any pile driving activities</i></p>	<p><i>City of Elk Grove Development Services Department, Planning and Public Works Department</i></p>
11.	<p>MM 4.6.2a – Sound Wall between Parks & Residential</p> <p>A six-foot high wall of solid masonry material shall be constructed between any park uses located adjacent to residential uses. The location of these</p>	<p><i>Prior to approval of improvement plans</i></p>	<p><i>City of Elk Grove Development Services Department, Planning and Public Works</i></p>

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
walls shall be shown on improvement plans.		<i>Department</i>
<p>12. MM 4.6.2b – Sound Wall between Multi-family & Single Family</p> <p>A six-foot high wall of solid masonry material shall be constructed between multi-family uses and any adjacent single-family uses. The location of these walls shall be shown on improvement plans.</p>	<i>Prior to approval of improvement plans.</i>	<i>City of Elk Grove Development Services Department, Planning and Public Works Department</i>
<p>13. MM 4.6.4 – Sound Wall between Residential and Ag Use</p> <p>The project applicant shall construct a six (6) foot high wall of solid masonry material to provide a noise buffer between the residential and adjacent agricultural uses. The wall shall be constructed where residential uses border adjacent agricultural land uses to the west.</p> <p>In lieu of constructing the solid masonry wall, the project developer may provide a 100-foot buffer between the residential and agricultural land use areas. Roadways between the residential uses and agricultural areas are considered part of the 100-foot buffer. Phasing the project and developing the residential areas 100 feet or more from the agricultural uses would provide this buffer. The solid masonry wall or buffer would not be required at the time that the adjacent property is no longer zoned for agricultural use.</p>	<i>Prior to approval of Improvement Plans. Wall shall be construction prior to issuance of building permits.</i>	<i>City of Elk Grove Development Services Department, Planning and Public Works Department</i>
<p>14. MM 4.6.5 – Sound Wall along B Drive, Lotz Parkway & Kammerer Road</p> <p>To mitigate exposure to noise from surrounding roadways and internal uses,</p>	<i>Prior to approval of improvement plans.</i>	<i>City of Elk Grove Development Services Department, Planning</i>

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
the project applicant shall construct a 6-foot high solid masonry wall along B Drive, a 7-foot high solid masonry wall along Lotz Parkway and an 8-foot high solid masonry wall along Kammerer Road. The location of these walls shall be shown on improvement plans.		<i>and Public Works Department</i>
<p>15. MM 4.7.1a – Construction Mitigation</p> <p>The project applicant shall require that the contractor limit vehicle speed for onsite construction vehicles to 15 mph when winds exceed 20 miles per hour.</p>	<i>This measure shall be implemented during all grading and construction phases of the project and shall be included as a note on all project construction plans.</i>	<i>City of Elk Grove Development Services and SMAQMD</i>
<p>16. MM 4.7.1b – Construction Mitigation</p> <p>The project applicant shall require that the contractors water all haul roads at least twice daily during construction activities.</p>	<i>This measure shall be implemented during all grading and construction phases of the project and shall be included as a note on all project construction plans</i>	<i>City of Elk Grove Development Services and SMAQMD</i>
<p>17. MM 4.7.1c – Construction Mitigation</p> <p>Wash dirt off construction vehicles and equipment within the staging area prior to leaving the construction site.</p>	<i>This measure shall be implemented during all grading and construction phases of the project and shall be included as a note on all project construction plans</i>	<i>City of Elk Grove Development Services and SMAQMD</i>
<p>18. MM 4.7.1d – Construction Mitigation</p> <p>The project applicant shall require that, when transporting materials by truck</p>	<i>This measure shall be implemented during all grading and construction phases of the project and</i>	<i>City of Elk Grove Development Services and SMAQMD</i>

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	during construction activities, two feet of freeboard shall be maintained by the contractor, and that the materials are covered.	<i>shall be included as a note on all project construction plans</i>	
19.	<p>MM 4.7.1e – Construction Mitigation</p> <p>Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas and staging areas.</p>	<i>This measure shall be implemented during all grading and construction phases of the project and shall be included as a note on all project construction plans project</i>	City of Elk Grove Development Services and SMAQMD
20.	<p>MM 4.7.1f – Construction Mitigation</p> <p>The project shall provide a plan for approval by SMAQMD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction; and,</p> <p>The project applicant shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.</p>	<i>Plan shall be submitted to SMAQMD for review and approval prior to approval of grading and improvement plans and shall be implemented during all grading and construction phases of the project.</i>	City of Elk Grove Development Services and SMAQMD

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21.	<p>MM 4.7.1g – Construction Mitigation</p> <p>The project applicant shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.</p>	<p><i>Prior to issuance of grading permit and during all grading and construction phases of the project.</i></p>	<p><i>City of Elk Grove Development Services and SMAQMD</i></p>
22.	<p>MM 4.7.1h – Construction Mitigation – Street Washing</p> <p>The project applicant shall require paved streets adjacent to construction sites to be washed or swept daily to remove accumulated dust.</p>	<p><i>This measure shall be implemented during all grading and construction phases of the project and shall be included as a note on all project construction plans.</i></p>	<p><i>City of Elk Grove Development Services and SMAQMD</i></p>
23.	<p>MM 4.7.1i – SMAQMD Construction Emissions Fees</p> <p>The project applicant shall be required to pay SMAQMD fees to mitigate NOx emissions. Fees shall be paid in accordance with SMAQMD</p>	<p><i>Prior to issuance of grading permit.</i></p>	<p><i>City of Elk Grove Development Services and SMAQMD</i></p>

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	calculations.		
24.	<p>MM 4.7.2b - SMAQMD Operational Emissions Fees</p> <p>The project applicant shall pay off-site in-lieu fees, as determined by SMAQMD, for operational air quality emissions in excess of the SMAQMD thresholds.</p>	<i>Prior to approval of improvement plans.</i>	<i>City of Elk Grove Development Services Planning and SMAQMD</i>
25.	<p>MM 4.8.1 - SWPPP</p> <p>Prior to the issuance of grading permits, the project applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) which describe the site, erosion and sediment controls, means of waste disposal, control of post-construction sediment and erosion control measures and maintenance responsibilities, water quality monitoring and reporting during storm events (which will be responsibility of the project applicant), corrective actions for identified water quality problems and non-storm water management controls. The SWPPP shall address spill prevention and include a countermeasure plan describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. The measures included in the SWPPP shall ensure compliance with applicable regional, state and federal water quality standards. These measures shall be consistent with the City's Drainage Manual and Land Grading and Erosion Control Ordinance which may include (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage facilities from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5)</p>	<i>Prior to issuance of grading permits.</i>	<i>City of Elk Grove Development Services Department, Planning and Public Works Department</i>

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<p>use of temporary water conveyance and water diversion structures to eliminate runoff; and (6) any other suitable measures. The SWPPP shall be submitted to the City for review. The applicant shall require all construction contractors to retain a copy of the approved SWPPP on each construction site.</p>		
<p>26. MM 4.8.2a - BMPs</p> <p>The project applicant shall implement BMPs to ensure that long-term water quality is protected. The BMPs shall be designed, constructed and maintained to meet a performance standard established by the City and shall conform to the provisions of the City's NPDES permit. The City or project applicant shall retain a qualified specialist to monitor the effectiveness of the BMPs selected. Monitoring activities, along with funding for monitoring, shall be established and shall include, but not be limited to, initial setup, annual maintenance, and annual monitoring.</p> <p>The project shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. The two main categories of these BMPs are "source control" and "treatment control." Source control BMPs are usually the most effective and economical in preventing pollutants from entering storm and non-storm runoff. Source control BMPs relevant to the proposed project that shall be implemented include:</p> <ol style="list-style-type: none"> 1) Public Education/Participation activities. Information shall be provided to new project residents regarding pollution prevention; 2) Illegal Dumping controls. The Covenants, Conditions, and Restrictions (C, C, & R's) for the project shall include a prohibition on the dumping of waste products (solid waste/liquid waste and yard trash) into storm drain systems, open space areas, and creeks; 3) Stormwater pollution source controls shall be conditioned to provide a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each storm drain inlet. This may be accomplished with a stamped concrete impression (for curbs) or 	<p><i>BMPs and implementation procedures shall be submitted and approved by the City prior to issuance of grading permit; BMPs shall be implemented and monitored throughout the life of the project.</i></p>	<p><i>City of Elk Grove Development Services Department – Public Works.</i></p>

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	<p>manufactured colored tiles, which are epoxied in place adjacent to the inlet (for parking lots and areas without curbs).</p> <p>4) Street and storm drain maintenance activities. These activities control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped material from storm channels and creeks. (The City of Elk Grove would be responsible for regular storm drain maintenance within the public right of way; grease traps and other stormwater quality control devices on private property shall be maintained by the project.)</p>		
27.	<p>MM 4.8.2b – Water Quality Control Features</p> <p>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 developer shall submit designs of the areas to the City for review and approval prior to approval of the improvement plans. Water quality control features shall be consistent with the City's NPDES permit (NPDES No. CAS082597).</p>	<p><i>Prior to approval of improvement plans for each water quality facility.</i></p>	<p><i>City of Elk Grove Development Services – Planning and Public Works.</i></p>
28.	<p>MM 4.8.2c – Non-Residential Storage Areas away from Drainage</p> <p>Non-residential development shall be required to locate all storage areas away from any drainage features and provide water quality control measures in storm drainage facilities such as grease and sediment traps, vegetative filters, and containment structures for hazardous materials. This requirement shall be reflected on site plans and improvement plans. Water quality control features shall be consistent with the City's NPDES permit (NPDES No. CAS082597).</p>	<p><i>Prior to approval of site plans and improvement plan for non-residential development.</i></p>	<p><i>City of Elk Grove Development Services – Public Works.</i></p>
29.	<p>MM 4.8.2d – Detention Basin Design</p>	<p><i>Prior to issuance of grading permits or improvement</i></p>	<p><i>City of Elk Grove Development Services</i></p>

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	<p>The project applicant shall consult with the City when designing the proposed detention basin. The developer shall submit detention basin designs and proposed plantings for in and around the detention basin for review and approval by the City. Development of the detention basin shall be subject to BMPs identified in mitigation measure MM 4.8.1.</p>	<p><i>plans.</i></p>	<p><i>Department, Planning, Public Works and RWQCB.</i></p>
30.	<p>MM 4.8.4 – Demonstrate Adequate Drainage Facilities</p> <p>Prior to the approval of improvement plans, the project applicant shall be required to demonstrate that permanent drainage facilities will adequately serve the project, or phase of the project, consistent with City standards. The project applicant shall demonstrate that increases in off-site flooding impacts will not result, and that the planned drainage facilities are either available or will be available upon site development. This demonstration may take the form of final plans and/or reports, which shall be reviewed and approved by the City. Interim storm drainage facilities shall be considered on a case-by-case basis to meet this mitigation measure.</p>	<p><i>Prior to the approval of improvement plans for each phase of the project.</i></p>	<p><i>City of Elk Grove Development Services Department – Public Works</i></p>
31.	<p>MM 4.10.3 – Swainson’s Hawk Foraging Habitat Mitigation</p> <p>In order to mitigate for the loss of Swainson’s hawk foraging habitat to a less than significant level, the project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for Swainson’s hawk, as determined by the CDFG. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the CDFG. The amount of land preserved shall be governed by a 1:1 mitigation ratio for each acre developed (200 acres) at the project site. In deciding whether to approve the land proposed for preservation by the project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site</p>	<p><i>Prior to the issuance of grading permits or any other site disturbance, such as clearing or grubbing or the approval of improvement plans, whichever occurs first.</i></p>	<p><i>City of Elk Grove Development Services, Planning.</i></p>

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<p>improvements, whichever occurs first. In addition, the City shall impose the following minimum conservation easement content standards:</p> <ul style="list-style-type: none"> A) The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the CDFG. B) All owners of the mitigation land shall execute the document encumbering the land. C) The document shall be recordable and contain an accurate legal description of the mitigation land. D) The document shall prohibit any activity, which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat. E) If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land. F) The applicant shall pay to the City a mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15% of the easement price paid by the applicant. G) Interests in mitigation land shall be held in trust by an entity acceptable to the City and/or the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land, which it shall acquire without the prior written approval of the City. H) The City shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the City. I) If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City or to the City. 		

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<p>Before committing to the preservation of any particular land pursuant to this measure, the project proponent shall obtain the City's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is determined by the Department of Fish and Game to be suitable Swainson's hawk habitat.</p>		
<p>32. MM 4.10.4a – Raptor Survey</p> <p>If construction is proposed during the raptor breeding season (February–August), a focused survey for ground nesting raptors (including burrowing owls), migratory bird nests, and bat roosts shall be conducted within 30 days prior to the beginning of construction activities by a qualified biologist in order to identify active nests onsite. If active nests are found, no construction activities shall take place within 250 feet of the nest until the young have fledged. This 250-foot construction prohibition zone may be reduced based on consultation and approval by the CDFG. If no active nests are found during the focused survey, no further mitigation will be required.</p>	<p><i>Within thirty (30) days prior to construction activities during breeding season of February - August.</i></p>	<p><i>City of Elk Grove Development Services Planning.</i></p>
<p>33. MM 4.10.4b – Burrowing Owl Survey</p> <p>Within 30 days prior to the onset of construction activities outside of the breeding season (September–January), a qualified biologist shall conduct a burrow survey to determine if burrowing owls are present on the project site. If burrowing owls are observed on the site, measures shall be implemented to ensure that no owls or active burrows are inadvertently buried during construction. Such measures include: flagging the burrow and avoiding disturbance; securing and preserving suitable habitat offsite; passive relocation and/or active relocation to move owls from the site. All measures shall be determined by a qualified biologist and approved by the CDFG.</p>	<p><i>Within thirty (30) days prior to construction activities during non-breeding season of September-January.</i></p>	<p><i>City of Elk Grove Development Services Planning.</i></p>

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	<p>All burrowing owl surveys shall be conducted according to CDFG protocol. The protocol requires, at a minimum, four field surveys of the entire site and areas within 500 feet of the site by walking transects close enough that the entire site is visible. The survey shall be at least three hours in length, 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 burrowing owls are typically less active and visible.</p>		
34.	<p>MM 4.10.4c – Burrowing Owl Mitigation</p> <p>Pursuant to the MBTA and the California Fish and Game Code, if active songbird nests or active owl burrows are found within the survey area, clearing and construction shall be postponed or halted 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. 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 orange mesh temporary fencing. No construction activities or personnel shall enter the protected area, except with approval of the biologist.</p>	<p><i>Prior to construction activities.</i></p>	<p><i>City of Elk Grove Development Services Planning.</i></p>
35.	<p>MM 4.10.5 – Onsite Wetland Surveys</p> <p>The applicant can forego surveys required under A) and assume presence of listed vernal pool invertebrates in the appropriate water features on the site. Mitigation responsibilities would then commence with B).</p>	<p><i>Prior to issuance of grading permit or approval of improvement plans, whichever occurs first.</i></p>	<p><i>City of Elk Grove Development Service, Planning and USFWS</i></p>

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<p>The applicant shall evaluate wetland features on the project site to determine their suitability to support listed vernal pool invertebrates.</p> <p>A) Protocol level surveys (using methodologies approved by the United States Fish and Wildlife Service) shall be employed to determine if the wetland features on site support listed vernal pool invertebrates. <u>If it is determined that these features do not support listed vernal pool invertebrates</u>, no additional mitigation for this impact is necessary.</p> <p>B) If it is determined that listed vernal pool invertebrates are present, the applicant shall receive authorization from the United States Fish and Wildlife Service to impact these features. Mitigation for impacts shall include creation, restoration and/or preservation of listed vernal pool invertebrate habitat at no less than 3 acres of habitat created, restored and/or preserved for each acre impacted. Mitigation can be completed through purchase of credits in a United States Fish and Wildlife Service approved mitigation bank.</p>		
<p>36. MM 4.10.6a – GGS Pre-construction Survey</p> <p>Within 30 days prior to commencement of construction activities, a pre-construction survey of land within 200 feet of all wetlands, channels, ponds, and other such waterways within the project site shall be conducted by a qualified biologist retained by the City and funded by the project applicant who is approved by the USFWS's Sacramento Fish and Wildlife Office. In order to protect snakes, de-watering of areas within the site shall not occur prior to completion of the pre-construction surveys. 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 shall be retained by the City and funded by the project applicant to routinely monitor construction activities. If a snake is encountered during construction activities, the monitoring biologist shall</p>	<p><i>Within thirty (30) days prior to grading and/or commencement of construction activities.</i></p>	<p><i>City of Elk Grove Development Services, Planning.</i></p>

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<p>contact the City Community Development Department, Planning Division and will 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.</p> <p>GGs 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.</p>		
<p>37. MM 4.10.6b – GGS Identified - Protocol</p> <p>If a GGS is identified within the project site either during pre-construction surveys or during construction, the following shall occur:</p> <ol style="list-style-type: none"> 1) The City of Elk Grove shall be notified; 2) The City shall suspend all construction activities on the site of the sighting and along any water feature within the plan area that is hydrologically connected to the site of the sighting; 3) Protocol surveys shall be conducted by qualified biologists retained by the City and funded by the project applicant who are approved by the Service's Sacramento Fish and Wildlife Office; 4) The project applicant shall consult with the USFWS and CDFG to determine appropriate mitigation for the species and habitat loss, possibly including Section 10 consultation with the USFWS and Section 2081 consultation with the CDFG; and, 5) The project applicant shall provide the City with proof of the consultation and compliance with USFWS and CDFG mitigation requirements before construction activities may resume. 	<p><i>Prior to and during construction activities.</i></p>	<p><i>City of Elk Development Services, Planning and USFWS and CDFG</i></p>

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<p>38. MM 4.10.6c – GGS Mitigation</p> <p>No grading or other construction activities shall be conducted from October 1 to April 30, which is the inactive period of the GGS. 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. A “no grading” period from October 1 to April 30 will apply to portions of the project site located within 1,000 feet of ditches, canals, ponds, wetlands or other such areas and shall be identified on improvement plans. This mitigation measure does not apply to land areas where surveys within the active period of the snake have been conducted and which failed to identify snakes.</p>	<p><i>Prior to issuance of grading permits, or approval of improvement plans, whichever occurs first, and during construction activity.</i></p>	<p><i>City of Elk Grove Development Services, Planning.</i></p>
<p>39. MM 4.10.6d - Dewatering</p> <p>Dewatering of ponds, ditches, canals and other such areas may begin any time after November 1, but no later than April 1 of the following year only after the absence of the species is determined. All water must be removed by April 15, or as soon thereafter as weather permits, and the habitat must remain dry without any standing water for 15 consecutive days after April 15 and prior to excavating or filling the dewatered habitat.</p>	<p><i>Prior to and during construction activity.</i></p>	<p><i>City of Elk Grove Development Services, Planning.</i></p>
<p>40. MM 4.10.6e – GGS Awareness Program</p> <p>Construction personnel shall participate in a USFWS-approved worker environmental awareness program. Under this program, workers shall be</p>	<p><i>Prior to project grading and construction.</i></p>	<p><i>City of Elk Grove Development Services, Planning</i></p>

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	<p>informed about the presence of GGSs 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 USFWS shall instruct all construction personnel about: (1) the life history of the GGS; (2) the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, such as rice fields, to the GGS; and (3) the terms and conditions of the biological opinion. Proof of this instruction shall be submitted to the City and the Sacramento U.S. Fish and Wildlife Office.</p>		
41.	<p>MM 4.10.8a – Waters of the US Mitigation</p> <p>The applicant shall ensure that the project will result in no-net-loss of waters of the US. The project applicant shall provide mitigation through impact avoidance, impact minimization and compensatory mitigation for any impacts to the 0.7396 acres of waters of the US. Compensatory mitigation shall require purchase of credits in an Army Corps of Engineers approved mitigation bank at a ratio no less than one acre purchased for each are impacted.</p>	<p><i>Prior to project grading permit or approval of improvement plans, whichever occurs first.</i></p>	<p><i>City of Elk Grove Development Services, Planning and ACOE.</i></p>
42.	<p>MM 4.10.8b – Non-jurisdictional Waters Mitigation</p> <p>The applicant shall ensure that the project will result in no net loss of non-jurisdictional wetlands and seasonal waters. The project applicant shall mitigate for loss or disturbance of these features, including the 0.3801 acres of non-jurisdictional seasonal wetlands present on the site, through impact avoidance, impact minimization and compensatory mitigation. Compensatory mitigation shall require purchase of credits at a City approved mitigation bank at a ratio of no less than one acre purchased for each acre impacted.</p>	<p><i>Prior to project grading permit or approval of improvement plans, whichever occurs first.</i></p>	<p><i>City of Elk Grove Development Services, Planning.</i></p>

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<p>43. MM 4.11.2a – Cultural Resources</p> <p>If any prehistoric or historic artifacts or other indications of archaeological or paleontological resources are found once the project construction is underway, all work in the immediate vicinity must stop and the City shall be immediately notified. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be retained to evaluate the finds and recommend appropriate mitigation measures.</p>	<p><i>As a condition of project approval, and implemented during construction activities. This measure shall be included as a note on all project construction plans.</i></p>	<p><i>City of Elk Grove Development Services, Planning.</i></p>
<p>44. MM 4.11.2b - Cultural Resources</p> <p>If human remains are discovered, all work must stop in the immediate vicinity of the find and the County Coroner must be notified, according to Section 7050.5 of California's Health and Safety Code. If the remains are Native American, the coroner shall notify the Native American Heritage Commission, which in turn shall inform a most likely descendant. The descendant shall then recommend to the landowner appropriate disposition of the remains and any grave goods.</p>	<p><i>As a condition of project approval, and implemented during construction activities. This measure shall be included as a note on all project construction plans.</i></p>	<p><i>City of Elk Grove Development Services, Planning.</i></p>
<p>45. MM 4.12.1.1- Fire Flow and other standard Fire requirements.</p> <p>As a condition of development entitlements, all development 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 applicant shall also pay the Fire Protection Development Fee in effect at the time of building permit issuance.</p>	<p><i>During construction activities and prior to improvement plan approval. This measure shall be included as a note on all project construction plans.</i></p>	<p><i>City of Elk Grove Development Services and Cosumnes Community Services District</i></p>

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46.	<p>MM 4.12.1.2a - Water Requirements to Serve Project</p> <p>Prior to approval of improvement plans, the project applicant shall demonstrate that all required water mains, fire hydrants, and fire flow requirements necessary to serve the project are provided prior to the existence or storage of any combustible construction material on the project site, and that the installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, meets the standards of the <i>Cosumnes Community Services District</i> and the water purveyor.</p>	<p><i>Prior to improvement plan approval.</i></p>	<p><i>City of Elk Grove Development Services and Cosumnes Community Services District</i></p>
47.	<p>MM 4.12.1.2b – Water Supply System Plans</p> <p>Prior to approval of improvement plans, the water supply system plans for the subdivisions shall be reviewed by the City to ensure adequate fire flows for the project as specified by the <i>Cosumnes Community Services District</i>.</p>	<p><i>Prior to improvement plan approval.</i></p>	<p><i>City of Elk Grove Development Services. Cosumnes Community Services District.</i></p>
48.	<p>Revision: MM 4.12.1.4a – Fair Share for Facilities</p> <p>Developer shall reserve a Fire Station Parcel in the tentative subdivision map for future acquisition by CCSD. CCSD shall construct the Permanent Fire Station, in addition to adequate temporary fire facilities, for the Project.</p> <p>Developer shall provide all necessary infrastructure to provide public utilities to the Fire Station Parcel, which may include but is not limited to power, water, sewer, and storm drainage hook-ups, as well as providing an emergency signal at the entrance to the Fire Station Parcel and curb, sidewalk, gutters and other facilities required by the City along the Fire Station Parcel roadways.</p> <p>Developer shall pay all Fire Facilities Impact Fees assessed prior to issuance of building permits for the Project including, without limitation, any</p>	<p><i>Fire Station Site reservation through tentative map</i></p> <p><i>Infrastructure provision through improvement plans</i></p> <p><i>Facilities fees paid at issuance of building permits</i></p>	<p><i>City of Elk Grove Development Services and CCSD.</i></p>

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
<p>fees related to the construction of permanent and temporary fire facilities. If Developer fails to promptly pay any and all required Fire Facilities Impact Fees, the CCSD and City may take any and all actions necessary to collect all Fire Facility Impact Fees, including, but not limited to, suspending the construction of the Permanent Fire Station and/or withholding building permits.</p>		
<p>49. MM 4.12.1.4b – Pre-Emption Device Installation</p> <p>All signalized intersections installed by the project developer shall be equipped with traffic pre-emption devices at the time of installation.</p>	<p><i>Prior to approval of improvement plans.</i></p>	<p><i>City of Elk Grove Development Service-Public Works and CCSD</i></p>
<p>50. MM 4.12.4.2a - Water System Alternative at well sites</p> <p>SCWA shall review and approve the water system alternative to be implemented and the two well sites prior to improvement plan or final map approval by the City of Elk Grove.</p>	<p><i>Prior to approval of improvement plans or final map, whichever occurs first.</i></p>	<p><i>City of Elk Grove Development Services - Public Works Department and SCWA</i></p>
<p>51. MM 4.12.7.2 – Trail System Plans</p> <p>Prior to approval of grading or improvement plans, the applicant shall resubmit plans, which incorporate a trail system consistent with Elk Grove General Plan policies and to the satisfaction of the City of Elk Grove.</p>	<p><i>Prior to approval of grading and/or improvement plans</i></p>	<p><i>City of Elk Grove Development Services Department- Planning and CCSD</i></p>
<p>52. MM 4.13.1a - Wall Design</p> <p>Where solid fences and walls are used, the color and material used shall blend with the features of the surrounding area. Continuous fences and</p>	<p><i>Prior to approval of improvement plans and Landscape plan.</i></p>	<p><i>City of Elk Grove Development Services Department - Planning.</i></p>

	MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
	walls shall be softened with landscaping. Solid fence and wall designs shall be included in all landscaping plans.		
53.	<p>MM 4.13.1b – Landscape Buffer Requirements</p> <p>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 Lent Ranch Marketplace project and existing agricultural uses. The use of this material shall screen the project from these uses and minimize the potential for light and glare impacts.</p>	<i>Prior to approval of improvement plans or Landscape plans.</i>	<i>City of Elk Grove Development Services - Planning</i>
54.	<p>MM 4.13.2a – Street Light Requirements</p> <p>Street light fixtures shall use low-pressure sodium lamps or other similar lighting fixture and shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps shall be prohibited. Offsite illumination shall not exceed two-foot candles. Street lighting plans shall be submitted with project improvement plans for City review and approval.</p>	<i>Prior to approval of facility improvement plans for project roadways.</i>	<i>City of Elk Grove Development Services – Planning and Public Works Department</i>
55.	<p>MM 4.2.2a - Landscape Corridors</p> <p>All of the landscape corridors directly located between existing agricultural operations or agriculturally zoned properties and the project area shall be fully improved and functional prior to the occupancy of any residence that adjoins the subject corridor.</p>	<i>Prior to issuance of occupancy permits</i>	<i>City of Elk Grove Development Services - Planning</i>

	MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
PRIOR TO APPROVAL OF FINAL MAP			
56.	<p>MM 4.2.2b - Disclose Statement of Farming Activity</p> <p>The project proponent shall ensure that a disclosure statement be provided to all prospective buyers of the properties regarding nearby agricultural activities, including notice of the Right to Farm Ordinance, against the property. This disclosure statement and notice shall be provided to all prospective buyers of properties within the Sterling Meadows project notifying such persons that the property may be affected by nearby agricultural uses, including agricultural chemical usage, agricultural odors and agriculture-related noise resulting from existing and future agricultural-related activities. A signed and notarized Affidavit of Compliance of the disclosure statement shall be reviewed and approved by the City of Elk Grove Community Development Department – Planning prior to recordation of the Final Map. Notes shall be included on the final Map as “AGRICULTURAL PROPERTIES AND USES SURROUNDING THIS PROPERTY MAY CONTINUE IN PERPETUITY, SUBJECT TO THE PROVISIONS OF THE CITY’S ADOPTED RIGHT-TO-FARM ORDINANCE. A “DISCLOSURE STATEMENT WILL BE</p>	<p><i>Prior to Final Map Approval and prior to the sale to prospective buyers. Notes shall be included on the Final Map.</i></p>	<p><i>City of Elk Grove Development Services-Planning.</i></p>

	MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
	PROVIDED TO ALL POTENTIAL BUYERS PRIOR TO THE SALE OF LOTS.”		
57.	<p>MM 4.12.4.2c – Grant right-of-entry and enter into Agreement with SCWA</p> <p>Project proponents, future successors or interests shall reserve a minimum 100ft x 100ft water well site located at lot numbers 770 & 771 and a minimum 100ft x 100ft water well site located at lot numbers 919 & 920 and necessary easements to the satisfaction of the SCWA. Acceptance and approval of the site shall be subject to meeting DHS setback requirements and obtaining acceptable results from hydrogeologic evaluations (exploratory drilling). If these conditions cannot be satisfied, then an alternate site on the Sterling Meadows Subdivision shall be selected and similarly evaluated. Prior to Final Map approval, the project proponent shall grant right-of-way entry to SCWA to conduct hydrogeologic evaluations. In addition, prior to final map recordation, the property owner shall enter into an agreement with SCWA consistent with Chapter 22.50 of the Sacramento County Code (City of Elk Grove Code) and Government Code Title 7, Division 2, Article 4.</p>	<i>Prior to approval Final Map.</i>	<i>City of Elk Grove Public Works Department and SCWA</i>
PRIOR TO ISSUANCE OF BUILDING PERMITS			
58.	<p>MM 4.12.4.2d – Water Use Efficiency Review</p> <p>Require water intensive commercial and industrial building permit applicants</p>	<i>Prior to issuance of building permit.</i>	<i>City of Elk Grove Public Works Department and SCWA</i>

	MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
	to conduct a water use efficiency review and submit the findings in required environmental documentation for the project.		
59.	<p>MM 4.12.4.2e – Water Efficient Requirements</p> <p>Require efficient cooling systems, re-circulation pumps for fountains and ponds, and water recycling systems for vehicle washing as a condition of service.</p>	<i>Prior to issuance of building permits</i>	<i>City of Elk Grove Public Works Department and SCWA</i>
60.	<p>MM 4.12.8.1- Limit of Permits</p> <p>No building permits shall be issued for more than 100 single family homes or any mixture of uses demanding 500 KW or more, as determined by SMUD, until the Lent Ranch Substation has been constructed, or other system improvements are made, as determined by SMUD, to accommodate the proposed project.</p>	<i>Prior to issuance of building permit for the 101st single family home, or for any mixture of uses demanding 500 KW or more of electricity, as determined by SMUD.</i>	<i>City of Elk Grove Development Services – Planning and SMUD.</i>

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-121**

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

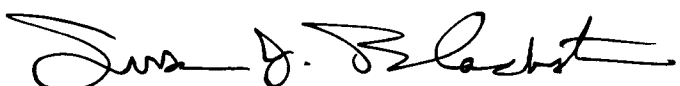
I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 28, 2008 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



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