

RESOLUTION NO. 2010-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE
SHELDON AND WATERMAN TENTATIVE SUBDIVISION MAP
PROJECT EG-06-1146, ASSESSOR PARCEL NUMBER 127-0010-077**

WHEREAS, University Capital Management (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone and Tentative Subdivision Map for the Sheldon and Waterman Tentative Subdivision Map, Project No. EG-06-1146 (the Project); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described by Assessor Parcel Number 127-0010-077; and

WHEREAS, the City determined that the Project was subject to the California Environmental Quality Act (CEQA) and prepared an Initial Study pursuant to CEQA, attached hereto as Exhibit A and incorporated herein by reference, evaluating the potential environmental effects of the project; and

WHEREAS, the City determined that the mitigation measures identified in the Initial Study/Mitigated Negative Declaration would reduce environmental impacts to a less than significant level; and

WHEREAS, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with CEQA, attached hereto as Exhibit B and incorporated herein by reference, which is designed to ensure compliance with the identified mitigation measures during project implementation and operation; and

WHEREAS, the City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on October 23, 2009, and the Notice was published in the *Elk Grove Citizen*, posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and posted at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period for the Mitigated Negative Declaration opened on October 23, 2009 and closed November 23, 2009. The Mitigated Negative Declaration was made available to the public during this review period; and

WHEREAS, the City received written comment letters within the 30 day public review period and responded to those comments in the project staff report; and

WHEREAS, the City has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration; and

WHEREAS, the City Council has considered the written and oral comments on the proposed Project and the Mitigated Negative Declaration; and

WHEREAS, the City of Elk Grove, Development Services Planning Department, located 8401 Laguna Palms Way, Elk Grove, California 95758 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based; and

WHEREAS, the City Council of the City of Elk Grove has reviewed the Initial Study, the Mitigated Negative Declaration, and the Mitigation Monitoring and Reporting Program and find that these documents reflect their independent judgment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Sheldon and Waterman Tentative Subdivision Map based on the following findings:

- 1) On the basis of the whole record, there is no substantial evidence that the Project as designed, conditioned and mitigated, will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration reflects the independent judgment and analysis of the City.
- 2) Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, all of the proposed mitigation measures described in the Mitigated Negative Declaration are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the Project is approved.
- 3) To the extent that these findings conclude that various proposed mitigation measures outlined in the Mitigated Negative Declaration are feasible and have not been modified, superseded or withdrawn, the City Council hereby binds itself, all landowners within the Project area, and their assigns and successors in interest to implement those measures. These findings are not merely informational but constitute a binding set of obligations that will come into effect when the City Council issues the Project entitlements set forth above. The actual implementation of the mitigation measures hereby adopted shall occur by having them included as conditions of approval on subsequent discretionary entitlements granted within the Project area.

Evidence: Pursuant to CEQA and the CEQA guidelines, City staff prepared an Initial Study evaluating the potential environmental effects of the project was prepared and circulated. Potentially significant adverse effects related to loss of Swainson's hawk foraging habitat, loss of burrowing owl habitat, loss of habitat for nesting birds, potential impact to jurisdictional waters, tree removal, hazards

and hazardous materials on the project site, and noise. Mitigation measures have been imposed on the project that reduce the impacts to a less than significant level. Preparation of a Mitigation Monitoring and Reporting Program (MMRP) is required in accordance with the City of Elk Grove regulations and is designed to ensure compliance during project implementation.

The City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on October 23, 2009. It was posted at the Sacramento County Clerk's office, distributed through State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30-day review and comment period was opened on October 23, 2009 and closed November 23, 2009. The Mitigated Negative Declaration was made available to the public during this review period. The City received two written comment letters within the 30-day public review period and/or prior to public hearing on this matter. These comments do not alter the conclusions of the Initial Study/Mitigated Negative Declaration.

A Mitigation Monitoring and Reporting Program (MMRP), which is incorporated herein by this reference has been prepared to ensure compliance during project implementation. A condition of approval has been imposed on the project that requires conformance with the MMRP. The City of Elk Grove, Development Services Planning Department, located 8401 Laguna Palms Way, Elk Grove, California 95758 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Negative Declaration is based.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of January 2010.


SOPHIA SHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

EXHIBIT A



8401 LAGUNA PALMS WAY • ELK GROVE, CALIFORNIA 95758
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DEVELOPMENT SERVICES

BUILDING SAFETY & INSPECTION	(916) 478-2235
PLANNING	(916) 478-2265
PUBLIC WORKS	(916) 478-2263
SOLID WASTE	(916) 478-3634
TRANSIT	(916) 687-3030

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Sheldon and Waterman Tentative Subdivision Map

LEAD AGENCY: City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

CONTACT PERSON: Christopher Jordan, AICP, Senior Planner, (916) 478-2222

PROJECT TITLE: Sheldon and Waterman Tentative Subdivision Map

PROJECT LOCATION: 9350 Sheldon Road (APN 127-0010-077)

PROJECT DESCRIPTION: The proposed project, Sheldon and Waterman, consists of:

- A rezone from AG-80 (General Agriculture) to AR-2 (Agricultural-Residential Zone 2 Acres Min.); and
- A tentative subdivision map to divide the existing single 118± acre parcel and create 26 new lots (ranging from 2-4 acres in size) and one remainder open space lot (approximately 50 acres in size).

Figure 1 is the proposed tentative subdivision map.

The proposed project does not include development of the 26 new parcels beyond grading and construction of improvements (e.g., roads, utilities, storm water drainage). It is anticipated that the lots will be sold and developed as custom homes by each individual future property owner. However, to ensure adequate analysis of the potential environmental impacts of the project, the analysis will assume each of the 26 lots is developed with one single-family home.

There is an existing residence, barn, and associated buildings that are proposed for demolition as part of development of the site. These structures are located near the north-west corner of the site, just south of Sheldon Road and west of Laguna Creek. All of the structures are currently unoccupied.

The proposed project includes several easements including a 20 foot Public Utility Easement on lots 7-26; a 200 foot Giant Garter Snake setback (with fence line); a 30 foot overland drainage easement along lot 10, an access easement along lots 7-11 for access to Laguna Creek; a 250 foot setback from vernal pools as required by the Army Corps of Engineers; and a 20 foot trail easement along lots 7-11 and the open space lot. No native oak trees on the project site are proposed for removal.

Each of the proposed single family lots would be served by private well and septic pits. Storm water drainage will be accomplished through drainage ditches along the public roads, connecting to two overland drainage areas (between lots 1 and 2 and 10 and 11) and then flow into Laguna Creek.

Finally, the project includes the establishment of two multiuse trail corridors. The first would be located directly underneath the power line corridor on the western-most side of the property. The second would be located directly east of Laguna Creek. As part of this project, only the western power line trail would be developed. The design of the trail system includes a 5-foot wide equestrian trail and a 10-foot wide pedestrian trail, as well as landscaping, benches, and interpretative/informational centers

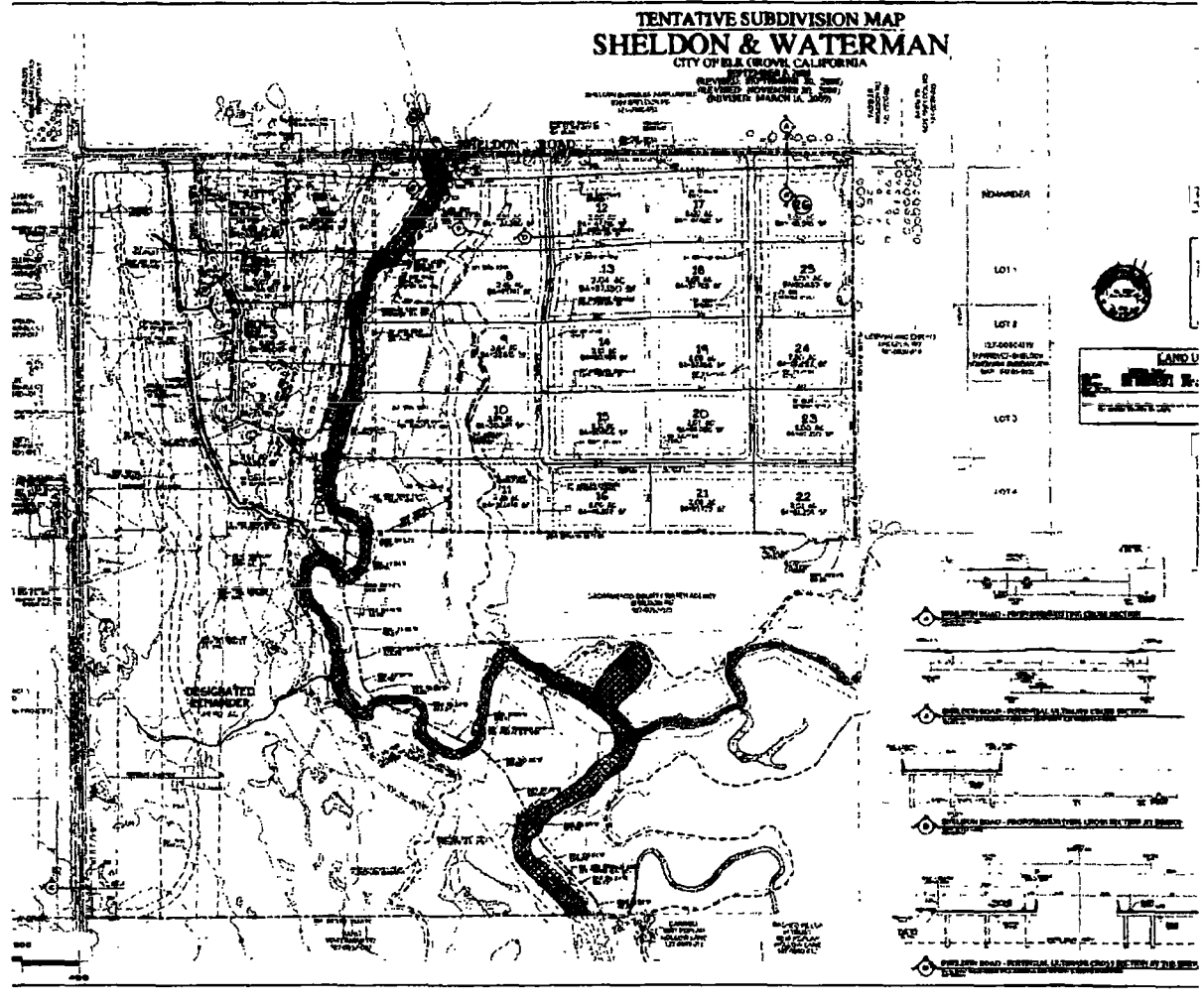


Figure 1. Site Plan

NOTICE IS HEREBY GIVEN that the City of Elk Grove has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of the California Environmental Quality Act (CEQA), for the above described project.

The project is not listed on the Hazardous Waste and Substances Sites List as set forth in Government Code Section 65962.5.

PUBLIC REVIEW PERIOD: A 30 day public review period for the Draft Mitigated Negative Declaration will commence on October 23, 2009 through November 23, 2009 for interested individuals and public agencies to submit written comments on the document. Any written comments on the Mitigated Negative Declaration must be received at the above address within the public review period. Comments can also be made during the public hearing. Copies

of the Mitigated Negative Declaration and Initial Study are available for review at the City at the above address and on the website at www.eplanning.org/environmental/.

PUBLIC MEETING: This matter has been **tentatively** set for public hearing before the Planning Commission on **December 3, 2009**.

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INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

Project Title: Sheldon and Waterman (EG-06-1146)

Lead Agency Name and Address: City of Elk Grove
Development Services - Planning
8401 Laguna Palms Way
Elk Grove, CA 95758

Project Location: 9350 Sheldon Road

Project Sponsor's Name and Address: Scott McKinstry
University Capital Management Inc.
2443 Fair Oaks Boulevard, Suite 368
Sacramento, CA

General Plan Designation(s): Rural Residential

Zoning: AG-80 (General Agriculture)

Contact Person: Christopher Jordan, AICP, Senior Planner

Phone Number: 916.478.3649

Date Prepared: October 2009

Project Description

The proposed project, Sheldon and Waterman, consists of:

- A rezone from AG-80 (General Agriculture) to AR-2 (Agricultural-Residential Zone 2 Acres Min.); and
- A tentative subdivision map to divide the existing single 118± acre parcel and create 26 new lots (ranging from 2-4 acres in size) and one remainder open space lot (approximately 50 acres in size).

Figure 1 is the proposed tentative subdivision map.

The proposed project does not include development of the 26 new parcels beyond grading and construction of improvements (e.g., roads, utilities, storm water drainage). It is anticipated that the lots will be sold and developed as custom homes by each individual future property owner. However, to ensure adequate analysis of the potential environmental impacts of the project, the analysis will assume each of the 26 lots is developed with one single-family home.

There is an existing residence, barn, and associated buildings that are proposed for demolition as part of development of the site. These structures are located near the north-west corner of

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

the site, just south of Sheldon Road and west of Laguna Creek. All of the structures are currently unoccupied.

The proposed project includes several easements including a 20 foot Public Utility Easement on lots 7-26; a 200 foot Giant Garter Snake setback (with fence line); a 30 foot overland drainage easement along lot 10, an access easement along lots 7-11 for access to Laguna Creek; a 250 foot setback from vernal pools as required by the Army Corps of Engineers; and a 20 foot trail easement along lots 7-11 and the open space lot. No native oak trees on the project site are proposed for removal.

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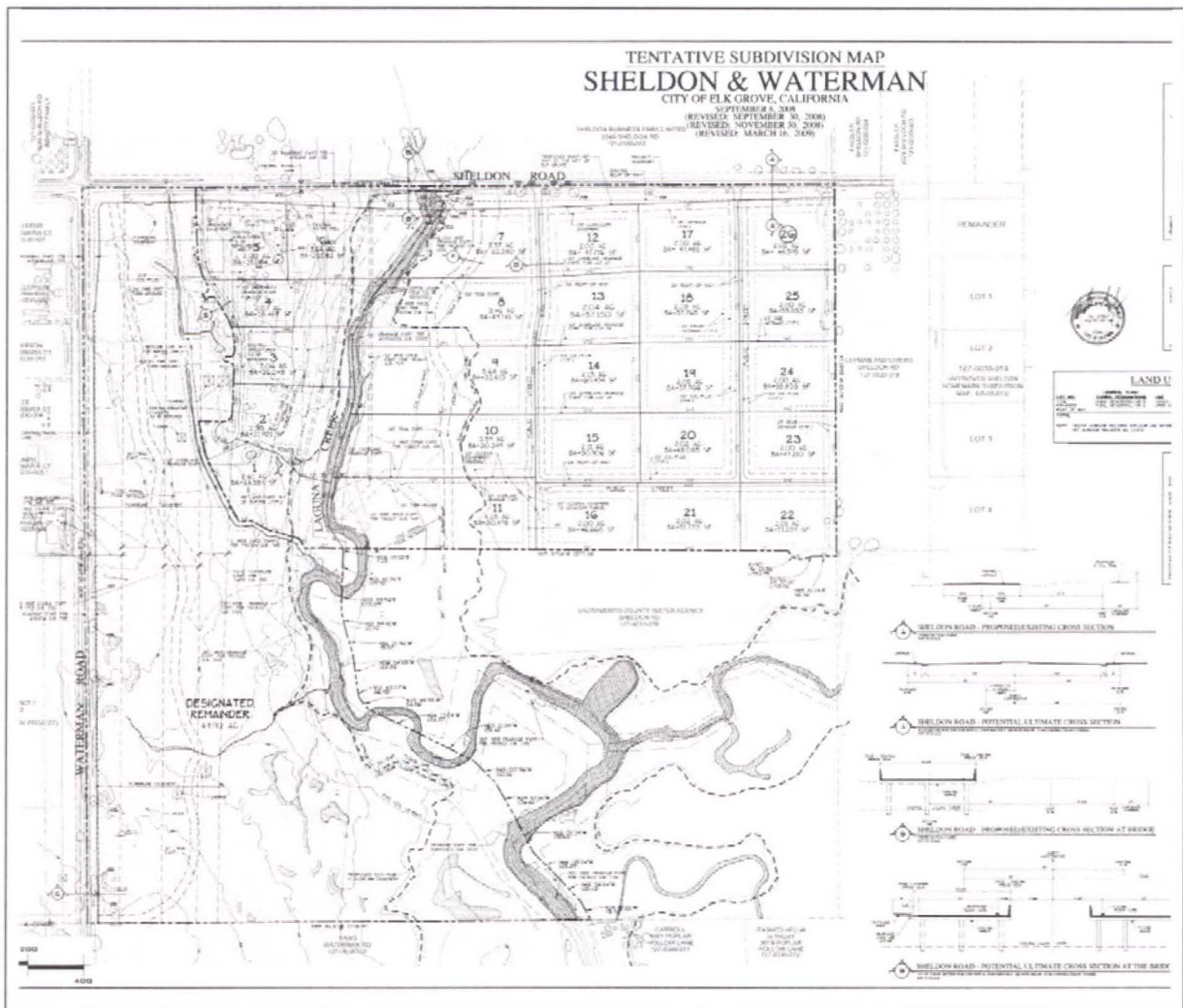


Figure 1. Site Plan

Environmental Setting and Surrounding Land Uses

The project site is located on the corner of the intersection of Waterman Road and Sheldon Road. The site, as well as the surrounding area, is rural residential in nature with scattered homesites (See **Figures 2** through **5** for environmental setting information). **Table 1** below summarizes the surrounding uses.

Table 1. Existing Uses and Land Use Designations

	General Plan Designation	Zoning Designation	Existing Use
Project Site	Rural Residential	AG-80	Vacant
North	Rural Residential	AR-5	Single family residential and vacant
East	Rural Residential	AR-5	Single family residential and vacant
South	Estate Residential	AR-5	Single family residential and vacant
West	Rural Residential	AR-2	Single family residential



Figure 2. Location Map



Figure 3. Project Aerial

Aerial photograph does not reflect current level of development



Figure 4. View of the project site facing northeast showing Laguna Creek.

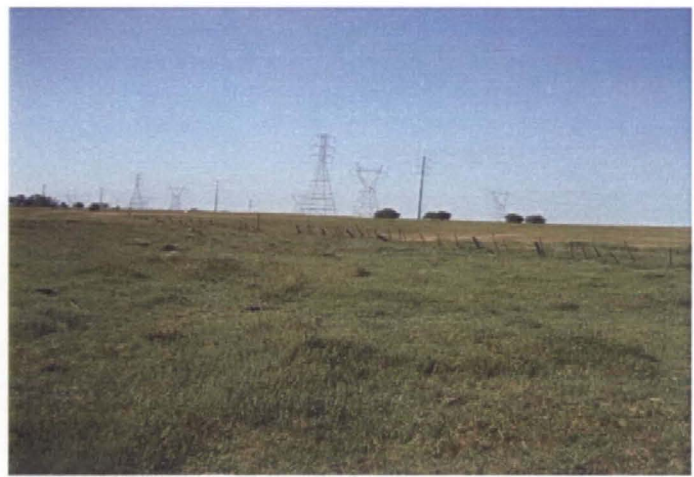


Figure 5. View of the power lines located on the western portion of the project site.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

Water Resources Control Board

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Greenhouse Gases | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation / Traffic | <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner's Signature

Christopher Jordan

Planner's Printed Name

October 23, 2009

Date

City of Elk Grove
Development Services - Planning

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the Sheldon and Waterman project, as proposed, may have a significant effect upon the environment.

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A "No Impact" answer is adequately supported if the information shows that the impact does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

INITIAL STUDY/NEGATIVE DECLARATION

I. AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a) No Impact. There are no designated scenic vistas or any significant scenic resources in the project area that may be impacted by the project. Therefore, no impacts are expected.

b – d) Less than Significant Impact. The proposed project is for the creation of 26 residential lots but does not propose any construction, as it is anticipated that the lots will be sold and developed as custom homes by each individual future property owner. However, for purposes of environmental analysis, it is assumed that 26 new homes will be constructed on the project site. As such, future development of the site will change the visual character of the site by adding a new public streets and single family residences where none exist today. In addition, future development of the site will bring new sources of light associated with public safety and residential uses. However, the proposed density on the project site is consistent with the residential density assumed in the City's General Plan and General Plan EIR. Therefore, the visual change caused by the proposed project is considered a less than significant impact because the character of the site will remain consistent with the surrounding rural residential area. In addition, future development of the site will be subject to City standards for light and glare which are aimed at ensuring that new development does not cause significant impacts associated with new sources of light and glare on existing development. The General Plan EIR addressed cumulative impacts associated with increased development and changes to the visual character associated with implementation of the General Plan identifying the impact as significant and unavoidable. Therefore, the cumulative impact is considered less than significant.

II. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Department of Conservation's map entitled "Sacramento County Important Farmland 2002" designates the site as both "Farmland of Statewide Importance" and "Other Land". "Farmland of Statewide Importance" is land that is ideal for farming but has minor shortcomings, including greater slopes and less ability to hold and store moisture. "Other Land" is defined as land which does not meet the criteria of any other category. Common examples include low density rural development, wetlands, dense brush and timberlands, gravel pits, and small water bodies.

a) Less than Significant Impact. While a portion of the project site has been identified as "Farmland of Statewide Importance" and future development of the site would limit the use of the site for future agricultural activities, the adopted General Plan (policy CAQ-2) indicates that agricultural uses are anticipated to be phased out. Specifically, the policy states:

CAQ-2: The loss of agricultural productivity on lands designated for urban uses within the City limits as of January 2004 is accepted as a consequence of the development of Elk Grove. As discussed in the Land Use Element, the City's land use concept for the Planning Area outside the 2004 City limits anticipates the retention of significant areas of agricultural production outside the current City limits.

The General Plan identifies this site as Rural Residential, 0.1 to 0.5 dwelling units per acre. Additionally, the property is currently zoned AG-80 and is proposed to be zoned AR-2. The proposed zoning change would bring the property into consistency with the land use designation of Rural Residential.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Therefore, as the proposed use is consistent with the General Plan the impact is considered less than significant.

b) Less than Significant Impact. The proposed rezoning would change the designation from Agricultural, 80-acre minimum lot size (AG-80), to Agriculture-Residential, 2-acre minimum lot size (AR-2), which would allow development of one dwelling unit (home) for each two acre lot. The Agriculture-Residential district, while allowing for limited agricultural operations, also allows for more dense development than a purely agricultural district and would limit the scale of potential agricultural operations. This is consistent with the land use plan and policies of the City's General Plan. The General Plan anticipates the loss of land currently zoned Agricultural in favor of Agriculture-Residential. Therefore the impact is less than significant.

c) Less than Significant Impact. The proposed project does not include any other changes to the existing environment which would result in the conversion of farmland to non-agricultural uses. The project is adjacent to land zoned AR-2 and AR-5. Development of the project is not anticipated to conflict with existing agricultural uses. All lands surrounding the project site are designated Rural Residential in the General Plan and are planned for future residential development consistent with the rural character of the area. Therefore, a less than significant impact is expected.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Existing Setting

The project site is located within the Sacramento Metropolitan Air Quality Management District (SMAQMD), which is part of the Sacramento Valley Air Basin. The Sacramento Valley Air Basin has been further divided into Planning Areas called the Northern Sacramento Valley Air Basin (NSVAB) and the Greater Sacramento Air region, designated by the U.S. Environmental Protection Agency (EPA) as the Sacramento Federal Ozone Non-attainment Area. The Non-attainment area consists of all of Sacramento and Yolo counties, and parts of El Dorado, Solano, Placer, and Sutter counties.

SMAQMD is responsible for limiting the amount of emissions that can be generated throughout the County by various stationary and mobile sources. Specific rules and regulations have been adopted by the SMAQMD Board of Directors that limit the emissions that can be generated by various uses and/or activities, and identify specific pollution reduction measures that must be implemented in association with various uses and activities. These rules not only regulate the emissions of the six criteria pollutants, but also toxic emissions and acutely hazardous materials. Emissions sources subject to these rules are regulated through the SMAQMD's permitting process. Through this permitting process, the SMAQMD also monitors the amount of stationary emissions

being generated and uses this information in developing new clean air plans. The proposed project would be subject to SMAQMD rules and regulations to reduce specific emissions and to mitigate potential air quality impacts. Sacramento County is a known area of non-attainment for state and federal standards for ozone and particulate matter less than 10 microns in diameter (PM₁₀). Implementation of the project would result in increases in both construction emissions and increases in reactive organic gases (ROG) and NO_x, which are precursor components of ozone, and PM₁₀.

Discussion of Impacts

a) No Impact. The proposed project is for the creation of 26 residential lots but does not propose any construction, as it is anticipated that the lots will be sold and developed as custom homes by each individual future property owner. However, for purposes of environmental analysis, it is assumed that 26 new homes will be constructed on the project site. The Sacramento Metropolitan Air Quality Attainment Plan is based on the land uses identified in the General Plans of local jurisdictions. As the project is consistent with the General Plan land use designation of Rural Residential, it is not anticipated to impede implementation of the Air Quality Attainment Plan. Therefore, the project would not substantially conflict with or obstruct implementation of the Air Quality Attainment Plan, or the goals and objectives of the City's General Plan, and as such there is no impact.

b) Less than Significant Impact. The Sacramento Metropolitan Air Quality Management District (SMAQMD) has adopted guidelines for determining potential adverse impacts to air quality in the region. The SMAQMD guidelines state that construction of 120 SFR units or more is considered a potentially significant adverse impact. As previously stated, the proposed project does not include the construction of any home on the lots created, as it is anticipated that the lots will be sold and developed as custom homes by each individual future property owner. However for purposes of environmental analysis, it is assumed that 26 new homes will be constructed on the project site. Given that the 26 homes that could ultimately be built on the proposed project site is well below the SMAQMD threshold, and that construction activities will be subject to the districts fugitive dust control standards (Rule 403), impacts to air quality are considered less than significant. Examples of the standards in Rule 403 include use of water or chemicals for control of dust during construction of roads or the clearing of land and application of oil, water, or other chemicals on roads, material stockpiles, and other surfaces which can give rise to airborne dusts.

c-e) Less Than Significant Impact. Effects on air quality can be divided into short term construction-related effects and those associated with long term operation of the project. Construction activities, such as grading and vehicular traffic, may generate temporary or short term increase in dust and particulate matter. The Sacramento Metropolitan Air Quality Management District Guide to Air Quality Assessment establishes screening levels for various construction projects to determine their likelihood of contributing significant emission of air pollutants under CEQA. As described in the Guide, the construction screening level for single family residential development is 120 units. The proposed project would allow for future grading of the site, construction of internal streets and utilities, and the construction of up to 26 custom single family homes. This amount of development is substantially less than the threshold of 120 homes established by the Air District. . Therefore, this impact is considered less than significant because potentially sensitive receptors would be exposed to minor amounts of construction dust and equipment emissions for short periods of time with no long-term exposure to the same groups.

Additionally, the project will be conditioned to comply with the standard Sacramento Metropolitan Air Quality Management District measures to minimize construction-related impacts, such as dust and particulate matter.

f) No Impact. The proposed project and associated uses would not create objectionable odors because the proposed project is a rezone and subdivision, and does not involve any activity that would generate odors. Single family homes and associated uses anticipated on the new parcels would be rural residential and as such, would not create objectionable odors affecting a substantial number of people. Therefore, no impacts are expected.

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

A pedestrian reconnaissance-level survey was conducted by Elk Grove biologist, Jeannette Owen, on April 21, 2008 to evaluate the biological resources within the project site. A copy of the survey may be obtained at the City's Planning Department. The site is characterized by gently rolling topography bisected by Laguna Creek. The property to the east of the Laguna Creek is predominantly flat with little to no topographic relief. Species observed include dandelion (*Taraxaxum officinale*), Italian ryegrass (*Lolium multiflorum*), wild oat (*Avena fatua*), vetch (*Vicia villosa*), filaree (*Erodium botrys*), turkey mullein (*Eremocarpus setigerus*), medusa-

head (*Taeniatherum caput-medusa*), Bermuda grass (*Cynodon dactylon*), yellow-star thistle (*Centaurea solstitialis*), curly dock (*Rumex crispus*), and rip-gut brome (*Bromus diandrus*), as well as other common grasses and forbs. Valley oak (*Quercus lobata*) trees are located on the property. Tall eucalyptus (*Eucalyptus* sp.) trees were located along the property line. In addition, numerous almond (*Prunus dulcis*) trees and a California black walnut (*Juglans hindsii*) were observed within the project site. These grasslands and trees within the project site provide suitable foraging and nesting habitat for Swainson's hawk (*Buteo swainsoni*), western burrowing owl (*Athene cunicularia hypugea*), and other migratory birds.

Wildlife species observed during the site survey include western scrub jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), house sparrow (*Passer domesticus*), black phoebe (*Sayornis nigricans*), and numerous other passerine birds. A large red-tail hawk (*Buteo jamaicensis*) was roosting in a eucalyptus tree bordering the site. Numerous gopher mounds were located within the site and small burrows were also observed. No special-status species were observed during the survey; however, this does not preclude the possibility that special-status species could occur or use the area within project site. Therefore, preconstruction surveys are being required to reduce the possibility of impacting those species that, based on habitat and biological data, could occur on the site.

Several vernal pool complexes and swales were observed within the western portion of the property. These pools and swales were previously mapped by Gibson and Skordal and verified by the Army Corps of Engineers as jurisdictional features. These pools likely provide habitat for special status invertebrate species such as vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), and midvalley fairy shrimp (*Branchinecta mesovallensis*). In addition to invertebrates, these vernal pools may also provide habitat for rare plants such as dwarf downingia (*Downingia pusilla*), slender orcutt grass (*Orcuttia tenuis*), and Sacramento orcutt grass (*Orcuttia viscida*).

Laguna Creek and a tributary drainage channel which flows into Laguna Creek from the east near the center of the project site were also noted both in the wetland delineation and in the field reconnaissance. These features are both jurisdictional features regulated by the Army Corps of Engineers. Furthermore, Laguna Creek is suitable habitat for the state and federally listed giant garter snake (*Thamnophis gigas*) and may also provide habitat for Sanford's arrowhead (*Sagittaria sanfordii*).

a and d) Less than Significant with Mitigation Incorporated.

Swainson 's hawk

The project site serves as or has the potential to serve as foraging and nesting habitat for the State listed threatened Swainson's hawk because the type of on-site vegetation and surrounding uses provide suitable habitat for the hawk. Future development of the site would result in an impact to the amount of and quality of habitat available for the hawk. The applicant proposes developing 47.9-acres of land and preserving 60.3-acres of land on-site for open space that would continue to provide habitat for the hawk.

City biological experts, in consultation with the Department of Fish and Game, have determined that the quality of the land being set aside for preservation is 50% of the value of the land being impacted. This is due to the fact that foraging opportunities in the remainder land is greatly reduced by the impending surrounding development, small size of the corridor, limited nesting opportunities, and location of utility facilities in the nearby area. This in contrast to the large open grassland contained in the area identified for development, which represents a high quality foraging habitat for the hawk. Therefore, the applicant will receive 30.15-acres of on-site

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Swainson's hawk habitat credit for the proposed project. With the 30.15-acre on-site hawk credit, the applicant would be responsible for providing 17.75-acres of off-site Swainson's hawk habitat. The following mitigation measure will ensure a less than significant impact to the Swainson's hawk by requiring off-site habitat protection.

Mitigation Measure 1 (Swainson's hawk)

Prior to approval of Improvement or Grading Plan(s), the project applicant shall complete one or a combination of the following:

- Preserve 1.0 acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the CDFG and the City of Elk Grove as set forth in Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect. Use of the remainder parcel as mitigation under this option shall account for 24.95 acres of mitigation; **AND/OR**
- Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said chapter remains in effect. Use of the remainder parcel as mitigation under this option shall account for 24.95 acres of mitigation; **AND/OR**
- Submit proof that mitigation credits for Swainson's hawk foraging habitat have been purchased at a California Department of Fish and Game approved mitigation bank. Use of the remainder parcel as mitigation under this option shall account for 24.95 acres of mitigation.

Timing/Implementation: Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.

Enforcement/Monitoring: City of Elk Grove Development Services-Planning in consultation with CDFG

Vernal Pool Crustaceans

Vernal pools located within the project study area have the potential to support several special-status animal species. US Fish and Wildlife Service standards allow for the presence of several special-status species to be assumed in the absence of a study when suitable habitat for the species occurs on a project site. Habitat for the following special status species occurs on the project site: California linderiella (*Linderiella occidentalis*), a federal species of concern; midvalley fairy shrimp, a federal species of concern; vernal pool fairy shrimp, a federally listed threatened species; and vernal pool tadpole shrimp, a federally listed endangered species. Disturbance or loss of vernal pools that could result in a take of one or more of these special-status species would be considered potentially significant.

Notwithstanding the previous discussion, a special-status species survey is not required for this project because none of the vernal pools are identified for disturbance by the proposed project. The applicant is proposing 250 foot setbacks to all identified vernal pools on the project site. See subsection c below for a discussion about verifying the location of the vernal pools

through the Army Corps of Engineers prior to any site disturbance. The proposed 250 foot setbacks to all identified vernal pools would ensure a less than significant impact to vernal pool crustaceans.

Vernal Pool Plants

Based on the site reconnaissance survey, special-status plant species, such as state and federally listed Sacramento orcutt grass and slender orcutt grass, legenere (*Legenere limosa*), endangered in California according to CNPS, and dwarf downingia could also occur within the project site. Disturbance or loss of vernal pools that could result in a take of one or more of these special- status species would be considered potentially significant.

However, the applicant is proposing 250 foot setbacks to all identified vernal pools on the project site. This setback standard is required by the US Fish and Wildlife Service (FWS). See subsection c below for a discussion about verifying the location of the vernal pools through the Army Corps of Engineers prior to any site disturbance. The proposed 250 foot setbacks to all identified vernal pools would ensure a less than significant impact to vernal pool crustaceans by providing consistency with FWS standards.

Western Burrowing Owl

The western burrowing owl is a California species of special concern. Burrowing owls are year-round residents in the open, dry grasslands of the Central Valley. During fall and winter, local residents may move from nesting areas, and migrants may move in. Burrowing owls nest and take shelter in burrows in the ground, typically burrows excavated by other species such as ground squirrels. They forage in grasslands and agricultural fields. Although there are no previously recorded occurrences within five miles of the project site, suitable habitat is present on the property. Given that the Burrowing owl is a very mobile species that can occupy a site in a very short timeframe, if habitat is available, it is possible that they could occupy the site prior to the onset of site improvement construction. Therefore, in order to ensure impacts are less than significant, the following pre construction mitigation measure will be imposed on the project.

Mitigation Measure 2 (Western Burrowing Owl)

Prior to any ground disturbance, the Applicant shall hire a qualified biologist to survey for burrowing owl activities to assess owl presence and need for further mitigation within thirty (30) days prior to site mobilization using CDFG and California Burrowing Owl Consortium guidelines (CBOC 1993). The breeding period for burrowing owls is from February 1 to August 31 with the peak being from April 15 to July 15, the recommended survey window. Winter surveys may be conducted between December 1 and January 31.

Timing/Implementation: Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.

Enforcement/Monitoring: City of Elk Grove Development Services-Planning in consultation with CDFG.

Other Migratory Birds and Raptors

Trees in and around the proposed project site provide nesting habitat for raptors and migratory birds. Habitat at the site also provides suitable foraging opportunities for many avian species,

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including some raptors and migratory birds. Raptors and raptor nests are considered to be special resources by federal and state agencies and are protected under the Migratory Bird Treat Act (MBTA) and California Code of Regulations. Migratory birds are also protected under the MBTA. Project implementation would impact the grassland and trees that provide suitable habitat for these avian species.

Construction activities that require the disturbance of trees and vegetation could cause direct impact to nesting raptors and migratory birds. Removal of habitat at the project site would be considered a direct and significant impact if sensitive bird species were taken or deterred from traditional nesting locations. Construction could also result in noise, dust, increased human activity, and other indirect impacts to nesting raptors or migratory bird species in the project vicinity. Potential nest abandonment, mortality to eggs and chicks, as well as stress from loss of foraging areas would also be considered potentially significant impacts.

The following mitigation measure will reduce the potential impact to a less than significant level by requiring surveys.

Mitigation Measure 3 (Nesting Birds)

If construction is expected to occur during the typical nesting season (February-August), the applicant shall retain a qualified biologist to perform a pre-construction nest survey in order to determine if any active raptor or migratory bird nests occur within the project study area. The survey shall be conducted no more than 30 days prior to ground disturbance at the site.

If there is any lapse in construction activities, and construction resumes during the nesting season, new surveys shall be conducted within 30 days of the re-initiation of construction activities.

If nesting birds are found, a buffer shall be established around the active nest in which project activity ingress will be prohibited, thus ensuring nesting species are avoided and allowed to complete their nesting cycle. Consistent with Fish and Game standards, for raptors, a 250 foot buffer shall be required; for all other migratory birds, a 50 foot buffer shall be used. Exclusionary fencing will be established outside the proposed project footprint to prohibit project activity ingress. All required buffers shall be shown on construction plans. If construction activities are proposed to occur during non-breeding season (September-January), a survey is not required and no further studies are necessary.

If nesting trees are to be removed and are removed prior to the nesting season, no further mitigation is required.

Timing/Implementation: Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.

Enforcement/Monitoring: City of Elk Grove Development Services and California Department of Fish and Game (CDFG)

Giant Garter Snake

Giant garter snake (GGS), a threatened species pursuant to the state and federal Endangered Species Act's, has potential to occur onsite. The following factors provide the basis for considering that GGS could occur onsite: (1) potential habitat exists in the water features within the project site; and (2) GGSs have been observed within one mile of the site. Laguna Creek Creek, which bisects the project site, provides suitable habitat for the GGS. The applicant proposes a 200 foot setback to Laguna Creek to avoid impacts to the giant garter snake and to preserve the natural creek corridor. The proposed 200 foot setback to Laguna Creek would ensure a less than significant impact to Giant garter snake habitat. During an informal consultation meeting with the US Fish and Wildlife Service on July 13, 2009, the US Fish and Wildlife Service staff pointed out that the 200 foot buffer could be reduced based on topography of the creek banks.

b) Less than Significant Impact. Laguna Creek bisects the property and would have the potential to be adversely affected by the proposed development. General Plan policy CAQ-21 requires a 50- foot buffer zone from the center line of natural creeks and their tributaries. The intent of the buffer zone is to maintain contiguous natural riparian corridors along the City's creeks and waterways that preserve storm drainage capacity, protect the corridor from development impacts, provide a wildlife habitat corridor, and generally improve the quality of the environment in the City. To that end, the General Plan calls for buffer zones to be free of permanent structures and to be planted with appropriate vegetation that maintains the character of the creek corridor, provides filtration for water quality, and promotes the wildlife corridor. The applicant proposes a minimum 200 foot buffer to the centerline of the creek that will avoid impacts to the giant garter snake and ensure that the corridor is protected.

However, the existing and proposed 100-year floodplain is a larger area than the proposed 200 foot creek buffer. Consequently, the City will be conditioning the project to provide a floodway easement consistent with the 100-year floodplain boundary at the time of development that will preclude development within the floodplain. This condition will provide consistency with General Plan policies CAQ-20 and CAQ-21, preserving the riparian habitat and creek character. Therefore, a less than significant impact to riparian or other sensitive habitats will occur.

c) Less than Significant with Mitigation Incorporated. The project site contains jurisdictional waters of the U.S. as defined by Section 404 of the Clean Water Act including the vernal pools, seasonal wetland swales, floodplain wetlands, irrigation-enhanced wetlands, and stream channels. A wetland delineation was conducted by Huffman and Associates in 1990 with an update addendum conducted by Gibson and Skordal in 2003. These delineated wetlands were verified on September 26, 2003 by the Army Corps of Engineers (USACOE). The applicant proposes a minimum 250 foot setback to all vernal pools, a setback to Laguna Creek, and a minimum 15 foot setback to all other wetlands that were verified by the USACOE in 2003. These setbacks will result in a less than significant impact to jurisdictional features on the project site.

However, the verified delineation is only valid for a period of three years with a possible extension up to five years. Therefore a wetland delineation re-submittal will likely be required for the proposed project. Furthermore, a current Jurisdictional Determination Letter from the USAOCE will be required. The following mitigation measure is presented to ensure that coordination occurs with the USAOCE and that "jurisdictional waters" impacts are less than significant.

Mitigation Measure 4 (Jurisdictional Waters)

Prior to any site disturbance, the applicant shall obtain a current Jurisdictional Determination Letter from the Army Corps of Engineers verifying past wetland

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delineations conducted for the project site. The applicant shall submit a revised wetland delineation report if requested by the Army Corps of Engineers to obtain the Jurisdictional Determination Letter. The applicant shall ensure that the project will result in no-net-loss of waters of the US by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact. Compensatory mitigation shall require purchase of credits in a Corps-approved mitigation bank at a ratio no less than one acre purchased for each acre impacted.

Timing/Implementation: Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.

Enforcement/Monitoring: City of Elk Grove Development Services and the Army Corps of Engineers (USACOE).

Mitigation Measure 5 (Jurisdictional Waters)

The applicant shall provide the location of all verified vernal pools and wetland features on all construction drawings. Best Management Practices (BMPs) such as silt fencing shall be employed at all wetland features that are within 50 feet of any construction activity or ground disturbing activity. These BMPs shall be identified on all construction drawings.

Timing/Implementation: Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.

Enforcement/Monitoring: City of Elk Grove Development Services.

e) Less than Significant with Mitigation Incorporation. An Arborist Report prepared by Edwin E. Stirtz, dated February 2007, was conducted for the proposed project site. The report determined that there are 5 Valley oak trees (*Quercus lobata*) on the project site that would fall under the protection of the City's Tree Preservation Ordinance. The applicant does not propose the removal of any of these oak trees that require protection and or mitigation. However, construction activities could adversely affect these oak trees and protection measures are required to achieve a less than significant impact on these tree resources. The following measure is presented to ensure that construction activities do not adversely affect these on-site oak trees.

Mitigation Measure 6 (Tree Protection)

In order to reduce potential adverse impacts to existing trees on the project site, the applicant shall develop and implement a tree protection plan per the following specifications:

The plan shall include a list of native and non-native trees to be preserved on the project site, including the species, condition, and diameter at breast height of each tree, and an exhibit depicting the location of those trees.

All oak trees that are 6 inches dbh or larger on the project site and other trees that have been selected for preservation, all portions of adjacent off-site native trees which have driplines that extend onto the project site, and all off-site native trees which may be impacted by utility installation and/or improvements associated with this project, shall be protected as follows:

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1. A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of each tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and defines the minimum protected area of each tree. Removing limbs that make up the dripline does not change the protected area.
2. Any protected trees on the site that require pruning shall be pruned by a certified arborist prior to the start of construction work. All pruning shall be in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines."
3. Before initiating any construction activity near protected trees, install chain link fencing or a similar protective barrier at least one foot outside the dripline of each tree or as far as possible from the tree trunk where the existing road is within the tree dripline. The barrier fencing will remain in place for the duration of construction activity.
4. No signs, ropes, cables (except those which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the trees. Small metallic numbering tags for the purpose of preparing tree reports and inventories shall be allowed.
5. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of protected trees.
6. No grading (grade cuts or fills) shall be allowed within the driplines of protected trees except where paved roadway already exists and where it can be demonstrated that the health of the tree will not be significantly impacted. Removal of pavement and grading within the driplines of oak trees shall be conducted in the presence of a certified arborist to ensure that damage and stress to any oak tree is minimized.
7. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any protected tree.
8. No trenching shall be allowed within the driplines of protected trees. If it is absolutely necessary to install underground utilities within the dripline of a protected tree, the utility line shall be bored and jacked under the supervision of a certified arborist.
9. The construction of impervious surfaces within the driplines of protected trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist.
10. No sprinkler or irrigation system shall be installed in such a manner that it sprays water or requires trenching within the driplines of protected trees. An above-ground drip irrigation system is recommended.
11. Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species that shall be planted within the driplines of oak trees are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.
12. Prior to the installation of new asphalt, weed control chemicals shall not be applied where they can leach into the dripline of any protected trees.

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13. During construction, the frequency and amount of watering for protected trees shall not differ from that received prior to construction.

Timing/Implementation: Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first, the tree protection plan shall be submitted to Elk Grove Planning for review and approval.

Enforcement/Monitoring: No later than 24 hours prior to commencement of construction activities including clearing and grubbing the applicant shall contact Development Services – Planning to schedule a site inspection to verify that the protective measures have been installed in accordance with this mitigation measure.

f) No Impact. The project site is not located within any habitat conservation plan. Therefore, there is no impact.

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V. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a-d) Less Than Significant Impact. The project site is identified within a potentially cultural and archeological sensitive area, according to the Historic Resource Element of the City of Elk Grove General Plan. Subsequently, qualified City staff conducted a Historic Assessment of the property and determined that the property is not eligible for the National Register of Historic Places, California Register of Historic Resources, or listing under the Elk Grove Historic Preservation Ordinance. The Historic Assessment is provided as Attachment A.

While no prehistoric sites are known to exist, there is still a slight possibility that a site may exist and be totally obscured by vegetation, fill, or other historic activities, leaving no surface evidence. No paleontological resources are known or suspected and no unique geologic features exist. If subsurface or buried materials are found during construction, the Contractor will cease all construction and contact the City of Elk Grove immediately and engage the services of a qualified archeologist to assess the potential paleontological resource and make recommendations for mitigation.

California State Law requires that if cultural resources are encountered, work shall stop immediately and the Sacramento County Coroner shall be contacted, who will coordinate an investigation of the find with appropriate specialists if needed. Moreover, should any human remains be discovered at any time, all work is to stop and the County Coroner must also be immediately notified pursuant to the State Health and Safety Code, Section 7050.5 and the State Public Resources Code, Section 5097.98. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

In order to ensure that the above measures are followed, General Plan Policy HR-6, Action 2 requires that the following conditions be imposed on all discretionary projects in the City. These conditions will be required to be included as notes in all construction plans.

- "The Planning Division shall be notified immediately if any prehistoric, archaeological, or paleontological artifact is uncovered during construction. All construction must stop and

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an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action."

- "All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed. "

Given the application of standard conditions required by the City's General Plan, adverse impacts to cultural resources are considered less than significant.

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VI. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion:

a(i)-(ii) Less than Significant Impact - The site is not located within an Alquist-Priolo earthquake hazard zone and there are no known faults crossing or in the vicinity of the project site. The nearest active fault is the Foothills Fault System, which is located approximately 20 miles east of the site. The maximum level of ground motion that could ever be experienced at the project site would occur as a result of a 6.5 magnitude earthquake on the Foothills Fault (Elk Grove, 2003a).

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

The City of Elk Grove General Plan requires that the project be designed and constructed in accordance with the requirements of the Building Code. Adherence to the provisions of the Building Code would reduce potential for structural damage in the event of an earthquake. Any major earthquake damage in the City of Elk Grove is likely to occur from ground shaking and seismically related ground and structural failures. Local soil conditions, such as topography, soil strength, thickness, density, water content, and firmness of underlying bedrock affect seismic response. Seismically induced shaking and some damage should be expected to occur but damage should be no more severe in the project area than elsewhere in the region. Therefore, this impact is considered less than significant.

a) (iii)-(iv) No impact. There are no known geological hazards caused by ground failure or liquefaction which would prevent use of the site. Therefore, no impact would occur. The ground is level and approval of the project would not expose people or structures to potential landslides. Therefore, no impact would occur.

b) and d) Less than Significant Impact. Some soil erosion is expected during construction, but loss of topsoil is not expected to be a significant issue because the site is relatively flat and no resources sensitive to loss of topsoil exist on the site. Existing codes regulate land grading and erosion control. Therefore, this impact is considered less than significant.

The project site has the potential for low expansive soils according to the City of Elk Grove General Plan. Expansive soils primarily are composed of clays with a significant capacity to shrink and swell with seasonal moisture fluctuation. A Soil Report is required prior to issuance of a building permit (in accordance with the Grading Ordinance and the building code) where potential expansive soils are present. If expansive soils are determined through the Building Permit process, corrective measures as defined by the building code will be implemented.

c) and e) No Impact. The site is not located on a geologic unit or unstable soil. The soils on-site would not preclude the installation of septic systems for each single family residence. The proposed project would have to comply with County regulations regarding the installation of septic systems on the site. Therefore, no impact would occur.

VII. Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a-b) Less Than Significant Impact. The greenhouse effect is a natural process by which some of the radiant heat from the sun is captured in the lower atmosphere of the earth, thus maintaining the temperature and making the earth habitable. The gases that help capture the heat are called greenhouse gases (GHGs). Some GHGs occur naturally in the atmosphere, while others result from human activities. Naturally occurring GHGs include water vapor, carbon dioxide, methane, nitrous oxide, and ozone. Construction of the proposed project would increase daily vehicle trips to and from the project site, thereby increasing GHG emissions. No air district in California, including the Sacramento Metropolitan Air Quality Management District (SMAQMD), has adopted a quantified significance threshold for GHG emissions or an adopted methodology for analyzing air quality impacts related to GHG emissions. As such, the project's incremental contribution to global climate change would be considered significant if it would result in a substantial increase in GHG emissions. Given the fact that the proposed project is well below the significance criteria set forth by SMAQMD that would require quantifying the emissions of the project, it is highly unlikely that the project would contribute to GHG emissions in a significant way. The potential development of 26 single family lots would not contribute to climate change and therefore, this impact is considered less than significant.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

VIII. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation

Under Government Code Section 65962.5, the California Department of Toxic Substances Control (DTSC) maintains a list of hazardous substance sites. This list, referred to as the "Cortese List", includes CALSITE hazardous material sites, sites with leaking underground storage tanks, and landfills with evidence of groundwater contamination. The project site is not listed on Cortese list¹. Furthermore, a Phase I Environmental Site Assessment was prepared for the project site by the Gidaro Group in February 2002. The Phase I concluded that there is some minor evidence of recognized environmental conditions (RECs) in connection with the subject property due to past dairy operations. However, given the age of the Phase I it is difficult to determine if the REC's currently exist on the property.

The Phase I Environmental Site Assessment is available for review at the City of Elk Grove Community Services Department.

a) No Impact. The proposed project involves the construction of single family residences, which would not result in hazardous emissions or the routine transport, use or disposal of hazardous or acutely hazardous materials, substances, or waste.

b-c) Less than Significant with Mitigation Incorporated. The project site is located approximately one-third of a mile away from the Pleasant Grove High School. However, the development of 26 residences will not emit hazardous emissions or involve the handling of hazardous or acutely hazardous materials, substances or waste any hazardous emissions or materials. Therefore, less than significant impacts are anticipated with the project.

However, the Phase I Environmental Site Assessment conducted for the subject property concluded that there are some minor hazards concerns with the site. There are some soil stockpiles on the property in close proximity to the past dairy operations, the source of which is unknown. The site also contains imported fill areas, the source of which is unknown. There are some 55 gallon drums located on the property that have unknown contents. The on-site structures could contain asbestos due to the age of the structures. Finally, the report states that due to the fact that the site contained past dairy operations, that chlorinated pesticides could be present in soil within the barn and corral areas. The report states, "Soil sampling and analysis for the presence of persistent chlorinated pesticides has been outside the scope of this investigation but would be prudent during evaluation of fill materials and mounds".

The following mitigation measure is presented to ensure that current information exists concerning the recognized environmental conditions and that appropriate steps are taken to ensure a less than significant impact.

Mitigation Measure 7 (Hazards Investigation)

The applicant shall provide an updated Phase I Environmental Site Assessment conducted by a qualified professional. The applicant shall follow all recommendations provided in the updated Phase I Environmental Site Assessment to ensure that all Recognized Environmental Conditions (RECs) are removed from the project site in a manner that is consistent with Sate law.

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

Enforcement/Monitoring: City of Elk Grove Development Services and the Department of Toxic Substance Control (DTSC).

¹ California Department of Toxic Substances Control. Hazardous Waste and Substances Site List (Cortese). http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm. Accessed January, 2009.

Asbestos Containing Materials

The residential home, barn, and associated outbuildings would require demolition and removal from the project site. There is the possibility they contain asbestos materials as stated in the Phase I analysis conducted for the project site. Demolition by untrained contractors of structures containing asbestos materials could create asbestos dust that could travel off the site and present an inhalation hazard for the public. In order to demolish the existing structures, a demolition permit from the City is required. Asbestos screening and testing is required as part of the demolition permit application to ensure that any asbestos-containing structure is handled in accordance with County and State standards. Other permits may be required from other agencies, such as the Sacramento Metropolitan Air Quality District and the Sacramento County Department of Environmental Health. Therefore, this is considered a less than significant impact.

Water Well and Septic System

The Phase I conducted for the project site determined that there is both a water well and septic system on the site to service the rural residence. Prior to construction of the proposed project, the developer will properly abandon all water wells under permit and observation of the Sacramento County Environmental Management Department, Environmental Health Division, and in accordance with all applicable County and State regulations. Prior to construction of the project, the developer will properly remove or abandon all existing septic systems in place in accordance with all County and State regulations. Therefore, this is considered a less than significant impact.

d) No impact. The project site is not listed on the list of hazardous material sites compiled pursuant to Government Code Section 65962.5 (Cortese list) of businesses and properties that handle hazardous materials or hazardous wastes, are locations of leaking underground storage tanks. No impact is anticipated by the proposed project.

e, f) No Impact. There are no airports or private airstrips within the vicinity of the project site. Therefore, there is no impact from the proposed project regarding airport safety hazards.

g) No impact. Upon incorporation, the City of Elk Grove adopted the Sacramento County Multi-Hazard Disaster Plan (SCMDP), which was established to address planned response to extraordinary emergency situations associated with natural disasters and technological incidents. The Plan focuses on operational concepts relative to large-scale disasters, which can pose major threats to life and property requiring unusual emergency responses. Additionally, the City adopted the Sacramento County Area Plan (SCAP), which is used as a guideline for hazardous material related accidents or occurrences. The purpose of the SCAP is "To delineate responsibilities and actions by various agencies in Sacramento County required to meet the obligation to protect the health and welfare of the populace, natural resource (environment), and the public and private properties involving hazardous materials." The proposed project would not impede or conflict with the objectives or policies of the identified emergency response plans and evacuation plans; therefore, no impact is anticipated.

h) No impact. The project site is located in an urbanizing area surrounded by existing and planned residential development. Therefore, the site is not adjacent to or in close proximity to wildland areas. No impacts are anticipated.

IX. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

a) Less than Significant Impact. Under the City's Development Plan Review process, the project would be required to meet all applicable local and regional water quality standards and waste discharge requirements, thereby avoiding violation of such standards or requirements. Impacts to water quality standards and waste discharge requirements are considered to be less than significant.

b) Less than Significant Impact. Less than Significant Impact The project site is located within the boundaries of Sacramento County Water Agency service areas Zone 41 and Zone 40. In December 2005, the Sacramento County Water Agency adopted the Zone 41 Urban Water Management Plan. The Urban Water Management Plan was prepared based on land uses contained in the City of Elk Grove's 2003 General Plan. The Plan incorporates the Sacramento Water Agency Zone 40 Water Supply Master Plan which was also prepared using land uses contained in the Elk Grove 2003 General Plan. The purpose of these documents is to ensure that a sustainable water supply exists to meet the demand planned in the various land use plans within their service areas. While the proposed application is only for the subdivision of land and no residences are being proposed construction, for purposes of environmental review it is assumed that 26 residences will be constructed. Construction of these homes will increase groundwater consumption. However, the proposed project is being developed consistent with the City's General Plan and therefore accounted for in the Zone 41 Urban Water Management Plan and the Zone 40 Water Supply Master Plan. Therefore, the proposed project will not substantially deplete groundwater supplies because sufficient water to serve the project has been allocated and accounted for in the Urban Water Management Plan and Water Supply Master Plan that cover the project site.

c), d) and e) Less than Significant Impact. The project would not directly alter the course of any stream or river due to the proposed setback to Laguna Creek. Therefore, impacts to drainage and runoff are considered less than significant.

f) Less than Significant Impact. The project is not expected to substantially degrade water quality. Due to the nature of the project, there will be no substantial increase in impervious surfaces, and no activities are expected that could degrade water quality. A less than significant impact is expected.

g) and h) Less than Significant Impact. The proposed project will create lots which will be partially located in the FEMA 100-year floodplain. However, consistent with General Plan policies, no development is being proposed in the 100-year floodplain. All structures will be located within identified buildable areas, all of which are located outside the 100-year floodplain. Additionally, as previously described, all areas within the 100-year floodplain will be placed in a floodway conservation easement. While it is not possible to determine at this time whether subsequent site improvements will be required which may be placed in the 100-year floodplain, pursuant to Chapter 13.04 of the City's Municipal Code no structures that may obstruct or divert flood flows

are allowed. Therefore, impacts related to the placement of housing in the 100-year flood hazard area or structures that may impede or redirect flood flows are considered less than significant because buildable areas of each newly created lot are located outside the 100-year floodplain and because the Municipal Code prohibits the placement of structures that obstruct or divert flood flows.

i) No Impact. The proposed project site is located outside the Folsom Dam Failure Flood Area, which is the nearest dam. Therefore, the project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of a failure of a levee or dam.

j) No Impact. The project is not located near any ocean, coast, or seiche hazard areas and would not involve the development of residential or other sensitive land uses. Therefore, the project would not expose people to potential impacts involving seiche or tsunami. No potential for mudflows is anticipated. There is no impact associated with the proposed project.

X. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation

a, c) No Impact. The proposed project would not physically divide an established community. The site is not located within a habitat conservation plan or natural community conservation plan. Therefore, there is no impact.

b) No Impact. The proposed project involves rezoning the site from General Agriculture (AG-80) to Agricultural-Residential minimum two acres (AR-2). The density and intensity of the project is in keeping with the rural nature of the community and is consistent with the General Plan for the City of Elk Grove. Because the proposed project is consistent with the General Plan and maintains a density consistent with rural residential development, there is no impact.

XI. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

a-b) No Impact. The project site is not delineated as a locally important mineral resource recovery site. The proposed project is not expected to result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Therefore, no impact to mineral resources is expected within the project site.

XII. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

a, b) Less than Significant Impact with Mitigation Incorporated. The General Plan calls for all "outdoor activity areas" (e.g. patios, balconies, backyards, swimming pool areas, etc.) for residential uses to not be exposed to noise levels above 60 dB Ldn. In some instances, the General Plan allows for exterior noise levels of up to 65 dB Ldn, provided that the best available noise mitigation techniques are implemented and interior noise levels (those in the home) are not above 45 dB Ldn. In all instances, interior noise levels may not exceed 45 dB Ldn.

A noise study was conducted by j. c. brennan & associates in January 2007 for the Home Mark Homes residential development located approximately 400 feet to the east of the proposed project site along Sheldon Road (See Figure 1, Site Plan). The proposed project site is identical to the Hall Mark site in regards to noise impacts due to the same proximity to Sheldon Road and the same type of lot configurations. While the study was prepared in 2007, baseline traffic conditions along this section of Sheldon Road have not changed significantly during the intervening time period. Therefore the Home Mark Homes study is applicable to this project.

The study determined that there are potentially significant ambient noise impacts along Sheldon Road. For the proposed Waterman and Sheldon project, this determination would affect lots 5, 6, 7, 12, 17, and 26 (i.e., all lots that are directly adjacent to Sheldon Road). However, the study concluded interior noise levels of homes directly along Sheldon Road would not exceed the 45 dB Ldn threshold as a result of using standard construction practices.

For exterior noise levels, the Home Mark Homes study concluded that there could be an impact to exterior noise levels (in excess of 65 dB Ldn). The following mitigation measure was proposed for the Home Mark Homes development as a way to reduce the potential outdoor noise impacts to less than significant levels. The same mitigation measure is applicable for the proposed project for lots 5, 6, 7, 12, 17, and 26.

Mitigation Measure 8 (Noise)

In order to reduce potential adverse impacts to residents of lots along Sheldon Road, prior to issuance of building permits, the applicant shall design the home(s) so that the outdoor activity areas are located on the backside of the residential structure(s) and shielded from Sheldon Road traffic noise; or provide proof that an alternative design will ensure that outdoor activity areas are not impacted by Sheldon Road traffic noises.

Timing/Implementation: Prior to the issuance of building permits, the applicant shall implement one of the mitigation measures.

Enforcement/Monitoring: Development Services – Planning

c) Less than Significant Impact. Post-construction noise generation will consist of typical residential/agricultural-residential noise (e.g. children playing) and will be consistent with the surrounding environment. The impact of these noise sources is considered less than significant.

d) Less than Significant Impact with Mitigation Incorporated. The noise generated by the proposed project will include temporary construction noise for on-site grading and construction activity associated with development of the site. Additional temporary noise will come from the future construction of the 26 homes; however this noise is anticipated to be limited in nature due to the fact that the homes will be built on an individual basis as custom homes.

The General Plan establishes a policy (NO-3) of mitigating new non-transportation noise sources so that the noise level standards established in Table NO-A are not exceeded. The standards in Table NO-A deal specifically with permanent land uses and do not address temporary construction activities. However, General Plan Action NO-3-1 calls for the limitation of construction activity to between the hours of 7 a.m. and 7 p.m. whenever such activity is adjacent to residential uses. Therefore the following Mitigation Measure is proposed.

Mitigation Measure 9 (Construction Noise)

In accordance with General Plan Action NO-3-1, all construction activity on the project site, including grading, physical improvements (e.g., roads, trails, drainage), and major building construction (e.g., home construction, major remodeling) shall be limited to the hours of 7 a.m. and 7 p.m. Monday through Friday.

Timing/Implementation : On-going

Enforcement/Monitoring: Development Services – Planning

e, f) No Impact. The project site is not located within an airport land use plan nor is it in the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a, b, c) Less than significant impact. Implementation of the project will result in the creation of 26 agricultural-residential single family residences. These residences are not anticipated to induce substantial population growth in any way.

One single-family residence is currently located on the project site. The loss of this one residence would be off-set by the creation of 26 residential lots.

Individually, this impact is less than significant; the creation of 26 new single family residential units in the City is not a substantial increase in housing. Cumulative impacts to population and housing were analyzed in the General Plan EIR and the City adopted a Statement of Overriding Considerations that found such cumulative impacts to be significant, yet unavoidable. The adoption of the General Plan was considered to provide a greater overall benefit to the City than this impact.

Therefore, all impacts relating to population and housing are less than significant.

XIV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project result in:

Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a-e) Less than significant impact. The Consumnes Community Services District will provide fire and park services; the City provides police services. The site is within the Elk Grove Unified School District. Electricity will be provided by Sacramento Municipal Utility District. Water and septic services would be provided on-site, as identified in the project. Appropriate entitlements (e.g. building permits) will be required and verified to ensure that these utilities are properly supplied to the future residences. No new facilities or expansion of existing facilities are required as a result of this project and the potential impact to public services from four new residential lots is less than significant.

XV. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a-b) Less than significant impact. Due to the small size of the project (26 lots that would ultimately create 26 new single family dwellings), the project will not produce a significant increase in park use. Any potential impact to the recreation facilities is addressed by Conditions of Approval to the project requiring the dedication of park land and/or fees to compensate for any impact to park services. Furthermore, the project proposes a trail easement through the remainder lot on the western portion of the site and along the eastern side of the creek that would provide access to the (future) regional trail system. Impacts relating to recreation are less than significant.

XVI. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

a, b, d, e) Less than Significant Impact. The proposed project anticipates the future development of 26 new single-family homes. The development of these homes would add vehicle trips onto the City's and region's roadway system; however the proposed project density is consistent with City's adopted General Plan, for which an EIR was certified. Impacts associated with traffic resulting from the implementation of the General Plan were analyzed and disclosed in the General Plan EIR. The proposed project implements the General Plan and will not generate additional traffic beyond what was previously analyzed in the General Plan EIR. Therefore, this impact is considered less than significant.

As part of the development of the site, the applicant is proposing the construction of two new public streets (currently unlabeled) off Sheldon Road. The first would provide access to lots 1-6; the second (with two access points on Sheldon) would serve lots 7-26. The first public street (on the west side of Laguna Creek) would be a cul-de-sac terminating at the northern edge of lot 1. It would include two 30-foot fire turnarounds at lots 3 and 4 to compensate for the extended cul-de-sac length.

The second public street is east of Laguna Creek and forms a loop road. It will also be extended between lots 22 and 23 to provide access to lot 22 and a future connection to development east of the project site. These new access points to Sheldon Road do not pose a hazardous design feature and would provide adequate emergency access. A less than significant impact is expected.

c, f, g) No Impact. The project site and proposed development pattern does not pose any risk to air traffic such that modifications to current flight operations would be warranted. Parking for the anticipated development of the new lots would be on-site. The project does not conflict with any City policies, plans, or programs for alternative transportation. As such, there is no impact.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a, b, d, e) No impact. As this project would be served by on-site well and septic systems, it would not exceed the wastewater treatment requirements of the RWQCB, it would not require or result in the construction of new water or wastewater treatment facilities, would not require new or expanded entitlements for water supply, and would not impact the regional wastewater treatment provider. Therefore, there is no impact.

c, f, g) Less Than Significant. The project includes the development of impervious surfaces and other features that would increase the runoff of surface water. New storm water drainage facilities will be constructed along the roadway (ditches) connecting with the existing system along Sheldon Road.

The anticipated homes would necessitate additional service and impact solid waste and landfill services, however the scope of the project and the small number of homes makes this impact less than significant.

Individually, these impacts are less than significant; the creation of 26 residential units in the City does not create a substantial increase in demand for these utilities and services. The proposed project is constituent with the General Plan designation of the site. Cumulative impacts to utilities and service systems were analyzed in the General Plan EIR and the City adopted a Statement of Overriding Considerations that found such cumulative impacts to be significant, yet unavoidable. The adoption of the General Plan was considered to provide a greater overall benefit to the City than this impact.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a) Less than Significant Impact with Mitigation Measure Incorporated – Based on the analysis provided in this Initial Study, potential environmental impacts of the project would not significantly adversely affect wildlife and biological resources upon implementation of identified mitigation measures.

b) Less than Significant Impact – Based on the analysis provided in the Elk Grove General Plan EIR, this Initial Study, and by the project proponents and the City of Elk Grove, potential environmental impacts of the project will be mitigated to less than significant levels. The project along with other proposed projects in the area will have no greater effect to potential cumulative impacts than those already established and approved in the Elk Grove General Plan and associated EIR (e.g. traffic, air quality, surface runoff, school facilities). Therefore, impacts are considered less than significant.

Cumulative impacts associated with this project and other development in the City were addressed as part of the General Plan EIR and Statement of Overriding Considerations.

c) Less than Significant Impact with Mitigation Measure Incorporated – Based on the analysis provided in this Initial Study, direct and indirect adverse effects to human beings as a result of the proposed project are either less than significant or can be reduced to less than significant levels through enforceable mitigation measures. The direct and indirect impacts on human beings are considered less than significant.

REFERENCES

1. City of Elk Grove. City of Elk Grove General Plan. Elk Grove, CA. 2003.
2. City of Elk Grove. City of Elk Grove General Plan EIR. Elk Grove, CA. 2003.
3. City of Elk Grove. Historic Assessment. Elk Grove, CA. 2009.
4. City of Elk Grove. Preliminary Biological Resource Assessment for the Stonebridge Project. Elk Grove, CA. 2008.
5. Initial Arborist Report and Tree Inventory Summary. Edwin E. Stirtz. February 9, 2007.
6. Phase I Environmental Site Assessment. Gidaro Group, Inc. February 28, 2002.
7. Sacramento Air Quality Management District. Guide to Air Quality Assessment in Sacramento County. Sacramento, CA. 2004.
8. Sacramento Air Quality Management District. CEQA FAQ v3. Sacramento, CA. 2008.
9. Sheldon Home Mark Residential Noise Study. j. c. brennan & associates. Auburn, CA. 2007.
10. Wetland Delineation Report. Huffman and Associates, Inc. October 1990.

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**HISTORICAL ASSESSMENT
OF 9350 SHELDON ROAD,
ELK GROVE, CALIFORNIA**

Prepared by:

**Richard Brandi
City of Elk Grove
Development Services – Planning Department
8401 Laguna Palms Way
Elk Grove, CA 95758**

August 21, 2009

Summary

Staff was asked to assess whether the property at 9350 Sheldon Road in Elk Grove, California (APN 127-0010-077) could be considered a historic resource under the California Environmental Quality Act (CEQA). This property is subject to a proposed subdivision project, the Sheldon and Waterman Tentative Map (formerly Stonebridge), that contemplates subdividing the property into 26 AR-2 lots and open space. As a result of the research described below, staff believes the property is not eligible for the National Register of Historic Places, California Register of Historical Resources, or listing on the Elk Grove Historic Preservation Ordinance and therefore should not be considered a historic resource under CEQA.

Assessment and Research Method

On August 10, 2009, the City's architecture historian, Richard Brandi, made a site visit to the property and visually inspected the buildings. This assessment was limited to the extant buildings on the site. Mr. Brandi holds an M.A. in Historic Preservation and is listed as an architectural historian with the California Historical Resources Information System who meets the requirements of the Secretary of the Interiors' Standards for Professional Qualifications.

The property consists of a one-story residence, two barns, two outbuildings, a gable roof shed with cinder block addition, metal fencing and pens. The property was used as a dairy and is now vacant. The barns exhibit materials, such as corrugated metal clad walls and roofs and 2x dimensional lumber milled to 1 1/2," that suggest mid-20th century technology. In addition to the site visit, the Elk Grove Building Department provided the results of a search their archives. No construction permits could be located for any of the buildings, but Elk Grove's permit records for the property do not exist before 1987. The following secondary sources were consulted: Elizabeth Pinkerton, *Elk Grove* (Charleston: Arcadia Publishing, 2007), Elizabeth Pinkerton, *History Happened Here Book 2-Fields Farms, Schools* (Elk Grove: Laguna Publishers, 2002), and the City of Elk Grove General Plan, Background Report on Paleontological, Archaeological and Historic Resources, 2002.

On August 14, 2009, Ms. Sarah Johnson, chair of the Elk Grove Historic Preservation Committee and board member of the Elk Grove Historical Society, was consulted about her knowledge of the property. She said it is not listed as a local resource and suggested that Gil Albiani, the listing real estate agent for the property, be contacted because he has most knowledge about the property. Mr. Albiani was interviewed on August 14, 2009 and he said the property was open fields until after WWII when the dairy barns and house were built, sometime in the 1950s. The land was owned by Betty Hanson (her maiden name) and also her brother Bill but Mr. Albiani thought they had leased the land to a dairyman.

On August 19, 2009, Mr. Brandi conducted a records search at the North Central Information Center, California Historical Resources Information System, at California State University, Sacramento. The Center had a copy of a report, "Cultural Resources Inventory of the Proposed Sheldon Lakes Project, Elk Grove, Sacramento," prepared by PAR Environmental Services dated January 18, 2002 (Records #5929). This report contains the results of a cultural resources survey of the site. PAR Environmental Services estimated that the house and outbuilding (formerly a garage) were built in 1952, the barns about 1960, and ancillary buildings during the 1960-1974 period. Also, Mr. Brandi asked the Sacramento County's Assessor's Office for records pertaining to the property, although no records were received.

Evaluation

The property was evaluated under the National Register of Historic Places (NRHP), California Registry of Historical Resources (CRHR), and City of Elk Grove Heritage Resource Designation Criteria. Generally, only properties more than 50 years old are eligible for listing. A place may have historic significance due to one of four criteria:

National Register of Historic Places

The National Register of Historic Places (NRHP) evaluates a property's historic significance based on the following four criteria:

Criterion A (Event): Properties that are associated with events that have made a significant contribution to the broad patterns of our history.

Criterion B (Person): Properties that are associated with the lives of persons significant in our past.

Criterion C (Design/Construction): Properties that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Criterion D (Information Potential): Properties that have yielded, or may be likely to yield, information important in prehistory or history.

In addition to historic significance, an NRHP evaluation includes a determination of physical integrity, or the property's ability to convey its historic significance. Integrity consists of seven aspects: location, design, setting, materials, workmanship, feeling, and association.

The California Register uses similar criteria:

California Register of Historical Resources

The California Register of Historical Resources (CRHR) evaluates a resource's historic significance based on the following four criteria:

Criterion 1 (Event): Resources associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

Criterion 2 (Person): Resources associated with the lives of persons important to local, California or national history.

Criterion 3 (Design/Construction): Resources that embody the distinctive characteristics of a type, period, region or method of construction, or that represent the work of a master or possess high artistic values.

Criterion 4 (Information Potential): Resources that have yielded or have the potential to yield information important to the prehistory or history of the local area, California or the nation.

Elk Grove Heritage Resource Designation Criteria

As provided in Title 7 of the Elk Grove Municipal Code (Historic Preservation), Upon the recommendation of the Historic Preservation Committee and approval of the City Council, historic resources may be designated Elk Grove Heritage Resources if the resources meet any of the following four criteria at the local, state, or national level of significance within a given historic context and if they retain at least three aspects of integrity, provided the majority of the resource's period of significance is prior to 1941:

- Associated with events that have made a noteworthy contribution to the broad patterns of our history;
- Associated with the lives of persons noteworthy in our past;
- Embodies the distinctive characteristics of a noteworthy type, period, or method of construction; or
- Has yielded, or may be likely to yield, information noteworthy in prehistory or history.

Although more than 50 years old, staff believes the house and former garage are not eligible for listing under the National Register of Historic Places or the California Register of Historic Resources. Archival research yielded no information indicating association with an event that has made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States under Criterion A of the NRHP and criterion 1 under the CRHR 1. Archival research finds no association with significant historic local or California individuals or entities under

Criterion B of the NRHP and criterion 2 under the CRHR 1. The structure style and construction type does not sufficiently embody the distinctive characteristics of a style, type, or period under Criterion C of the NRHP and criterion 3 under the CRHR. The report prepared by PAR Environmental Services, "Cultural Resources Inventory of the Proposed Sheldon Lakes Project, Elk Grove, Sacramento," dated January 18, 2002 found the property ineligible for the California Register of Historical Resources because it exhibits commonly used building materials and forms that are undistinguished.

The remaining buildings on site are less than 50 years old and are not of "exceptional importance" necessary for resources to be listed that are less than 50 years old (National Register of Historic Places, Bulletin 15, "How to Apply the National Register Criteria for Evaluations.") Under the Elk Grove Heritage Resource Designation Criteria, the buildings were all constructed after 1941 and thus are not eligible. The allegation that the property may be the last extant dairy in the Elk Grove area is not sufficient for eligibility since because the barns and much of the ancillary dairy structures are less than 50 years old, and to be eligible for historic designation the structures must be more than 50 years old.

Conclusion

Staff ~~believes~~ is of the opinion that the property is not eligible for the National Register of Historic Places, California Register of Historic Resources, or listing under the Elk Grove Historic Preservation Ordinance because it does not meet the designated criteria. The property should not be considered a historic resource under CEQA.

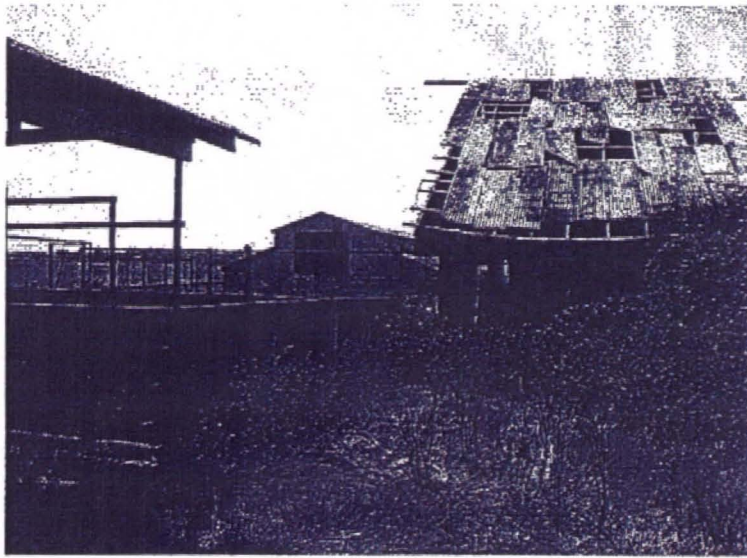
Photos



Aerial photo of property from Google Earth.



Single family house, primary facade, August 10, 2009.



Barn complex, looking south August 10, 2009.

November 20, 2009

From: Tom Shine

To: Christopher Jordan, Senior Planner

CC: D. Hazen, Planning Director, City of Elk Grove

R. Shepard, Public Works Director, City of Elk Grove

Subj: Draft Mitigated Negative Declaration and Tentative Subdivision Map, Waterman and Sheldon Project (Old Dairy), Review Comment Submission

I'm pleased to see this project progressing through the planning phases. This development has enjoyed the support of many area residents who view this project as an excellent addition to Elk Grove's housing inventory. Some aspects of the project do warrant further consideration and are addressed in the following review comments:

Lot 6 Access. Lot 6 shown on Figure 1. Site Plan, as viewed from the Planning Department's website, appears to be landlocked. Road connectivity between Lot 6 and either Sheldon Road or the western public access road adjacent to Lots 1-5 is not obvious. The site plan display is too small and prevents close inspection of details. Is Lot 6 landlocked?

Interference with Sheldon Road Traffic. Origination of the public road serving Lots 1-5 (6?), west of Laguna Creek, is so near the busy intersection of Sheldon and Waterman that traffic movement problems along Sheldon are predictable. Additionally, access from the western road onto Sheldon will most likely result with "right-in and right-out only" turning patterns. Residents entering onto Sheldon would be forced eastward onto unnecessarily long-way-around routes. Most schools, businesses, shopping, etc. are located west of the development.

Moving the origination of the western road to a location on Waterman would create more distance between the western road and the busy Waterman-Sheldon intersection, thereby reducing traffic flow problems on Sheldon. Access on Waterman will also provide residents a choice of shorter routes.

A western road-to-Waterman connection could start at the 30-foot fire turn-around location at Lot 3, continuing the west to Waterman. The cul-de-sac at Lots 1 and 2 might also serve as a starting point of a westward connection with Waterman. It appears either would serve the purpose.

Road Extension between Lots 22 and 23. This extension serves no functional purpose to the development. What it will do is reduce the land available for use by both Lots 22 and 23, plus add more (unnecessary) pavements in an agricultural-rural residential area.

East of the development are ten acres of undeveloped property running north-south along the Waterman-Sheldon development's eastern boundary. These ten acres will likely be

split into five two-acre parcels and be serviced by an already approved road on that parcels' east side. This road will also serve an already approved five two-acre parcel development immediately east of these undeveloped ten acres. Although a public road, the single access point on Sheldon Road will limit non-resident traffic, obviously contributing to safety and quality of life in the ten-home neighborhood. The single road service between the two ten-acre parcels (one undeveloped, one split and approved) will not hamper emergency service access or increase response times.

The justification for planning a potential connection of the Waterman-Sheldon development's east loop road to the quiet neighborhood road servicing the parcels further east, as presented by the Elk Grove Planning Department, needlessly adds pass-through traffic to a quiet neighborhood road. What is to be gained by connecting these roads? It is not faster emergency response times or easier access. Why is the Elk Grove Planning Department advocating such a flawed idea?

Respectfully Submitted,

Tom Shine
8758 Rubia Dr.
Elk Grove, CA
95624

**SACRAMENTO AREA
SEWER DISTRICT**
SERVING YOU 24/7

November 17, 2009
E225.000

Christopher Jordan
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

Subject: Sheldon and Waterman TSM- NOI MND
APN: 127-0010-077
Control No.: EG-06-1146

Board of Directors

Representing:

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City of Citrus Heights
City of Elk Grove
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Chief Financial Officer

Claudia Goss
Director of Communications

10545 Armstrong Avenue
Mather, California 95655
Tel 916.876.6000
Fax 916.876.6160
www.sacsewer.com

Dear Mr. Jordan:

The Sacramento Area Sewer District (District) has reviewed the subject Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the subject project and has following comments. The Sacramento Regional County Sanitation District (SRCSD) has sent their comments in a separate letter.

It is noted that this application is requesting a Notice of Intent to adopt a Mitigated Negative Declaration (MND) for the Sheldon and Waterman Tentative Subdivision Map. This project is requesting a rezone from AG-80 to AR-2 and a tentative subdivision map to divide the 118-acre parcel into 26 lots (2 to 4 acres in size) and one remainder open space lot (approximately 50 acres in size). This project is located at 9350 Sheldon Road, on the southeast corner of Sheldon Road and Waterman Road in the City of Elk Grove. This project was previously submitted under the name "Stonebridge Rezone and Tentative Subdivision Map" and was responded by the District on March 28, 2007.

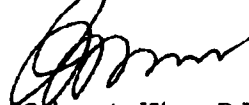
The subject property is within a City of Elk Grove Rural Residential Zone. In this zone, both present and future public sanitary sewer facilities of any type are *"strongly discouraged"* by the City of Elk Grove General Plan. Paragraph PF-10 of the City's General Plan specifically prohibits the installation of "trunk or service lines". Also, paragraph PF-11 states that *"the installation of "dry sewers" shall not be required as a condition of approval of development in the Rural Residential land use category"*. Applicant should therefore contact Sacramento County Environmental Management Department for onsite sewer septic system to serve the proposed parcels.

Christopher Jordan
Page 2
November 17, 2009

We expect that if the project is subject to currently established policies, ordinances, fees, and to conditions of approval that we may propose after review of entitlement application documents, then mitigation measures within the environment document will adequately address the sewage aspects of the project and we anticipate a less than significant impact to the sewage facilities.

If you have any questions regarding these comments, please call Amandeep Singh at (916) 876-6296 or myself at (916) 876-6094

Sincerely,



Salam A. Khan, P.E.
Sacramento Area Sewer District
Development Services

SK/CM: ms

cc:

File
Cheryl Hawkins- EMD (Mail Code: 50-001)

EXHIBIT B – MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measure	Timing / Implementation	Enforcement / Monitoring	Verification (date and signature)
1.	<p>Prior to approval of Improvement or Grading Plan(s), the project applicant shall complete one or a combination of the following:</p> <ul style="list-style-type: none"> • Preserve 1.0 acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the CDFG and the City of Elk Grove as set forth in Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect. Use of the remainder parcel as mitigation under this option shall account for 30.15 acres of mitigation; AND/OR • Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said chapter remains in effect. Use of the remainder parcel as mitigation under this option shall account for 30.15 acres of mitigation; AND/OR <p>Submit proof that mitigation credits for Swainson's hawk foraging habitat have been purchased at a California Department of Fish and Game approved mitigation bank. Use of the remainder parcel as mitigation under this option shall account for 30.15 acres of mitigation.</p>	<p>Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p>	<p>City of Elk Grove Development Services- Planning in consultation with CDFG</p>	
2.	<p>Prior to any ground disturbance, the Applicant shall hire a qualified biologist to survey for burrowing owl activities to assess owl presence and need for further mitigation within thirty (30) days prior to site mobilization using CDFG and California Burrowing Owl Consortium guidelines (CBOC 1993). The breeding period for burrowing owls is from February 1 to August 31 with the peak being from April 15 to July 15, the recommended survey window. Winter surveys may be</p>	<p>Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building,</p>	<p>City of Elk Grove Development Services- Planning in consultation with CDFG</p>	

	Mitigation Measure	Timing / Implementation	Enforcement / Monitoring	Verification (date <u>and</u> signature)
	<p>conducted between December 1 and January 31.</p>	<p>or other site improvements, whichever occurs first.</p>		
3.	<p>If construction is expected to occur during the typical nesting season (February-August), the applicant shall retain a qualified biologist to perform a pre-construction nest survey in order to determine if any active raptor or migratory bird nests occur within the project study area. The survey shall be conducted no more than 30 days prior to ground disturbance at the site.</p> <p>If there is any lapse in construction activities, and construction resumes during the nesting season, new surveys shall be conducted within 30 days of the re-initiation of construction activities.</p> <p>If nesting birds are found, a buffer shall be established around the active nest in which project activity ingress will be prohibited, thus ensuring nesting species are avoided and allowed to complete their nesting cycle. Consistent with Fish and Game standards, for raptors, a 250 foot buffer shall be required; for all other migratory birds, a 50 foot buffer shall be used. Exclusionary fencing will be established outside the proposed project footprint to prohibit project activity ingress. All required buffers shall be shown on construction plans. If construction activities are proposed to occur during non-breeding season (September-January), a survey is not required and no further studies are necessary.</p> <p>If nesting trees are to be removed and are removed prior to the nesting season, no further mitigation is required.</p>	<p>Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first</p>	<p>City of Elk Grove Development Services and California Department of Fish and Game (CDFG)</p>	
4.	<p>Prior to any site disturbance, the applicant shall obtain a current Jurisdictional Determination Letter from the Army Corps of Engineers verifying past wetland delineations conducted for the project site.</p>	<p>Prior to any site disturbance, such as clearing or</p>	<p>City of Elk Grove Development Services and the</p>	

Mitiation Measure	Timing / Implementation	Enforcement / Monitoring	Verification (date and signature)
<p>The applicant shall submit a revised wetland delineation report if requested by the Army Corps of Engineers to obtain the Jurisdictional Determination Letter. The applicant shall ensure that the project will result in no-net-loss of waters of the US by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact. Compensatory mitigation shall require purchase of credits in a Corps-approved mitigation bank at a ratio no less than one acre purchased for each acre impacted.</p>	<p>grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p>	<p>Army Corps of Engineers (USACOE).</p>	
<p>5. The applicant shall provide the location of all verified vernal pools and wetland features on all construction drawings. Best Management Practices (BMPs) such as silt fencing shall be employed at all wetland features that are within 50 feet of any construction activity or ground disturbing activity. These BMPs shall be identified on all construction drawings.</p>	<p>Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first</p>	<p>City of Elk Grove Development Services</p>	
<p>6. In order to reduce potential adverse impacts to existing trees on the project site, the applicant shall develop and implement a tree protection plan per the following specifications:</p> <ul style="list-style-type: none"> • The plan shall include a list of native and non-native trees to be preserved on the project site, including the species, condition, and diameter at breast height of each tree, and an exhibit depicting the location of those trees. • All oak trees that are 6 inches dbh or larger on the project site and other trees that have been selected for preservation, all portions of adjacent off-site native trees which have driplines that extend onto the project site, and all off-site native trees 	<p>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs</p>	<p>No later than 24 hours prior to commencement of construction activities including clearing and grubbing the applicant shall contact Development Services –</p>	

Mitigation Measure	Timing / Implementation	Enforcement / Monitoring	Verification (date and signature)
<p>which may be impacted by utility installation and/or improvements associated with this project, shall be protected as follows:</p> <ol style="list-style-type: none"> 1. A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of each tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and defines the minimum protected area of each tree. Removing limbs that make up the dripline does not change the protected area. 2. Any protected trees on the site that require pruning shall be pruned by a certified arborist prior to the start of construction work. All pruning shall be in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines." 3. Before initiating any construction activity near protected trees, install chain link fencing or a similar protective barrier at least one foot outside the dripline of each tree or as far as possible from the tree trunk where the existing road is within the tree dripline. The barrier fencing will remain in place for the duration of construction activity. 4. No signs, ropes, cables (except those which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the trees. Small metallic numbering tags for the purpose of preparing tree reports and inventories shall be allowed. 5. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be 	<p>first, the tree protection plan shall be submitted to Elk Grove Planning for review and approval</p>	<p>Planning to schedule a site inspection to verify that the protective measures have been installed in accordance with this mitigation measure</p>	

Mitigation Measure	Timing / Implementation	Enforcement / Monitoring	Verification (date <u>and</u> signature)
<p>driven, parked, stockpiled or located within the driplines of protected trees.</p> <ol style="list-style-type: none"> 6. No grading (grade cuts or fills) shall be allowed within the driplines of protected trees except where paved roadway already exists and where it can be demonstrated that the health of the tree will not be significantly impacted. Removal of pavement and grading within the driplines of oak trees shall be conducted in the presence of a certified arborist to ensure that damage and stress to any oak tree is minimized. 7. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any protected tree. 8. No trenching shall be allowed within the driplines of protected trees. If it is absolutely necessary to install underground utilities within the dripline of a protected tree, the utility line shall be bored and jacked under the supervision of a certified arborist. 9. The construction of impervious surfaces within the driplines of protected trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist. 10. No sprinkler or irrigation system shall be installed in such a manner that it sprays water or requires trenching within the driplines of protected trees. An above-ground drip irrigation system is recommended. 11. Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, 			

Mitigation Measure	Timing / Implementation	Enforcement / Monitoring	Verification (date and signature)
<p>etc. The only plant species that shall be planted within the driplines of oak trees are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.</p> <p>12. Prior to the installation of new asphalt, weed control chemicals shall not be applied where they can leach into the dripline of any protected trees.</p> <ul style="list-style-type: none"> • During construction, the frequency and amount of watering for protected trees shall not differ from that received prior to construction 			
<p>7. The applicant shall provide an updated Phase I Environmental Site Assessment conducted by a qualified professional. The applicant shall follow all recommendations provided in the updated Phase I Environmental Site Assessment to ensure that all Recognized Environmental Conditions (RECs) are removed from the project site in a manner that is consistent with State law.</p>	<p>Prior to the issuance of any permits for grading</p>	<p>City of Elk Grove Development Services and the Department of Toxic Substance Control (DTSC).</p>	
<p>8. In order to reduce potential adverse impacts to residents of lots along Sheldon Road, prior to issuance of building permits, the applicant shall design the home(s) so that the outdoor activity areas are located on the backside of the residential structure(s) and shielded from Sheldon Road traffic noise; or provide proof that an alternative design will ensure that outdoor activity areas are not impacted by Sheldon Road traffic noises</p>	<p>Prior to the issuance of building permits, the applicant shall implement one of the mitigation measures</p>	<p>Development Services – Planning</p>	
<p>9. In accordance with General Plan Action NO-3-1, all construction activity on the project site, including grading, physical improvements (e.g., roads, trails, drainage), and major building construction (e.g., home construction, major remodeling) shall be limited to the hours of 7 a.m. and 7 p.m. Monday through Friday</p>	<p>On-going</p>	<p>Development Services – Planning</p>	

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2010-12

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

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 January 13, 2010 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



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