

**RESOLUTION NO. 2008-181**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS  
OF FACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND  
ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR  
REYNOLDS AND BROWN PLAZA III, PROJECT NO. EG-06-1051,  
ASSESSOR PARCEL NUMBER 125-0030-029**

**WHEREAS**, Reynolds & Brown (the "Applicant") filed an application with the City of Elk Grove ("City") for a General Plan Amendment, a Rezone, and a Tentative Parcel Map for the Reynolds and Brown Plaza III project; and

**WHEREAS**, the project site is located at the northwest corner of East Stockton Boulevard and the State Highway 99 northbound off ramp; and

**WHEREAS**, the City determined that the Reynolds and Brown Plaza III project (also referred to herein as "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq. and that a Subsequent Environmental Impact Report (SEIR) be prepared to evaluate the potential environmental effects of the Project; and

**WHEREAS**, in compliance with Public Resources Code §21080.4, a Notice of Preparation (NOP) was prepared by the City and was distributed to the State Clearinghouse, Office of Planning and Research, responsible agencies and other interested parties on April 20, 2007 with the comment period ending on May 23, 2007; and

**WHEREAS**, the City distributed a Notice of Availability for the Reynolds and Brown Plaza III Draft Environmental Impact Report (EIR) on February 27, 2008, which started the 45-day public review period, ending on April 11, 2008; and

**WHEREAS**, the Draft EIR was filed with the State Clearinghouse (SCH No. 2007042125) and was distributed to public agencies and other interested parties for public review and comment; and

**WHEREAS**, the City of Elk Grove prepared and distributed a Final EIR for public review on July 13, 2008, which consists of: (1) Draft SEIR, (2) comments received on the Draft SEIR during its public review period, (3) responses to comments received, and (4) errata; and

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

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

1. Certification of the Final EIR

- A. The City Council of the City of Elk Grove hereby certifies that the Final EIR has been completed in compliance with the requirements of the California Environmental Quality Act.
- B. The City Council of the City of Elk Grove hereby certifies that the Final EIR was presented to the City Council and that the City Council reviewed and considered the information contained in the Final EIR prior to taking action on the Project.
- C. The City Council of the City of Elk Grove hereby certifies that the Final EIR reflects the independent judgment and analysis of the City Council of the City of Elk Grove.

2. Findings on Impacts

The City Council finds:

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

3. Findings on Alternatives

Three (3) project alternatives (“No Project,” “80 Room Hotel, Retail, Restaurant” and “93 Room Hotel and Restaurant”) were evaluated by the City of Elk Grove in the EIR. As set forth in Exhibit A, these alternatives result in more severe environmental effects, do not meet the basic project objectives, or do not provide any substantial environmental benefits as compared to the proposed Reynolds and Brown Plaza III project. The City Council hereby finds that the proposed Reynolds and Brown Plaza III project, as mitigated by adoption of mitigation measures identified in the EIR, can be feasibly implemented and serves the best interests of the City of Elk Grove.

4. Statement of Overriding Considerations

Because the adoption of all feasible mitigation measures will not substantially lessen or avoid all significant adverse environmental effects caused by the project, the City Council adopts a Statement of Overriding Considerations concerning the project's

unavoidable significant impacts to explain why the project's benefits override and outweigh its unavoidable impacts on the environment as set forth in Exhibit A.

5. Adoption of the Mitigation Monitoring and Reporting Program


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

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

6. Other Findings

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

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove on this 23<sup>rd</sup> day of July 2008.

  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:

  
SUSAN COCHRAN, CITY ATTORNEY

EXHIBIT A

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FINDINGS OF FACT  
AND  
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

REYNOLDS AND BROWN PLAZA III EIR

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SCH# 2007042125

PREPARED BY:

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

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

**I. Introduction**

The City of Elk Grove ("City") prepared a Final Environmental Impact Report ("Final EIR") for the proposed Reynolds & Brown Plaza III project and other related entitlements including a General Plan Amendment ("GPA"), Rezone, and Tentative Subdivision Map ("TSM").

The Final EIR addresses the potential environmental effects associated with changing the land use designation of the project site from Public/Quasi Public to Commercial, changing the existing zoning from RD-5 Low Density Residential (5 du/acre) to SC (Shopping Center), and dividing the 4.014 acre site into four separate parcels. The Draft EIR for the Reynolds & Brown Plaza III project included a conceptual site plan which identified uses that would be allowed under the proposed land use designations. These uses included a hotel, retail and gas station with mini-mart and car wash. In addition, 25 park and ride spaces will be maintained on the project site. Following the release of the Draft EIR for public review, the applicant submitted a Design Review application for a hotel and a three building retail plaza which are consistent with the conceptual development analyzed in the Draft EIR. The Reynolds & Brown Plaza III project site is located at 9603 – 9641 East Stockton Boulevard in the central portion of the City of Elk Grove.

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

**II. General Findings and Overview**

**A. Relationship to the City of Elk Grove General Plan**

The Reynolds & Brown Plaza III project is subject to the City's General Plan. The General Plan provides the long-term vision or blueprint for development of the City; all subsequent land use approvals are required to be consistent with the goals, objectives, and policies embodied in the General Plan.

**B. Procedural Background**

The City prepared a Notice of Preparation (NOP) of an EIR for the project on April 20, 2007. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The Notice of Availability for the DEIR was published on February 27, 2008. The Draft Environmental Impact Report (referred to as, the "Draft EIR" or the "DEIR") was published for public review and comment in February 2008 and was filed with the State Office of Planning & Research under State Clearinghouse No. 2007042125. The review period for the DEIR ended on April 11, 2008.

The City prepared written responses to the comments received during the comment period and included these responses in a separate volume entitled "Reynolds & Brown Plaza III Final Environmental Impact Report". The Final provides a list of those who commented on the DEIR, copies of written comments (coded for reference), written responses to comments regarding the environmental review, and an errata with minor text changes made to the DEIR as a result of comments on the DEIR.

### **C. Existing Conditions and Project Characteristics**

The site consists of one parcel (APN 125-0030-029) that is approximately 4.014 acres in size. The site includes a combination of vacant and developed areas as well as a total of 72 trees of various species including Oak, Acacia and Eucalyptus. Three man-made ditches considered jurisdictional by the U.S. Army Corps of Engineers (ACOE) are located on the project site. Three 4-inch plastic drainage pipes convey flows from the site to the north. The southeastern portion of the site was previously a Caltrans maintenance yard and contains three vacant steel framed and metal-sided buildings. The buildings include a warehouse, fuel house and equipment building.

Other features on the site include a park and ride lot and an existing cell tower located on the northern portion of the site. Overhead utilities surround the project site and overhead parking lot lights are located in the park and ride portion of the site. The remainder of the site is comprised of vacant land.

The project includes three basic components: A General Plan Amendment (GPA), rezone and Tentative Parcel Map (TPM). The GPA would change the land use designation from Public/Quasi Public to Commercial. The rezone would change the existing zoning from RD-5 Low Density Residential (5 du/acre) to SC (Shopping Center).

The TPM would divide the 4.014 acre site into four separate parcels. The conceptual site plan prepared by the applicant identified uses that would be allowed under the proposed land use designation and zoning. These uses included a hotel, retail and gas station with mini-mart and car wash. In addition, 25 park and ride spaces would be maintained on the project site. A Design Review application was submitted for a hotel and a three building retail plaza which are consistent with the conceptual plan.

The proposed site plan shows the buildings placed along the southern perimeter of the site. The hotel would be closest to SR 99 while the retail buildings would be positioned on the eastern portion of the site near East Elk Grove Boulevard. Existing structures on the site including the Caltrans warehouse, fuel house and equipment building would be demolished prior to developing the site with new uses. In addition, existing asphalt areas, several trees and any remaining underground facilities associated with the former Caltrans maintenance facility would require removal prior to proceeding with any development activities.

The project proposes one driveway on East Stockton Boulevard that will provide right-in/right-out and left-in movements. No left-out egress allowing northward travel on East Stockton Boulevard is envisioned. Internal circulation would conceptually include driveway aisles between parking stalls as well as potential for two drive-thru uses. One drive-thru was assumed for a fast food restaurant and the other for a car wash. Traffic from these uses would be directed to the southern perimeter of the site to facilitate exiting at East Stockton Boulevard.

The project site is located in an urbanized area of the City that receives municipal services and utilities. Sewer service is provided by County of Sacramento Community Service District (CSD-1). Water is provided by Elk Grove Water Works/Zone 40. Drainage would be provided by the City of Elk Grove. Fire protection to the site is provided by the Cosumnes Community Services District and police protection is provided by the City of Elk Grove Police Department. Telephone service is provided by Frontier Communications and electrical service would be provided by the Sacramento Municipal Utility District (SMUD). Pacific Gas & Electric (PG&E) would provide gas to the project site.

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

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

- The NOP, comments received on the NOP and all other public notices issued by the City in relation to the Reynolds & Brown Plaza III EIR (e.g., Notice of Availability).
- The General Plan Draft EIR, associated appendices to the Draft EIR and technical materials cited in the Draft EIR.
- The Reynolds & Brown Plaza III Draft EIR, associated appendices to the Draft EIR and technical materials cited in the Draft EIR.
- The Reynolds & Brown Plaza III Final EIR, including comment letters and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Elk Grove and consultants.
- Minutes of the discussions regarding the project and/or project components at public hearings held by the City of Elk Grove Planning Commission and City Council.
- Staff reports associated with Planning Commission and City Council meetings on the proposed project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

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

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

In adopting these Findings, this City Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Reynolds and Brown Plaza III project, including the General Plan Amendment, Tentative Parcel Map, Rezone, and Design Review. By these findings, this Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to

comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment of the City.

#### **F. Severability**

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

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

#### **A. NOISE**

##### **1. Permanent Cumulative Noise Increase: Traffic (EIR Impact 4.5.3)**

- (a) **Potential Impact:** The potential of the project, along with existing, approved, proposed and reasonably foreseeable urban development in the region, to increase traffic volumes within and adjacent to the site and thus result in transportation related noise levels in excess of the City of Elk Grove noise standards is discussed on pages 4.5-14 and 4.5-15 of the DEIR.
- (b) **Mitigation Measures:** No feasible mitigation exists to reduce the impact.
- (c) **Findings:** Based on the DEIR and the entire record before this City, the City finds that:
  - (1) **Significance of Impacts:** As identified in the City of Elk Grove's Draft General Plan EIR, permanent traffic noise increases would be cumulatively considerable and significant and unavoidable. The City of Elk Grove adopted a finding as part of the Findings of Fact and Statement of Overriding Considerations that there were no feasible mitigation measures available to mitigate the impacts of traffic noise on a cumulative level.
  - (3) **Overriding Considerations:** The environmental, economic, social and other benefits of the project override significant adverse impacts of the project associated with cumulative traffic noise increases, is more fully stated in the Statement of Overriding Considerations in Section VIII, below.

#### **B. TRANSPORTATION AND CIRCULATION**

##### **1. Intersection Operations – East Stockton Boulevard/SR 99 Northbound Off-Ramp (EIR Impact 4.7.2)**

- (a) **Potential Impact:** The potential of the project to degrade the East Stockton Boulevard/SR 99 Northbound Off-Ramp from LOS D to F for the AM peak hour is discussed on pages 4.7-18 through 4.7-20 of the DEIR.



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

Implement Reynolds and Brown Plaza III mitigation measure MM 4.7.2.

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

- (1) **Effects of Mitigation:** The potential impact of the project to degrade LOS on the East Stockton Boulevard/SR 99 Northbound Off-Ramp can be reduced by the mitigation measure described above because the measure requires that the applicant contribute its fair share (9.4 percent of the cost of improvements) to fund the installation of a traffic signal to control the northbound on-ramp/off-ramp intersection at East Stockton Boulevard. The mitigation measure would reduce the impact related deficient LOS conditions on the East Stockton Boulevard/SR 99 Northbound Off-Ramp by improving the LOS at the intersection to LOS C, which is an acceptable condition of operation. However, construction of the traffic signal is not currently part of the Elk Grove Roadway Fee Program and the timing of the signal construction cannot be guaranteed. Construction of the signal may occur after occupancy of the hotel. Therefore, the impact cannot be completely mitigated because the mitigation measure cannot guarantee timing of the traffic signal.
- (2) **Remaining Impacts:** While implementation of mitigation measure MM 4.7.2 is required, the timing of the traffic signal construction cannot be guaranteed. No other feasible mitigation measures to improve LOS at the East Stockton Boulevard/SR 99 Northbound Off-Ramp are available to reduce the impact to a less than significant level. Therefore, impacts to intersection operations at the East Stockton Boulevard/SR 99 Northbound off-ramp are considered to be significant and unavoidable.
- (3) **Overriding Considerations:** The environmental, economic, social and other benefits of the project override any remaining significant adverse impact of the project on intersection operations, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

## 2. Intersection Level of Service (EIR Impact 4.7.4)

- (a) **Potential Impact:** The potential for the addition of project traffic in the surrounding build-out land use and transportation system to exacerbate LOS conditions at the East Stockton Boulevard/Elk Grove Boulevard intersection during both peak hours is discussed on page 4.7-25 and 4.7-26 of the DEIR.

- (b) **Mitigation Measures:** None feasible to reduce the impact.
- (c) **Findings:** Based on the DEIR and the entire record before this City, the City finds that:
  - (1) **Significance of Impact:** The improvements at the East Stockton Boulevard/SR 99 Northbound Ramps intersection are the last phase of the improvements at the SR 99/Elk Grove Boulevard Interchange. Additional improvements, such as widening lanes are not feasible due to the right-of-way constraints (e.g. existing development adjacent to the interchange). There are no other feasible measures that could reduce cumulative impacts to operations of the intersections of the East Stockton Boulevard/Elk Grove Boulevard and the site driveway. Therefore, the operational deficiencies under cumulative conditions are considered cumulatively considerable and significant and unavoidable.
  - (2) **Overriding Considerations:** The environmental, economic, social and other benefits of the project override any significant adverse cumulative impact of the project to intersection level of service, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

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

**A. VISUAL RESOURCES/LIGHT AND GLARE**

**1. Views from Surrounding Areas (EIR Impact 4.1.1)**

- (a) **Potential Impact.** The potential impact of the project to substantially alter the existing natural and built characteristics of the project site as viewed from surrounding areas is discussed on Pages 4.1-5 through 4.1-6 of the DEIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement Reynolds and Brown Plaza III mitigation measure MM 4.1.1.
- (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
  - (1) **Effects of Mitigation.** Project impacts related to alteration of the existing natural and built characteristics of the project site as viewed from surrounding areas will be mitigated to a less than significant level by the mitigation measures described above because the measures require landscaping plans to be developed and designed to

preserve existing site features including trees and drainage channels wherever feasible. The measure will preserve existing trees and drainage features on the project site to the extent feasible.

- (2) **Remaining Impacts.** The project will be required to comply with the provisions of the Elk Grove Zoning Code, the Elk Grove Design Guidelines for Non-Residential Development, and mitigation measure MM 4.1.1. Any remaining impacts related to the proposed impairment to productivity/land use compatibility would not be significant.

## B. Biological Resources

### 1. Impacts to Special Status Species: Swainson's Hawk and Other Raptors (EIR Impact 4.3.1)

- (a) **Potential Impact.** The potential for the project to result in disturbance to nesting raptors and other migratory birds, including Swainson's Hawk and white-tailed kites, due to the removal of trees is discussed on pages 4.3-13 and 4.3-14 of the DEIR.

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

Implement Reynolds and Brown Plaza III mitigation measure MM 4.3.1.

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

- (1) **Effects of Mitigation.** The project impacts related to disturbance to nesting raptors and other migratory birds, including Swainson's hawk and white-tailed kites, will be mitigated to acceptable levels by the mitigation measure described above. This is because the measure requires tree removal on the site to take place outside of nesting season. The measure also requires a focused survey for ground nesting raptors and active nests to be conducted by a qualified biologist within 15 days prior to the beginning of project-related activities. If active nests are found, no construction activities are allowed to take place within 150 feet of the nest until the young have fledged.

- (2) **Remaining Impacts.** Any remaining impacts related to nesting raptors and other migratory birds would not be significant.

### 2. Impacts to Special Status Species: Pallid Bat (EIR Impact 4.3.2)

(a) **Potential Impact.** The potential for the project to result in the loss of roosting sites for local pallid bat populations due to demolition of the Caltrans building is described on pages 4.3-14 and 4.3-15 of the DEIR.

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

Implement Reynolds and Brown Plaza III mitigation measure MM 4.3.2.

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

(1) **Effects of Mitigation.** The potential impact of the project to roosting sites for local pallid bat populations will be mitigated to a less than significant level through implementation of the mitigation measure described above because the measure requires a qualified bat biologist to conduct a habitat assessment and daytime survey of the building proposed for demolition. If bat use is noted, then a qualified biologist is required to prepare a report that makes recommendations for appropriate measures to prevent harm to sensitive species of bats. These measures will ensure that pallid bat populations are not impacted.

(2) **Remaining Impacts.** Any remaining impacts related to pallid bat roosting sites will not be significant.

### 3. Impacts to Waters of the U.S. (EIR Impact 4.3.3)

(a) **Potential Impact.** The potential for the project to result in the loss of waters of the U.S. which are under the jurisdiction of the ACOE is described on pages 4.3-15 and 4.3-16 of the DEIR.

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

Implement Reynolds and Brown Plaza III mitigation measure MM 4.3.3.

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

(1) **Effects of Mitigation.** The potential impact of the project to waters of the U.S. will be mitigated to a less than significant level through implementation of the mitigation measure described above because the measure requires that the project adhere to a no-net-loss of wetlands policy. The City will be required to comply with all permit conditions and employ best management practices and measures (established by the ACOE) to minimize and compensate for impacts to any jurisdictional waters. These measures will ensure that waters of the U.S. are not impacted.

- (2) **Remaining Impacts.** Any remaining impacts related to waters of the U.S. will not be significant.

**4. Tree Removal (EIR Impact 4.3.4)**

- (a) **Potential Impact.** The potential for the project to result in tree removal is discussed on pages 4.3-16 through 4.3-19 of the DEIR.

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

Implement Reynolds and Brown Plaza III mitigation measures MM 4.3.4a and MM 4.3.4b.

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

- (1) **Effects of Mitigation.** The potential impact of the project trees will be mitigated to a less than significant level through implementation of the mitigation measures described above because the measure requires that trees to be removed and trees to be retained be identified on the development plan. In addition, the mitigation also requires that an ISA Certified Arborist oversee removal of the existing park and ride lot to protect trees to be saved along the northern boundary of the site. These measures will ensure that impacts to trees are reduced to a less than significant level.

- (2) **Remaining Impacts.** Any remaining impacts associated with tree removal would not be significant.

**5. Cumulative Biological Resources Impact (EIR Impact 4.3.5)**

- (a) **Potential Impact.** The potential for the project to result in cumulative impacts to biological resources is discussed on page 4.3-20 of the DEIR.

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

Implement Reynolds and Brown Plaza III mitigation measures MM 4.3.1, 4.3.2, 4.3.3, 4.3.4a and 4.3.4b.

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

- (1) **Effects of Mitigation.** The potential impact of the project to contribute to the loss of potential nesting habitat for endangered and protected species and species of concern, including Swainson's hawk, migratory birds and raptors, that may currently inhabit the area. These potential impacts would be mitigated to a less than significant level through implementation of the mitigation measures described above which require: tree removal to occur outside the nesting season; a qualified bat biologist to conduct a habitat assessment and daytime survey of the building prior to demolition; no net-loss of wetlands; and identification of trees to be removed and trees to be retained on the development plan. Therefore, cumulative biological resource impacts would be considered less than cumulatively considerable.
- (2) **Remaining Impacts.** Any remaining cumulative impacts to biological resources would not be cumulatively considerable.

**C. Hazards and Hazardous Materials**

**1. Potential Hazard Through the Routine Transport, Use or Disposal of Hazardous Materials (Impact 4.4.1)**

- a) **Potential Impact.** Development of the proposed project site could present a potential hazard relative to routine transport, use or disposal of hazardous materials as discussed on page 4.4-9 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:  
  
Implement Reynolds & Brown Plaza III Mitigation Measures MM 4.4.1a and MM 4.4.1b.
- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The impacts related to routine transport, use or disposal of hazardous materials will be mitigated to a less than significant level by the mitigation measures described above because the project will be required to prepare appropriate plans and obtain permits addressing hazardous materials. Therefore, project impacts associated with the routine transport, use or disposal of hazardous materials would be reduced to less than significant levels.
- (2) **Remaining Impacts.** The conceptual site plan for the proposed project includes a gas station which would have three underground storage tanks. Gas stations are required to comply with various state and Federal laws including the California Health and Safety code standards for underground storage tanks. Therefore, any remaining impacts related to the routine transport, use or disposal of hazardous materials would not be significant.

**2. Underground Storage Tanks (Impact 4.4.2)**

- a) **Potential Impact.** The proposed project site could be impacted by residual concentrations of petroleum hydrocarbons from the former waste oil tank on the site as discussed on pages 4.4-10 through 4.4-11 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement Reynolds & Brown Plaza III Mitigation Measures MM 4.4.2.

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

(1) **Effects of Mitigation.** The impacts related to underground storage tanks on the project site will be mitigated to a less than significant level by the mitigation measure described above because the project will be required to sample and test soils in the area of the former waste oil tank for petroleum hydrocarbons. If hydrocarbons are discovered at levels exceeding acceptable thresholds, a qualified Phase I Environmental Assessor is required to be hired by the applicant to develop and carry out a remediation plan to reduce potential exposure to petroleum hydrocarbons to an acceptable level and soils are required to be excavated and disposed of at an appropriate landfill. Therefore, potential exposure to contaminated soil associated with the waste oil tank would be mitigated to less than significant.

(2) **Remaining Impacts.** Any remaining impacts associated with underground storage tanks would not be significant.

**3. Polychlorinated Biphenyls (Impact 4.4.3)**

- a) **Potential Impact.** Development of the proposed project site could present a potential hazard relative to potential PCBs on pole mounted transformers and the hydraulic lift on the project site as discussed on page 4.4-11 and 4.4-12 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement Reynolds & Brown Plaza III mitigation measures MM 4.4.3a and MM 4.4.3b.

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

- (1) **Effects of Mitigation.** The impacts related to potential PCBs on the project site will be mitigated to a less than significant level by the mitigation measures described above because the project will be required to remove potential PCB containing facilities on the project site. Therefore, project impacts associated with the PCBs would be reduced to less than significant levels.
- (2) **Remaining Impacts.** Any remaining impacts associated with PCBs would not be significant.

#### 4. Asbestos Containing Materials in Buildings (Impact 4.4.4)

- a) **Potential Impact.** Development of the project site would require demolition of existing structures that could have asbestos containing materials present as discussed on pages 4.4-12 and 4.4-13 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement Reynolds & Brown Plaza III mitigation measure MM 4.4.4.

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

- (1) **Effects of Mitigation.** The impacts related to potential asbestos containing building materials on the project site will be mitigated to a less than significant level by the mitigation measure described above because the project will be required to conduct asbestos abatement and disposal and to hire a qualified Phase I Environmental Assessor to develop and carry out an abatement plan. Therefore, project impacts associated with asbestos would be reduced to less than significant levels.

- (2) **Remaining Impacts.** Any remaining impacts associated with asbestos would not be significant.

#### 5. Lead Based Paint from Buildings (Impact 4.4.5)

- a) **Potential Impact.** Development of the project site would require demolition of existing structures that could contain lead based paint as discussed on pages 4.4-13 and 4.4-14 of the DEIR.
- c) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

Implement Reynolds & Brown Plaza III mitigation measures MM 4.4.5a and MM 4.4.5b.



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

(1) **Effects of Mitigation.** The impacts related to potential lead based paint on the project site will be mitigated to a less than significant level by the mitigation measures described above because the project will be required to remediate lead based paint found on the site. Therefore, project impacts would be reduced to less than significant levels.

(2) **Remaining Impacts.** Any remaining impacts associated with lead based paint would not be significant.

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

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

1. **Visual Resources/Light and Glare:** The following specific impacts were found to be less than significant: 4.1.2, 4.1.3, 4.1.4

2. **Air Quality:** The following specific impacts were found to be less than significant: 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.8, and 4.2.9.

3. **Hazards and Hazardous Materials:** The following specific impact was found to be less than significant: 4.4.6.

4. **Noise:** The following specific impacts were found to be less than significant: 4.5.1, 4.5.2, and 4.5.4.

5. **Public Services and Utilities:** The following specific impacts were found to be less than significant: 4.6.1.1, 4.6.1.2, 4.6.2.1, 4.6.2.2, 4.6.3.1, 4.6.3.2, 4.6.4.1, 4.6.4.2, 4.6.5.1, 4.6.5.2, 4.6.6.1, and 4.6.6.2.

6. **Transportation and Circulation:** The following specific impacts were found to be less than significant: 4.7.1, 4.7.3, and 4.7.5.

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

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

2. The EIR determined that the impact is beneficial (would be reduced) for the project.

3. The project entitlements result in new impacts that were less than significant.

## **V. Project Alternatives**

### **A. Background - Legal Requirements**

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

### **B. Identification of Project Objectives**

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

The general goal of the proposed project is to accommodate redevelopment of the former Caltrans maintenance facility site by changing the General Plan land use designation from Public/Quasi Public to Commercial, rezoning the site from RD-5 Low Density Residential (5 du/acre) to SC (Shopping Center), and dividing the 4.014 acre site into four separate parcels. Generally, the project would provide for the orderly and systematic development of commercial uses on the site which are compatible with the proximity of the site to the freeway, the future civic center, and Old Town Elk Grove in a manner consistent with policies of the City and the characteristics and natural features of the land.

Three specific project objectives are discussed on page 3.0-2 of the DEIR, and are incorporated herein by reference.

### C. Alternatives Analysis in EIR

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

#### 1. 70 Room Hotel, Retail, Restaurant (Alternative 2):

The 70 Room Hotel, Retail Restaurant Alternative (Alternative 2) is discussed on pages 6.0-3 through 6.0-5 of the DEIR.

**Findings:** The 70 Room Hotel, Retail Restaurant Alternative (Alternative 2) is rejected as an alternative because:

- This alternative would not increase the employment opportunities to the same extent as the proposed project and would not provide for the same amount of freeway-compatible components as the proposed project.

**Explanation:** Draft EIR pages 6.0-3 through 6.0-5 provide an analysis of Alternative 2 as compared to the proposed Reynolds & Brown Plaza III project. Environmental benefits of this alternative over the proposed Reynolds & Brown Plaza III project include: visual resources/light and glare impacts would be less; impacts associated with short-term exposure to toxic air contaminants, long-term increases of criteria pollutants and exposure to mobile source concentrations of carbon monoxide, cumulative contributions to local air quality conditions and contributions to regional air quality conditions would be better; impacts to special status species (Swainson's Hawk and Other Raptors, Pallid Bat), Waters of the U.S., tree removal and cumulative biological resource impacts would be better; no transport of hazardous materials would occur; overall noise impacts would be reduced; overall impacts associated with public services would be less; and level of service impacts to the East Stockton Boulevard/Elk Grove Boulevard intersection under cumulative conditions would be better.

For this analysis, Alternative 2 is considered the environmentally superior alternative. Alternative 2 has no environmental impacts that are worse than those under the proposed project and has a better impact on the environmental impacts identified in the Draft EIR and above. However, it must be noted that Alternative 2 would not increase employment opportunities to the same extent as the proposed project. In addition, Alternative 2 would not include a gas station/mini-mart/car wash facility on the project site. Omission of this component would eliminate a use that is considered directly compatible with the freeway, as well as with surrounding commercial uses. Excluding the gas station/mini-mart/car wash as well as reducing the size of the hotel would also reduce employment opportunities associated with these uses. For these

economic, social and other reasons, the proposed project is deemed superior to Alternative 2.

## 2. **93 Room Hotel and Restaurant (Alternative 3):**

The 93 Room Hotel and Restaurant Alternative (Alternative 3) is discussed on pages 6.0-6 through 6.0-8 of the DEIR.

**Finding:** The 93 Room Hotel and Restaurant Alternative (Alternative 3) is rejected as an alternative because:

- This alternative would not increase the employment opportunities to the same extent as the proposed project and would not provide for the same amount of freeway-compatible components as the proposed project.

**Facts that support the finding:** Draft EIR pages 6.0-6 through 6.0-8 provides an analysis of Alternative 3 as compared to the proposed Reynolds & Brown Plaza III project. Environmental benefits of this alternative over the proposed Reynolds & Brown Plaza III project include: elimination of lighting associated with the gas station/mini-mart/car wash and retail components; less intensive impacts associated with short-term exposure to toxic air contaminants, long-term increases of criteria pollutants and exposure to mobile source concentrations of carbon monoxide, cumulative contributions to local air quality conditions and contributions to regional air quality conditions; less intensive impacts to special status species (Swainson's Hawk and Other Raptors, Pallid Bat), Waters of the U.S., tree removal and cumulative biological resource impacts; no transport of hazardous materials would occur; overall noise impacts would be reduced; overall impacts associated with public services would be reduced; and level of service impacts to the East Stockton Boulevard/Elk Grove Boulevard intersection under cumulative conditions would be better.

Alternative 3 has no environmental impacts that are worse than those under the proposed project and has a better impact on the environmental impacts identified in the Draft EIR as described above. However, it must be noted that similar to Alternative 2, Alternative 3 would not increase employment opportunities to the same extent as the proposed project because the gas station/mini-mart/car wash and retail components and associated jobs would be eliminated. These uses are directly compatible with the freeway. Eliminating these uses would reduce the amount of freeway compatible uses that could be developed. As the number of sites adjacent to a freeway interchange in the City of Elk Grove is limited, not taking full advantage of development potential would decrease the amount of highway commercial uses available to serve travelers along SR 99 and residents in the area who would patronize these uses. For these economic, social, and other reasons, the proposed project is deemed superior to Alternative 3.

## 3. **Other Alternatives**

Other alternatives were considered but rejected from further consideration. These alternatives included: An alternative in which no hotel was proposed and an alternative site located at the southeast quadrant of the interchange of Sheldon Road and SR 99.

**(a) Findings:** The "Other Alternatives" described above were rejected as alternatives based on specific issues.

- The hotel is considered a key component of the project developer's objective. Therefore, omitting the hotel was considered but rejected because it did not meet basic objectives of the project.
- Visibility of the site from the freeway, access, and development of freeway serving uses are key objectives of the project. Therefore, the range of alternative sites that provide freeway visibility at an interchange within the City of Elk Grove are limited. A site located at the southeast quadrant of the interchange of Sheldon Road and SR 99 was also considered as an alternative site to the proposed project. The alternative site is approximately 7 acres in size (almost double the size of the proposed project site) but is designated Commercial with SC zoning. While the site had proper land use and zoning designations and is located near the freeway, access to the site is limited. Improvements planned to the Sheldon Road/SR 99 interchange would improve access to the site. However the timing of these improvements is uncertain and they will not be in place until some time in the future.

**(b) Explanation:** The alternative without a hotel was determined to be infeasible and would not achieve the project objectives when compared to the proposed project. The alternative located at the southeast quadrant of the interchange of Sheldon Road and SR 99 would have similar or worse environmental impacts relative to traffic (access) when compared to the proposed project.

#### 4. No Project/No Development Alternative

The No Project/No Development Alternative is discussed on pages 6.0-1 through 6.0-3 of the DEIR. As required by CEQA, this alternative assumes that no development would occur in the project area and the former Caltrans facility would remain on the site.

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

**(b) Explanation:** This alternative would not realize the benefits of the project or achieve any of the project objectives. The No Project/No Development Alternative would not revitalize the currently underutilized site, would not provide land uses that would generate additional

employment opportunities, and would not provide for uses on the site which would be compatible with the proximity of the site to the freeway, future civic center and Old Town Elk Grove.

**VI. Statement of Overriding Considerations Related to the Reynolds and Brown Plaza III project Findings**

- A. In-Fill Development.** The proposed project is considered an in-fill project and would allow for land uses that would convert an existing underutilized property in the City limits, resulting in revitalization of the site and realization of the economic potential of the property.
- B. Compatibility with Surrounding Land Uses.** The proposed project would allow for retail shopping and highway commercial services including a hotel, gas station/mini-mart/car wash and restaurants. The land uses proposed are compatible with the proximity of the site to the freeway, future civic center and Old Town Elk Grove.
- C. Additional Employment Opportunities.** The proposed Commercial land use designation would allow for job-generating development that would provide additional employment opportunities in the City when the site builds out.
- D. Increased Sales Tax Revenue.** When future commercial development builds out on the project site, City revenues would increase through sales tax revenues and transient occupancy taxes from the commercial development allowed by the project.

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

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

EXHIBIT B

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MITIGATION MONITORING  
AND  
REPORTING PROGRAM

FOR THE

REYNOLDS AND BROWN PLAZA III EIR

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SCH# 2007042125

PREPARED BY:

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

**EXHIBIT B – MITIGATION MEASURES**

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	ENFORCEMENT / MONITORING / VERIFICATION (ACTION BY THE CITY):  (DATE & SIGN)
<b>PRIOR TO SUBSEQUENT DEVELOPMENT REVIEW</b>		
<p>1. <b>MM 4.3.4a - Development Plan Review</b></p> <p>As part of the development plan review process, the applicant shall provide a development plan indicating the location of buildings, parking, site access, vehicular circulation, landscaping, and that identifies trees to be saved and trees proposed for removal.</p>	<p><i>Prior to approval of site plan</i></p>	<p><i>City of Elk Grove, Development Services - Planning</i></p>
<b>PRIOR TO ISSUANCE OF GRADING PERMIT AND IMPROVEMENT PLAN</b>		
<p>2. <b>MM 4.1.1 - Landscape plans</b></p> <p>Landscaping plans for the project shall be developed and designed to preserve existing site features including trees and drainage channels wherever feasible. The plans shall be submitted to Development Services for review and approval concurrent with mitigation measure 4.3.4a.</p>	<p>Concurrent with mitigation measure 4.3.4a</p>	<p><i>City of Elk Grove, Development Services - Planning</i></p>
<p>3. <b>MM 4.3.1b - Raptor Survey</b></p> <p>For construction taking place during the nesting season (February 15 to September 15) of protected bird species, a focused survey for ground nesting raptors and active nests shall be conducted by a qualified biologist within 15 days prior to the beginning of project-related activities. If active nests are found, no construction activities shall take place within 150 feet of the nest until the young have fledged. This 150-foot construction prohibition zone may be reduced based on City approval in consultation with the CDFG. If no active nests are found during the focused survey, no further mitigation will be required.</p>	<p><i>Surveys required 15 days prior to the onset of construction activities or any site disturbance during February 15 and September 15.</i></p>	<p><i>City of Elk Grove Development Services, Planning and CDFG.</i></p>
<p>4. <b>MM 4.3.2 - Bat Survey</b></p> <p>Prior to demolition of the former Caltrans Equipment Building, a qualified bat biologist shall conduct a habitat assessment and daytime survey of the building</p>	<p><i>Prior to any site disturbance, such as clearing or grubbing, or the issuance of any</i></p>	<p><i>City of Elk Grove, Development Services, Planning, in consultation with</i></p>



MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	ENFORCEMENT / MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
<p>proposed for demolition. If no evidence of bats is found, no further action is required. If bat use is noted, then a qualified biologist shall prepare a report that makes recommendations for appropriate measures to prevent harm to sensitive species of bats. These measures may include exclusion and humane eviction of bats roosting within the structures, partial dismantling of the structure to induce abandonment by bats, or other appropriate measures in coordination with and as approved by CDFG.</p>	<p><i>permits for grading, demolition, or other site improvements, whichever occurs first.</i></p>	<p>CDFG.</p>
<p>5. <b>MM 4.3.3 - Wetland Protection/Mitigation</b></p> <p>The project shall adhere to a no-net-loss (i.e. the same amount of wetland resources lost to site development shall be replaced/created) of wetlands policy. Appropriate permits (i.e., Section 404 and 401 under the Clean Water Act) shall be obtained prior to issuance of grading permits. The City shall comply with all permit conditions and employ best management practices and measures (established by the ACOE) to minimize and compensate for impacts to any jurisdictional waters. Mitigation may occur through on-site with creation of new man-made ditches, impact minimization and compensatory mitigation for the remaining impact. If on-site mitigation is not available due to engineering reasons, compensatory mitigation shall require purchase of credits in an ACOE approved mitigation bank in Sacramento County at a ratio no less than one acre purchased for each acre impacted. Mitigation details shall be noted on the design plans for the proposed project.</p>	<p><i>Prior to issuance of a grading permit and during project construction.</i></p>	<p><i>City of Elk Grove Development Services, Planning, ACOE, CDFG, and RWQCB.</i></p>
<p>6. <b>MM 4.3.4d - Tree Protection at Park &amp; Ride Site</b></p> <p>Removal of the existing park and ride lot under the driplines of trees to be saved along the northern boundary of the site shall adhere to the following provisions under the supervision of an ISA Certified Arborist:</p> <p>Major roots two inches or greater in diameter encountered within the tree's dripline in the course of excavation from beneath trees which are not to be removed shall not be cut and shall be kept moist and covered with earth as soon as possible. Roots one inch to two inches in diameter, if severed shall be trimmed and treated with pruning compound and covered with earth as soon as possible.</p> <p>Support roots that are inside the dripline of the tree shall be protected. Hand digging shall be required in the vicinity of major trees to prevent root cutting and</p>	<p><i>Prior to grading plans and during removal of park and ride lot construction activity.</i></p>	<p><i>City of Elk Grove Development Services, Planning</i></p>

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	ENFORCEMENT / MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
<p>mangling which may be caused by heavy equipment.</p> <p>Tree canopies shall be pruned, if necessary, to accommodate construction equipment.</p>		
<b>PRIOR TO ISSUANCE OF BUILDING PERMIT</b>		
<p>7. <b>MM 4.4.1a - Gas Station Regulations</b></p> <p>If a gas station use is proposed on the project site, the project applicant must comply with the permit application and plan submittal process of the Sacramento County Environmental Management Department, Hazardous Materials Division and shall comply with all sections of the California Code of Regulations, Underground Tank Regulations. The submittal of plans shall clearly identify all components of the facility and the installation must comply with the current UST regulations.</p>	<p><i>Prior to issuance of building permit</i></p>	<p><i>Sacramento County Environmental Management Department, Hazardous Materials Division, and City of Elk Grove Development Services, Planning</i></p>
<p>8. <b>MM 4.4.2 - Soil Sampling at Waste Oil Tank Area</b></p> <p>Prior to the start of demolition or construction, soils in the area of the former waste oil tank shall be sampled and tested for petroleum hydrocarbons. If hydrocarbons are discovered at levels exceeding acceptable thresholds, a qualified Phase I Environmental Assessor shall be hired by the applicant to develop and carry out a remediation plan to reduce potential exposure to petroleum hydrocarbons to an acceptable level and soils shall be excavated and disposed of at an appropriate landfill</p>	<p><i>Prior to issuance of a demolition permit or issuance of grading permits.</i></p>	<p><i>Sacramento County Environmental Management Department, Hazardous Materials Division, and City of Elk Grove Development Services, Planning</i></p>
<p>9. <b>MM 4.4.3a - Soil Sampling at Abandoned Hydraulic Lift</b></p> <p>Prior to commencing with demolition activities, the hydraulic lift shall be abandoned appropriately and soil samples shall be collected and analyzed for PCBs and volatile organic compounds. If samples reveal concentrations of PCBs and volatile organic compounds in excess of acceptable thresholds, actions shall be taken to remediate soil contamination. The applicant shall contract with a qualified Phase I Environmental Assessor to develop and carry out a remediation plan.</p>	<p><i>Prior to issuance of a demolition permit.</i></p>	<p><i>Sacramento County Environmental Management Department, City of Elk Grove Development Services, Planning</i></p>

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	ENFORCEMENT / MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
<p>10. <b>MM 4.4.3b - Electrical Transformer Removal</b></p> <p>Any electrical transformers shall be assumed to contain PCBs and shall be removed as part of demolition of existing structures and disposed of by a licensed and certified PCB removal contractor, in accordance with local, state, and federal regulations. The applicant shall contact SMUD prior to handling or removing the electric transformers</p>	<p><i>Prior to issuance of a demolition permit.</i></p>	<p><i>City of Elk Grove Development Services, Planning and SMUD</i></p>
<p>11. <b>MM 4.4.4 - Asbestos Abatement</b></p> <p>Asbestos abatement and disposal shall be conducted for asbestos containing materials found in the window caulking of the equipment/office building and the floor tile of the office located within the equipment/office building. A qualified Phase I Environmental Assessor shall be hired to develop and carry out an abatement plan.</p>	<p><i>Prior to issuance of a demolition permit, and during construction activities if necessary.</i></p>	<p><i>Sacramento County Environmental Management Department, Hazardous Materials Division and the SMAQMD.</i></p>
<p>12. <b>MM 4.4.5a - Lead Based Paint Survey</b></p> <p>Prior to the demolition of any buildings or portions of buildings on the project site, a lead based paint survey shall be conducted by a qualified Phase I Environmental Assessor. If lead based paint is discovered, a lead abatement plan shall be prepared and implemented in during the demolition of the buildings.</p>	<p><i>Prior to issuance of a building demolition permit and included in demolition and removal contracts.</i></p>	<p><i>Sacramento County Environmental Management Department, Hazardous Materials Division, SMAQMD and Department of Toxic Substances Control</i></p>
<p>13. <b>MM 4.4.5b - Soil Testing around Demolished Building sites</b></p> <p>After building demolition, soils in the area surrounding the demolished buildings shall be tested for residual lead that may have contaminated the soil during demolition activities. If lead levels exceed Preliminary Reduction Goals established by the Department of Toxic Substances Control and the U.S. Environmental Protection Agency, a lead abatement plan shall be prepared by a State or federal certified lead hazards risk assessor and carried out by a state-licensed contractor with a hazardous materials certification.</p>	<p><i>Following demolition activities and prior to grading permit.</i></p>	<p><i>Sacramento County Environmental Management Department, Hazardous Materials Division, and SMAQMD</i></p>
<p>14. <b>MM 4.7.2 - Fare Share Funding</b></p>	<p>Fair share shall be paid prior to approval or improvement plans or issuance of building</p>	<p><i>City of Elk Grove, Development Services, Public Works</i></p>

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	ENFORCEMENT / MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
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The project proponent shall contribute its fair share (refer to **Table 4.7-10**) to fund the installation of a traffic signal to control the northbound on-ramp, northbound off-ramp intersection at East Stockton Boulevard. The project's fair share contribution is 9.4 percent of the cost of the improvements.

**TABLE 4.7-10  
FAIR SHARE FOR IMPROVEMENTS TO EAST STOCKTON BOULEVARD  
/SR 99 NORTHBOUND OFF-RAMP**

Improvements for Existing East Stockton Boulevard/SR 99 Northbound Off-Ramp	PM Peak
Trip for Existing with No Project	1,363
Trips for Existing with Project	1,505
Difference	142
Fair Share Ratio (Existing)	142/1,505 = 9.4%

permits

**PRIOR TO FINAL INSPECTION/OCCUPANCY**

15.	<p><b>MM 4.4.1b - Hazardous Material Storage</b></p> <p>If hazardous material will be used or stored on the project site in association with development, the applicant shall prepare and submit a hazardous materials business/hazardous waste generator management plan for the site to include hazardous materials and hazardous waste handling and storage. The plan shall be submitted to the Sacramento County Environmental Management Department, Hazardous Materials Division and the City of Elk Grove for review and all applicable fees shall be paid.</p>	<p><i>Prior to final inspection/occupancy.</i></p>	<p><i>Sacramento County Environmental Management Department, Hazardous Materials Division, and City of Elk Grove Development Services, Planning.</i></p>
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**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-181**

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

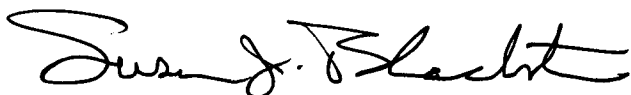
***I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 23, 2008 by the following vote:***

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

**NOES:            COUNCILMEMBERS:        *None***

**ABSTAIN :        COUNCILMEMBERS:        *None***

**ABSENT:         COUNCILMEMBERS:        *None***

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