

**RESOLUTION NO. 2014-283**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT  
FOR THE CAPITAL RESERVE PROJECT, PROJECT NO. EG-14-008  
ASSESSOR PARCEL NUMBER: 116-0070-014**

**WHEREAS**, the Planning Department of the City of Elk Grove received an application on March 17, 2014 from Pappas Arizona, LP (the Applicants) requesting a General Plan Amendment, Rezone and Tentative Subdivision Map (and Design Review for subdivision layout) (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 as APN: 116-0070-014; and

**WHEREAS**, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000 et seq.; and

**WHEREAS**, an Environmental Impact Report for the 2014 Housing Element Update was certified by the City Council on February 12, 2014; and

**WHEREAS**, the 2014 Housing Element Update EIR considered development of the Project site with residential uses; and

**WHEREAS**, on August 18, 2014, the City released a Notice of Preparation for a Subsequent EIR (SEIR) for the Project; and

**WHEREAS**, on October 3, 2014, the City released a Notice of Availability for the Draft SEIR and the 45-day comment period was from October 3, 2014 through November 17, 2014; and

**WHEREAS**, the Draft SEIR, provided herein as Exhibit A, was filed with the State Clearinghouse (SCH 2014082070) and was distributed to public agencies and other interested parties for public review and comment; and

**WHEREAS**, the City of Elk Grove prepared a Final SEIR (provided herein as Exhibit B), which consists of: (1) Draft SEIR, (2) comments received on the Draft SEIR during the public review period, and (3) responses to comments received.

**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 hereby certifies that the Final SEIR has been completed in compliance with the requirements of the California Environmental Quality Act.

- B. The City Council hereby certifies that the Final SEIR was presented to the City Council and that the City Council reviewed and considered the information contained in the Final SEIR prior to taking action on the Project.
- C. The City Council hereby certifies that the Final SEIR reflects the independent judgment and analysis of the City Council.

## **2. Findings on Impacts**

The City Council finds that the Final SEIR identifies potentially significant impacts that cannot be mitigated to a 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 C, attached hereto and incorporated herein by reference.

## **3. Findings on Alternatives**

The City Council finds that all alternatives analyzed in the Final SEIR are rejected because the alternatives would not achieve the majority of the project objectives. The City Council makes the finding as set forth in Exhibit C, attached hereto and incorporated herein by reference.

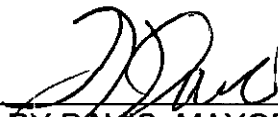
## **4. Statement of Overriding Considerations**

The City Council finds that there are no feasible mitigation measures or project alternatives that would mitigate or substantially lessen the impacts from the Project. Despite the occurrence of these significant effects, however, the City Council chooses to approve the project because, in its view, the environmental, social, and other benefits of the project will render the significant effects acceptable as described in Statement of Overriding Considerations as set forth in Exhibit C, attached hereto and incorporated herein by reference.

## **5. Adoption of the Mitigation Monitoring and Reporting Program**

- A. The City Council hereby finds that the proposed mitigation measures described in the 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 D, attached hereto and incorporated herein by reference.
- B. The City Council hereby adopts the Mitigation Monitoring and Reporting Program, as set forth in Exhibit D, attached hereto and incorporated herein by reference.

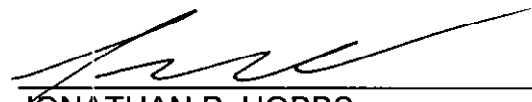
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 10<sup>th</sup> day of December 2014.

  
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GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

CITY OF ELK GROVE  
CAPITAL RESERVE PROJECT  
DRAFT SUBSEQUENT  
ENVIRONMENTAL IMPACT REPORT

---

SCH# 2014082070

*Prepared for:*

CITY OF ELK GROVE  
8401 LAGUNA PALMS WAY  
ELK GROVE, CA 95758

*Prepared by:*

**PMC**<sup>®</sup>

2729 PROSPECT PARK DRIVE, SUITE 220  
RANCHO CORDOVA, CA 95670

**OCTOBER 2014**



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**CITY OF ELK GROVE  
CAPITAL RESERVE PROJECT  
DRAFT SUBSEQUENT  
ENVIRONMENTAL IMPACT REPORT**

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**OCTOBER 2014**

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# **EXECUTIVE SUMMARY**

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This section provides an overview of the Project and the environmental analysis. For additional detail regarding specific issues, please consult the appropriate technical section of this Draft SEIR.

## **ES.1 PURPOSE AND SCOPE OF THE EIR**

The California Environmental Quality Act (CEQA) requires the preparation of an environmental impact report (EIR) when there is substantial evidence that a project could have a significant effect on the environment. The purpose of an EIR is to provide decision-makers, public agencies, and the general public with an objective and informational document that fully discloses the potential environmental effects of the proposed Project. The term "proposed Project," as used in this Draft Subsequent EIR, refers to the development of the Capital Reserve Project, which consists of 84 single-family residential lots on approximately 10 acres, 4 commercial lots on approximately 3.3 acres, and 0.8 acres of park, as well as landscaping, right-of-way, open space, and a water quality basin, described below. The EIR process is specifically designed to describe the objective evaluation of potentially significant direct, indirect, and cumulative impacts of the proposed Project, to identify alternatives that reduce or eliminate the Project's significant effects, and to identify feasible measures that mitigate significant effects of the Project. In addition, CEQA requires that an EIR identify those adverse impacts determined to remain significant after mitigation. This Draft SEIR provides an analysis of the potential environmental effects associated with implementation of the Project.

This EIR has been prepared as a Subsequent EIR pursuant to CEQA Guidelines Section 15162. The City of Elk Grove will use this Draft Subsequent EIR (Draft SEIR) as a tool in evaluating the environmental impacts of the proposed Project. As the lead agency under the provisions of CEQA, the City has discretionary approval authority and the responsibility to consider the Project's environmental effects. This EIR is intended to evaluate the environmental impacts of the Project to the greatest extent possible. This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the Project.

## **ES.2 PROJECT CHARACTERISTICS**

The approximately 16.7-acre Project site is located at 8423 Elk Grove Boulevard west of the State Route 99 (SR 99)/Elk Grove Boulevard interchange in central Elk Grove. The Project would subdivide the site to allow development of 84 single-family residential units with 0.8 acres of park, as well as landscaping, right-of-way, open space, and a water quality basin. The Project would also include 4 commercial lots on approximately 3.3 acres. Specific uses for the commercial lots have not been defined at this time.

The proposed Project is requesting the following entitlements:

- General Plan Amendment of the 16.7-acre site from Commercial (C) to Medium Density Residential (MDR), Commercial (C), Public Open Space/Recreation, and Private Streets
- Rezoning of the site from AR-2 (Agricultural-Residential Areas 2-Acre Minimum Lot Size), AR-10 (PDC) (Agricultural Residential, Minimum 10-Acre Lot, Planned Unit Development) and Laguna Community/Floodplain Special Planning Area (SPALCF) to RD-10 (Medium Density Residential, Maximum 10 Dwelling Units Per Acre), LC (Limited Commercial), and O (Open Space)

## EXECUTIVE SUMMARY

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- Small-Lot Tentative Subdivision Map (TSM) of 84 single-family residential lots on approximately 10 acres, 4 commercial lots on approximately 3.3 acres, and 0.8 acres of park, as well as landscaping, right-of-way, open space, and a water quality basin

The residential parcels would be arranged along public roadways with sidewalks, curbs, gutters, streetlights, and other improvements consistent with Section 23.16.080 of the Elk Grove Municipal Code (Design Review).

### PROJECT OBJECTIVES

The Project applicant has established the following objectives for the Project for purposes of CEQA:

- Create a mix of complementary land uses that are compatible with and add to the surrounding community.
- Provide for the productive reuse of an infill parcel.
- Provide for housing and commercial uses that will contribute to the City's economic base.
- Create a unique identity for the Project that is compatible with the surrounding area and the Elk Grove community.
- Provide pedestrian access for residents to parks, trails, and open space.

### ES.3 PROJECT ALTERNATIVES SUMMARY

CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project that could feasibly attain the basic objectives of the project and reduce the degree of environmental impact. Section 6.0, Project Alternatives, provides a qualitative analysis of three scenarios:

- No Project Alternative
- All Residential Alternative
- High-Density Residential Alternative

### ES.4 AREAS OF CONTROVERSY

The City of Elk Grove was identified as the lead agency for the proposed Project. In accordance with Section 15082 of the CEQA Guidelines, the City prepared and distributed a Notice of Preparation (NOP) of an EIR on August 22, 2014. This notice was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the proposed Project. The NOP is included in **Appendix B** of this Draft SEIR.

Concerns raised in response to the NOP were considered during the preparation of the Draft EIR. Comment letters are also presented in **Appendix B**.

Issues raised in comment letters on the NOP include:

- Potential for subsurface archeological resources
- General information regarding the Construction Storm Water General Permit, Municipal Separate Storm Sewer Permits, Industrial Storm Water General Permit, Clean Water Act 404 and 401 permits, Waste Discharge Requirements, and National Pollutant Discharge Elimination System permit.

## **ES.5 SUMMARY OF ENVIRONMENTAL IMPACTS**

**Table ES-1** presents a summary of Project impacts and proposed mitigation measures that would avoid or minimize potential impacts. In the table, the level of significance of each environmental impact is indicated both before and after the application of the recommended mitigation measure(s). The proposed Project is subject to the adopted mitigation measures described in the Mitigation Monitoring and Reporting Program (MMRP) for the Elk Grove Housing Element Update EIR. In the table, the level of significance of each environmental impact is indicated for the Elk Grove Housing Element Update EIR and the proposed Project. The table also includes any additional mitigation for the proposed Project, if applicable, the resulting level of significance, and a determination of whether the proposed Project would result in a new or more severe impact from that disclosed in the previous EIR.

For detailed discussions of all Project impacts and mitigation measures, the reader is referred to the topical environmental analysis in Section 4.0.

**EXECUTIVE SUMMARY**

**TABLE ES-1  
PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES**

Impact	Level of Significance		Mitigation Measure	Proposed Project Resulting Level of Significance	New Significant Impact or More Severe Significant Impact from Previous EIR?
	Previous EIR	Proposed Project with Housing Element Update EIR Mitigation			
<p><b>4.1 Cultural Resources</b></p> <p>4.1.1 Construction of the proposed Project would result in the demolition of all on-site structures and redevelop the site, which is considered eligible for listing in the Elk Grove Registry as a landmark site, although it has not been listed on any registry to date. <b>The proposed Project would result in an increase in the severity of this impact, which was previously identified in the Housing Element Update EIR as less than significant. This is considered a new potentially significant impact.</b></p>	LS	PS	<p>4.1.1 The Project applicant shall incorporate a publicly accessible interpretive display or signage on the Project site describing the history of the site and its association with the original town site of Elk Grove. The display may take the form of a kiosk, plaque, or other display method containing text, historic photographs, excerpts of oral histories, and maps. It shall be placed where visitors and passers-by could read about the history of the site. The Project applicant shall submit plans for the display to the Development Services Department for review and approval prior to installation. The display shall be installed prior to the issuance of occupancy permits.</p> <p><i>Timing/Implementation: Prior to occupancy permits</i> <i>Enforcement/Monitoring: City of Elk Grove Development Services</i></p>	SU	Yes

N – No impact    LS – Less Than Significant    LS/MM – Less Than Significant with Mitigation    SU – Significant and Unavoidable    SU/MM – Significant and Unavoidable even with Mitigation

LCC – Less Than Cumulatively Considerable    LCC/MM – Less Than Cumulatively Considerable With Mitigation    CCSU – Cumulatively Considerable and Unavoidable    CCSU/MM – Cumulatively Considerable and Unavoidable Even With Mitigation – not analyzed in previous EIR, not applicable



**EXECUTIVE SUMMARY**

Impact	Level of Significance		Mitigation Measure	Proposed Project Resulting Level of Significance	New Significant Impact or More Severe Significant Impact from Previous EIR?
	Previous EIR	Proposed Project with Housing Element Update EIR Mitigation			
4.1.2 Development of the proposed Project could contribute to the cumulative disturbance of historic resources. <b>The Project's contribution would be considered considerable, which would result in a new cumulative impact.</b>	LS	PS	Implement Mitigation Measure 4.1.1.	CCSU	Yes

N – No impact Mitigation  
 LS – Less Than Significant  
 LSI/MM – Less Than Significant with Mitigation  
 SU – Significant and Unavoidable  
 SU/MM – Significant and Unavoidable even with Mitigation  
 LCC – Less Than Cumulatively Considerable  
 LCC/MM – Less Than Cumulatively Considerable with Mitigation  
 CCSU – Cumulatively Considerable and Unavoidable  
 CCSU/MM – Cumulatively Considerable and Unavoidable even with Mitigation  
 not analyzed in previous EIR, not applicable

**EXECUTIVE SUMMARY**

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N – No impact    LS – Less Than Significant    LS/MM – Less Than Significant with Mitigation    SU – Significant and Unavoidable    SU/MM – Significant and Unavoidable even with Mitigation  
LCC – Less Than Cumulatively Considerable    LCC/MM – Less Than Cumulatively Considerable With Mitigation    CCSU – Cumulatively Considerable and Unavoidable    CCSU/MM – Cumulatively Considerable and Unavoidable Even With Mitigation – not analyzed in previous EIR, not applicable

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# **1.0 INTRODUCTION**

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## 1.1 PURPOSE AND BACKGROUND

The City of Elk Grove (City; Elk Grove) is processing the Capital Reserve Project (proposed Project; Project), which includes requests for a General Plan Amendment, Rezone, and Tentative Subdivision Map. These entitlements would allow the development of 84 single-family residential units and 4 commercial parcels. See Section 2.0, Project Description, for a complete description of the proposed Project.

This Environmental Impact Report (EIR) has been prepared in conformance with the California Environmental Quality Act (CEQA) of 1970 (as amended). CEQA requires the preparation of an environmental impact report prior to approving any project that may have a significant effect on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). With respect to the proposed Project, the City of Elk Grove has determined that the proposed facility is a project within the definition of CEQA.

The City, acting as the lead agency, has prepared this EIR to provide the public and responsible and trustee agencies with information about the potential environmental effects of the proposed Project. As described in CEQA Guidelines Section 15121(a), the EIR is a public informational document that assesses potential environmental effects of the proposed Project, as well as identifies mitigation measures and alternatives to the proposed Project that could reduce or avoid its adverse environmental impacts. Public agencies are charged with the duty to consider and minimize environmental impacts of proposed development, where feasible, and are obligated to balance a variety of public objectives, including economic, environmental, and social factors.

## 1.2 TYPE OF DOCUMENT

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. As described in CEQA Guidelines Section 15162(a), "when an EIR has been certified . . . no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects." This EIR has been prepared as a Subsequent EIR to the Elk Grove Housing Element Update EIR (SCH No. 2013082012), pursuant to CEQA Guidelines Section 15162. The City determined that because the proposed Project includes land uses similar to but less intense than land uses previously analyzed for environmental effects in the Housing Element Update EIR, a Subsequent EIR was required for the proposed Project.

## 1.3 INTENDED USES OF THE EIR

This EIR has been prepared in accordance with CEQA. The City will use this Draft Subsequent EIR (Draft SEIR) as a tool in evaluating the environmental impacts of the proposed Project. As the lead agency under the provisions of CEQA, the City of Elk Grove has discretionary approval authority and the responsibility to consider the environmental effects of the Project. This EIR is intended to evaluate the environmental impacts of the Project to the greatest extent possible. This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the Project.

## **1.0 INTRODUCTION**

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### **1.4 RELATIONSHIP TO THE ELK GROVE GENERAL PLAN AND HOUSING ELEMENT UPDATE**

The City adopted the City of Elk Grove General Plan in November 2003. The General Plan is the City's overall guide for the use of Elk Grove's resources, expresses the development goals of the community, and is the foundation upon which all land use decisions are made. The General Plan EIR (SCH No. 2002062082) analyzed the environmental impacts associated with buildout of the City under the land uses and densities allowed by the General Plan. Where feasible, the City adopted mitigation measures to reduce impacts to an acceptable level of significance. In addition, the City addressed significant and unavoidable impacts identified in the General Plan EIR, and a Statement of Overriding Considerations was adopted with the approval of the General Plan EIR.

The Elk Grove Housing Element Update EIR (SCH No. 2013082012) assessed the environmental impacts resulting from implementation of the Housing Element Update. The City of Elk Grove approved the Housing Element Update and certified the Final EIR in February 2014. The Housing Element Update amended the Elk Grove General Plan, change the land use designations and zoning designations for up to 42 sites in the City, and modify the RD-25 zoning district. The Housing Element Update EIR analyzed development of the Project site as High Density Residential with a maximum of 407 units. The Housing Element Update EIR identified significant and unavoidable impacts related to aesthetics, air quality, greenhouse gas emissions, and traffic. A Statement of Overriding Considerations was adopted for these significant and unavoidable impacts. The Housing Element Update EIR also identified impacts related to aesthetics, air quality, greenhouse gas emissions, noise, and traffic. These impacts were reduced to a less than significant level with adoption of the recommended mitigation measures. A Mitigation Monitoring and Reporting Program was prepared and adopted with the project.

The existing General Plan designation for the site is Commercial (C); the zoning on the site is AR-2 (Agricultural-Residential Areas 2-Acre Minimum Lot Size), AR-10 (PDC) (Agricultural Residential, Minimum 10-Acre Lot, Planned Unit Development) and SPALCF (Laguna Community/Floodplain Special Planning Area).

### **1.5 EIR SCOPE AND ORGANIZATION**

Sections 15122 through 15132 of the CEQA Guidelines identify the content requirements for Draft and Final EIRs. An EIR must include a description of the environmental setting, an environmental impact analysis, mitigation measures, alternatives, significant unavoidable environmental changes, growth-inducing impacts, and cumulative impacts. The environmental issues addressed in this program EIR were established through review of environmental documentation for nearby projects and responses to the Notice of Preparation (NOP).

Cumulative environmental effects of the proposed Project are generally based on information provided in the General Plan, General Plan EIR, Elk Grove Housing Element Update EIR, and environmental documentation for other relevant projects in the City, with identification of the Project's contribution to the cumulative conditions and updated information on the cumulative setting based on currently approved, proposed, and reasonably foreseeable development projects in Elk Grove and the region.

The City determined the scope for this EIR based on the Notice of Preparation, comments in response to the NOP, agency consultation, and review of the Project application. The Initial Study circulated with the NOP determined that the land uses assumed for the Project site in the Elk Grove Housing Element Update EIR were generally more intense than proposed under the Project; the only issue that would require further analysis in this EIR is the potential for effects on historic resources. All other topics were focused out of the EIR in the Initial Study.

This Draft EIR is organized in the following manner:

### SECTION ES – EXECUTIVE SUMMARY

This section summarizes the characteristics of the proposed Project and provides a concise summary matrix of the Project's environmental impacts and associated mitigation measures.

### SECTION 1.0 – INTRODUCTION

Section 1.0 provides an introduction and overview describing the intended use of the EIR and the review and certification process.

### SECTION 2.0 – PROJECT DESCRIPTION

This section provides a detailed description of the proposed Project, including intended objectives, background information, and physical and technical characteristics.

### SECTION 3.0 – LAND USE AND PLANNING

Section 3.0 addresses the land use and planning implications of the Project and discusses potential inconsistencies with land use plans.

### SECTION 4.0 – ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

Section 4.0 contains an analysis of the environmental topic area identified below. The subsection contains a description of the existing setting of the Project area, identifies standards of significance, identifies Project-related impacts, and recommends mitigation measures.

The following major environmental topic is addressed in this section:

- Cultural Resources

### SECTION 5.0 – OTHER CEQA CONSIDERATIONS

This section contains discussions and analysis of various topical issues mandated by CEQA. These include significant environmental effects that cannot be avoided if the Project is implemented and growth-inducing impacts. The section also discusses the cumulative impacts associated with the Project. As required by CEQA Section 15130, an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable.

### SECTION 6.0 –PROJECT ALTERNATIVES

CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the Project which could feasibly attain the basic objectives of the Project and avoid and/or lessen its environmental effects. This alternatives analysis provides a comparative analysis between the Project and the selected alternatives, which include:

- **No Project Alternative:** CEQA Guidelines Section 15126.6(e) requires that a "no project" alternative be evaluated in an EIR. Under this alternative, the Project would not be approved and current land use designations on the Project site would remain unchanged.

## 1.0 INTRODUCTION

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- **All Residential Alternative:** The All Residential Alternative assumes the portion of the Project site proposed for commercial use would be developed with residential uses similar to that on the remainder of the site.
- **High-Density Residential Alternative:** The High-Density Residential Alternative assumes the site would be developed with high-density residential uses as proposed by the Elk Grove Housing Element Update.

### SECTION 7.0 – REPORT PREPARATION

This section lists all authors and agencies that assisted in the preparation of the report by name, title, and company or agency affiliation.

## 1.6 ENVIRONMENTAL REVIEW PROCESS

### NOTICE OF PREPARATION

In accordance with Section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation of an EIR for the Project on September 6, 2013. This notice was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the Project. The NOP and comments sent in response to the NOP are presented in **Appendix B**. The City held scoping meetings on September 19, 2013, and September 26, 2013.

### DRAFT SUBSEQUENT EIR PUBLIC NOTICE/PUBLIC REVIEW

This document constitutes the Draft Subsequent EIR (Draft SEIR). The Draft SEIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be potentially significant. Upon completion of the Draft SEIR, the City will file the Notice of Completion (NOC) with the Governor's Office of Planning and Research to begin the public review period (Public Resources Code Section 21161).

Concurrent with the NOC, the City will provide public notice of the availability of the Draft SEIR for public review and invite comment from the general public, agencies, organizations, and other interested parties. The public review and comment period will be 45 days, beginning October 3, 2014, and ending November 17, 2014. Although no public hearings to accept comments on the EIR are required by CEQA, the City expects to hold a public comment meeting during the 45-day review period prior to EIR certification. Notice of the time and location of the hearing will be published prior to the hearing. All comments or questions regarding the Draft SEIR should be addressed to:

City of Elk Grove  
Planning Department  
c/o Sarah Kirchgessner  
8401 Laguna Palms Way  
Elk Grove, CA 95758

## RESPONSE TO COMMENTS/FINAL EIR

Following the public review period, a Final EIR will be prepared. The Final EIR will respond to written comments received during the public review period and to oral comments made at public hearings regarding the Project.

## CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The Elk Grove City Council will review and consider the Final EIR. If the City Council finds that the Final EIR is "adequate and complete," the City Council will certify the EIR. A decision to approve the Project would be accompanied by written findings in accordance with CEQA Guidelines Section 15091 and, if applicable, a Statement of Overriding Considerations in accordance with Section 15093. A Mitigation Monitoring and Reporting Program (MMRP), as described below, would also be adopted for mitigation measures that have been incorporated into or imposed upon the Project to reduce or avoid significant effects on the environment. This MMRP will be designed to ensure these measures are carried out during Project implementation.

## MITIGATION MONITORING AND REPORTING PROGRAM

CEQA Section 21081.6(a)(1) requires lead agencies to adopt an MMRP to describe measures that have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The specific "reporting or monitoring" program required by CEQA is not required to be included in the EIR; however, it will be presented to the City Council for adoption. Where applicable in this EIR, mitigation measures are clearly identified and presented in language that will facilitate establishment of an MMRP. Any mitigation measures adopted by the City as conditions for approval of the Project will be included in the MMRP to verify compliance.

## 1.7 COMMENTS RECEIVED IN RESPONSE TO THE NOTICE OF PREPARATION

The City received comment letters on the Notice of Preparation for the proposed Project (see **Table 1.0-1**). A copy of each letter is provided in **Appendix B** of this Draft SEIR.

**TABLE 1.0-1**  
**LIST OF NOP COMMENT LETTERS**

Agency	Date	Comment
California Native Heritage Commission	Aug. 26, 2014	The comment states that the Project site could contain subsurface archeological resources even if surface evidence is not present and provides information related to cultural resource surveys, as well as Native American contacts. Issues related to archeological and Native American resources are addressed in Section 4.1, Cultural Resources.
Central Valley Regional Water Quality Control Board	Sept. 15, 2014	The comment provides general information regarding the Construction Storm Water General Permit, Municipal Separate Storm Sewer Permits, Industrial Storm Water General Permit, Clean Water Act 404 and 401 permits, Waste Discharge Requirements, and National Pollutant Discharge Elimination System permit. Compliance with regulations related to water quality protection is addressed in Initial Study Section 9, Hydrology and Water Quality.
California Department of Transportation	Sept. 22, 2014	The comment states that, due to the Project's location relative to State Route (SR) 99, Caltrans recommends that a Traffic Impact Study be



## 1.0 INTRODUCTION

Agency	Date	Comment
(Caltrans)		<p>prepared to address traffic on SR 99. As discussed in the Initial Study (see Appendix B), the Housing Element Update EIR (Impact 3.11-1) assessed the potential for implementation of the Housing Element Update to increase traffic volumes and decrease levels of service on the local roadway system and SR 99. The EIR determined the Housing Element would exacerbate congested conditions on SR 99, and no feasible mitigation was available. The EIR concluded that the impact to SR 99 would be significant and unavoidable.</p> <p>The proposed Project would generate a total of 2,645 weekday trips including 106 during the AM peak hour and 245 during the PM peak hour. While the trip generation under the proposed project would exceed the daily trips analyzed in the Housing Element Update EIR, the Project site is currently designated Commercial in the General Plan, which would generate 6,946 daily trips. The existing Commercial General Plan land use designation has been used as the basis for transportation planning efforts in the City and on local highways. The proposed Project, therefore, would result in a reduction of 4,301 daily trips compared to that analyzed in the General Plan EIR. Because the proposed Project would generate trips that are less than assumed for planning purposes for SR 99, the Project would not exceed planned capacity on the highway and additional traffic analysis would not be required.</p>

## 1.8 IMPACT TERMINOLOGY

This Draft SEIR uses the following terminology to describe environmental effects of the proposed Project:

- Standards of Significance:** The criteria used by the lead agency to determine at what level or "threshold" an impact would be considered significant. Significance criteria used in this Draft SEIR include the CEQA Guidelines, factual or scientific information, regulatory performance standards of local, state, and federal agencies, and City goals, objectives, and policies.
- Less Than Significant Impact:** A less than significant impact would cause no substantial change in the environment. No mitigation is required.
- Significant Impact:** A significant impact would cause, or would potentially cause, a substantial adverse change in the physical conditions of the environment. Significant impacts are identified by the evaluation of Project effects using specified standards of significance. Mitigation measures are identified to reduce Project effects on the environment.
- Significant and Unavoidable Impact:** A significant and unavoidable impact would result in a substantial change in the environment that cannot be avoided or mitigated to a less than significant level if the Project is implemented.
- Cumulatively Considerable Impact:** An impact would be considered cumulatively considerable when, in the context of reasonably foreseeable development in the surrounding area, the Project would result in a new substantial change in the environment.

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## **2.0 PROJECT DESCRIPTION**

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This section provides a detailed description of the proposed Capital Reserve Project (Project), which includes requests for a General Plan Amendment, Rezone, and Tentative Subdivision Map. These entitlements would allow the development of 84 single-family residential units and 4 commercial parcels, described below. This section includes a depiction of the location of the Project both regionally and locally and a description of the existing conditions on the Project site. The objectives sought by the Project applicant and a detailed list of the approvals required to implement the Project are also included. As the City of Elk Grove would make a number of decisions on the Project, all decisions subject to the California Environmental Quality Act (CEQA) are listed and the implementation process is described in the order that it would occur, including both actions the City would take now and actions that may be taken in the future.

For a description of the background, purpose, intended use, and type of EIR, please refer to Section 1.0, Introduction, of this document. This Project description has been prepared in compliance with CEQA Guidelines Section 15124.

### 2.1 PROJECT LOCATION AND SETTING

The Project site is located at 8423 Elk Grove Boulevard in Elk Grove in Sacramento County, California (**Figure 2.0-1**), just west of the State Route 99 (SR 99)/Elk Grove Boulevard interchange in central Elk Grove (**Figure 2.0-2**). The site consists of one parcel, identified as Assessor's Parcel Number (APN) 116-0070-014-0000. The Project site is the location of the former Howard Kirby Ranch/Tribble Brothers Nursery, which operated on the site from circa 1900 to 1936, when Capital Nursery acquired the property. The Project site has been developed as a commercial nursery with various nursery-related buildings. These buildings are situated in a loose cluster near the southern end of the site, set back from Elk Grove Boulevard behind a parking lot. The site also contains a single-family residence that was originally constructed in the late 1880s, with additions and modifications added over the years. The remainder of the property is undeveloped; portions of the site contain gravel pads with irrigation supply lines used for plant propagation and retail sales. The northeastern portion of the Project site appears to have been periodically cultivated in the past but is now fallow. The nursery operation closed in December 2012, and the site is now vacant.

#### SURROUNDING LAND USES

A large retail center anchored by a Walmart Superstore and Walmart Neighborhood Market is located immediately east of the Project site. Other tenants of the retail center include restaurants and various retail and service-oriented uses. Adjacent to the southern half of the Project site to the west are medical offices, and a single-family residential development is located adjacent to the northern half of the Project site to the west. The Elk Grove Creek corridor, including the Elk Grove Creek Trail Overcrossing, is located north of the Project site. A single-family residential development and a self-storage facility are located north of the creek. A gas station and retail uses are located south of the Project site across Elk Grove Boulevard, with the Elk Grove Automall and vacant land located farther south of those uses. The area to the southwest of the Project site, along Laguna Ridge Drive, is currently undeveloped.

### 2.2 PREVIOUS PLANNING AND ENVIRONMENTAL DOCUMENTATION

#### ELK GROVE HOUSING ELEMENT UPDATE EIR

The Elk Grove Housing Element Update EIR (SCH No. 2013082012) assessed the environmental impacts resulting from implementation of the Housing Element Update. The City of Elk Grove approved the Housing Element Update and certified the Final EIR in February 2014. The Housing

## **2.0 PROJECT DESCRIPTION**

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Element Update amended the Elk Grove General Plan, changed the land use designations and zoning designations for up to 42 sites in the City, and modified the RD-25 zoning district. The Housing Element Update EIR analyzed development of the Project site as High Density Residential with a maximum of 407 units. The Housing Element Update EIR identified significant and unavoidable impacts related to aesthetics, air quality, greenhouse gas emissions, and traffic. A Statement of Overriding Considerations was adopted for these significant and unavoidable impacts. The Housing Element Update EIR also identified impacts related to aesthetics, air quality, greenhouse gas emissions, noise, and traffic. These impacts were reduced to a less than significant level with adoption of the recommended mitigation measures. A Mitigation Monitoring and Reporting Program (MMRP) was prepared and adopted with the project. Applicable mitigation measures from the MMRP that are identified in the Initial Study will be included in an MMRP for the proposed Project and will be recorded on the title of the property.

All documents associated with the Elk Grove Housing Element Update are available for review at the following location: City of Elk Grove, Development Services – Planning, 8401 Laguna Palms Way in Elk Grove.

### **2.3 PROJECT OBJECTIVES**

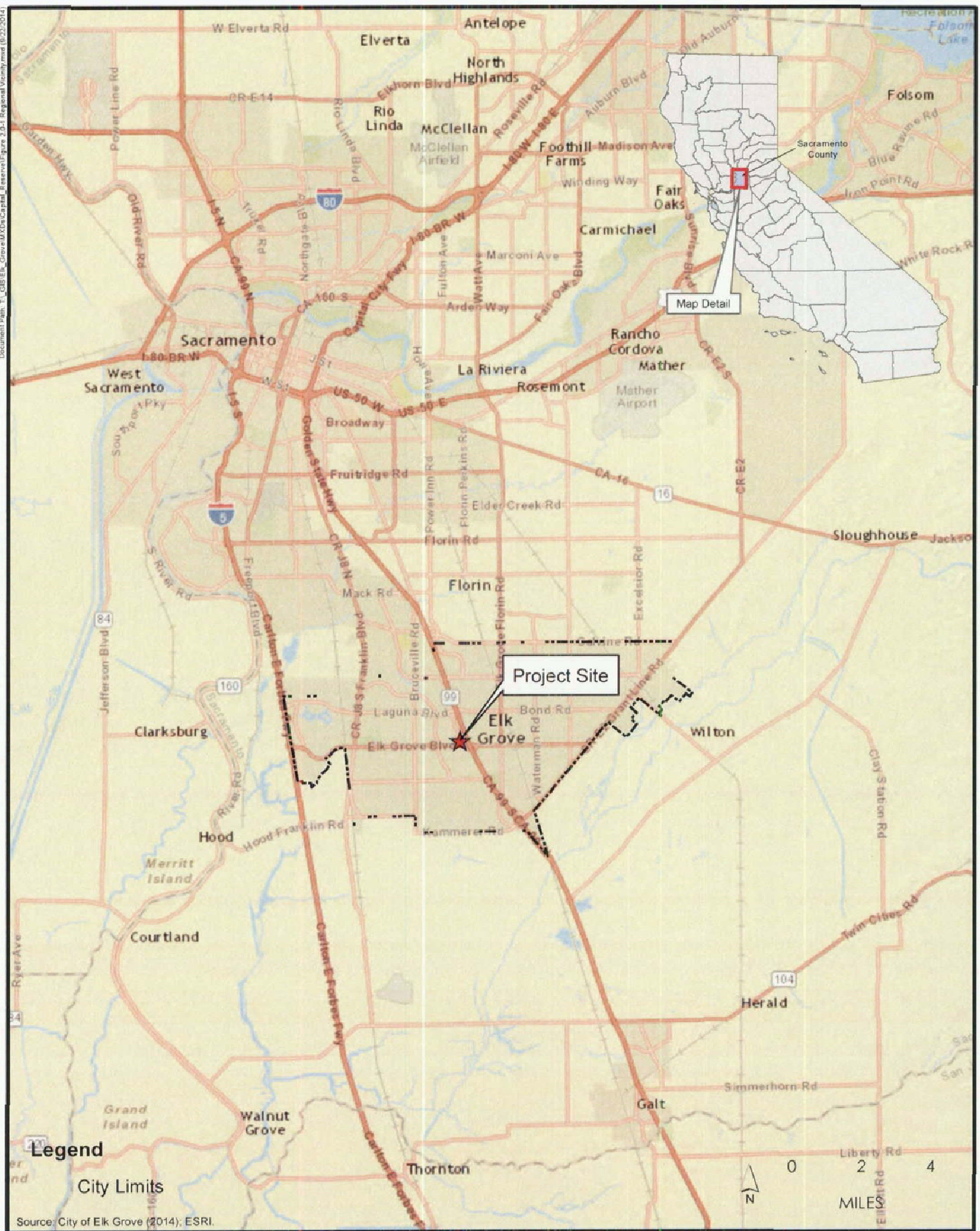
The Project applicant has established the following objectives for the Project for the purposes of CEQA:

- Create a mix of complementary land uses that are compatible with and add to the surrounding community.
- Provide for the productive reuse of an infill parcel.
- Provide for housing and commercial uses that will contribute to the City's economic base.
- Create a unique identity for the Project that is compatible with the surrounding area and the Elk Grove community.
- Provide pedestrian access for residents to parks, trails, and open space.

### **2.4 PROJECT CHARACTERISTICS**

The proposed Capital Reserve Project consists of 16.7 acres and includes the construction of 84 single-family residential lots (45 feet by 75 feet) in a private community on approximately 10 acres on the north portion of the property that would be accessed through a gated entry. The Project also includes 4 parcels for future sale and development of commercial uses (3.2 acres total). The commercial uses would be located in the front portion of the property adjacent to Elk Grove Boulevard. Access to the site would be via Elk Grove Boulevard at the existing driveways on the western portion of the site frontage and a new driveway located in the central portion of the site frontage. The Project would also include landscaping, right-of-way, open space, and a water quality basin.

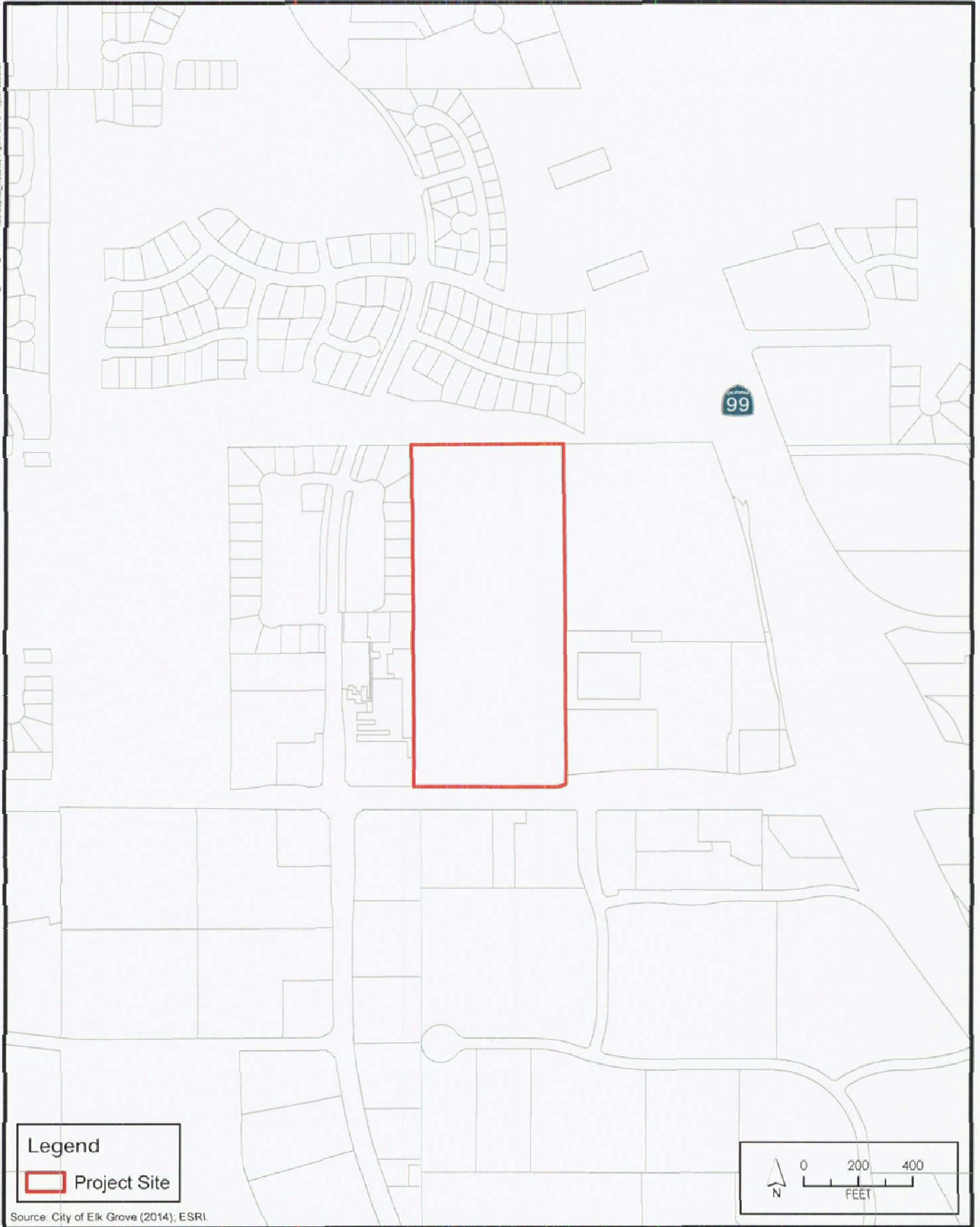
The residential portion of the Project is designed with short blocks and a "grid-style" residential street pattern with the majority of the residential lots in a north-south orientation (east-west-oriented roads), the intent of which is to maximize passive solar design strategies and minimize the effect of the climate, which typically reduces the need for mechanical summer cooling. The



City of Elk Grove  
Development Services

**Figure 2.0-1**  
Regional Vicinity





Source: City of Elk Grove (2014); ESRI



City of Elk Grove  
Development Services

Figure 2.0-2  
Project Location

Project also includes a 0.7-acre open space parcel on the north portion of the site and a 0.8-acre private park in the residential portion of the site (see **Figure 2.0-3**).

The entry drive is proposed to be privately owned but would include a public access easement recorded across the entirety of the lot to ensure permanent public access to the non-gated portion of the development. The residential streets would be private streets.

The Project site contains 37 trees with a diameter of 4 inches or larger (Sierra Nevada Arborists 2013). The site plan has been designed to minimize potential effects on existing trees, but ten trees would be removed to accommodate the Project. Any tree removal or trimming would be conducted according to City of Elk Grove Municipal Code Chapter 19.12, Tree Preservation and Protection.

### PROJECT DRAINAGE

The Project site was previously occupied by Capital Nursery. The front third of the site was the location of the retail buildings and parking lots and is primarily paved, with parking adjacent to Elk Grove Boulevard and paved walks around the buildings and display areas. The remaining two-thirds of the site were used for inventory storage and growing areas and are unpaved. The site generally drains from the south to the north and discharges into Elk Grove Creek. The front one-third of the Project site has an underground drainage system that collected storm runoff from the parking lot and areas adjacent to the buildings and discharged into a man-made ditch in the middle of the project site. This ditch conveys these flows to Elk Grove Creek to the north. The Project would include construction of a water quality basin proposed in the northwest corner of the Project site adjacent to Elk Grove Creek. All Project flows would be conveyed to the water quality basin for treatment prior to discharging into the creek. The plan includes a vehicle access easement through the site to allow access to the basin for maintenance.

### CONSTRUCTION/PHASING

The site would be graded and on-site utilities installed, followed by construction of the residential units. It is anticipated that Project construction would begin in spring or summer of 2015, with residential area construction beginning in late 2015 or early 2016. The Project does not propose construction of commercial uses at this time.

## 2.5 REGULATORY REQUIREMENTS, PERMITS, AND APPROVALS

### CITY OF ELK GROVE

- Certification of an Environmental Impact Report and adoption of a Mitigation Monitoring and Reporting Program
- Approval of a Small-Lot Tentative Subdivision Map
- Approval of an Amendment to the General Plan
- Approval of a Rezone
- Approval of a Tree Removal Permit
- Approval of Grading and Building Permits and Improvement Plans

## **2.0 PROJECT DESCRIPTION**

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### RESPONSIBLE AGENCIES

- Central Valley Regional Water Quality Control Board
- Sacramento Metropolitan Air Quality Management District



L:\City of Elk Grove - City of Capital Reserve\Figure 2.0-3

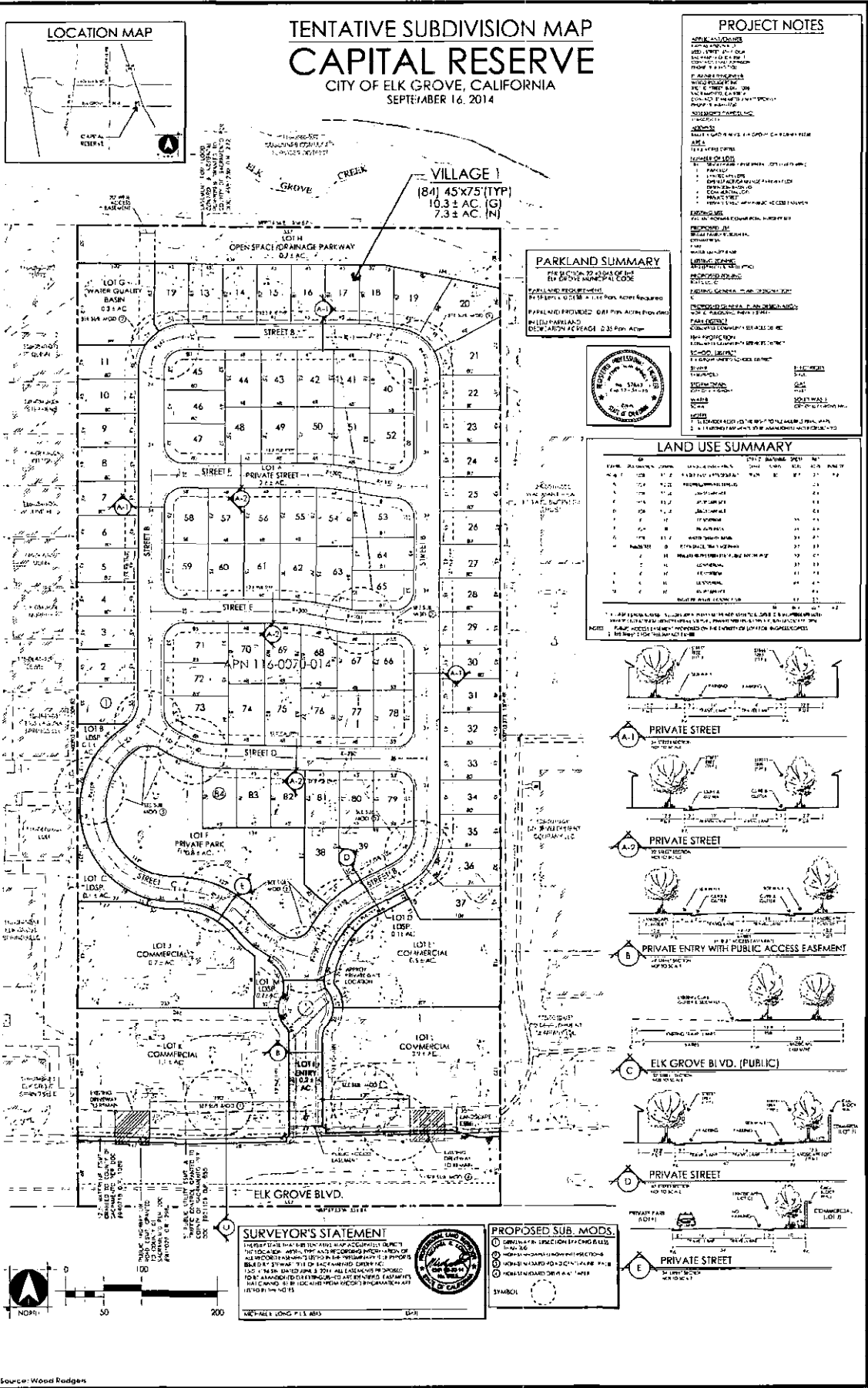


FIGURE 2.0-3  
Project Site Plan

**REFERENCES**

City of Elk Grove. 2003. *City of Elk Grove General Plan Environmental Impact Report* (SCH No. 2002062082).

———. 2014. *Elk Grove Housing Element Update Environmental Impact Report* (SCH No. 2013082012).

Sierra Nevada Arborists. 2013. *Initial Arborist Report and Tree Inventory Summary, 8423 Elk Grove Boulevard, City of Elk Grove, California.*

## **2.0 PROJECT DESCRIPTION**

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## **3.0 LAND USE AND PLANNING**

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This section describes the existing and proposed land uses on the Project site and surrounding parcels, as well as City of Elk Grove General Plan land use designations and zoning according to the City of Elk Grove Zoning Code. In addition, this section addresses any potential inconsistencies with plans, pursuant to Section 15125(d) of the California Environmental Quality Act (CEQA) Guidelines which states, "The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." This section discusses the Project's compatibility with existing and planned land uses in the Project vicinity and the potential for inconsistency with applicable plans and policies.

CEQA does not treat project consequences relating solely to land use as a direct physical impact to the environment. An EIR may provide information regarding land use and planning, but CEQA does not recognize these types of project consequences as impacts on the physical environment. The following assessment focuses on land use compatibility and plan consistency to the extent that potential conflicts may lead to physical impacts on the environment. Physical effects on the environment that could result from implementation of the Project are addressed in the appropriate technical sections of this Draft SEIR (see Section 4.1).

### 3.1 EXISTING SETTING

#### EXISTING LAND USES ON THE PROJECT SITE

The Project site is approximately 16.7 acres and consists of one parcel. The site is currently developed as a commercial nursery with various nursery-related buildings and a single-family residence situated in a loose cluster near the southern end of the site, set back from Elk Grove Boulevard behind a parking lot. The remainder of the property is undeveloped; portions contain gravel pads with irrigation supply lines used for plant propagation and retail sales. The northeastern portion of the Project site appears to have been periodically cultivated in the past but is now fallow. The nursery operation closed in December 2012, and the site is now vacant.

#### SURROUNDING LAND USES

A large retail center anchored by a Walmart Superstore and Walmart Neighborhood Market is located immediately east of the Project site. Other tenants of the retail center include restaurants and various retail and service-oriented uses. Adjacent to the southern half of the Project site to the west are medical offices, and a single-family residential development is located adjacent to the northern half of the Project site to the west. The Elk Grove Creek corridor, including the Elk Grove Creek Trail Overcrossing, is located north of the Project site. A single-family residential development and a self-storage facility are located north of the creek. A gas station and retail uses are located south of the Project site across Elk Grove Boulevard, with the Elk Grove Automall and vacant land located farther south of those uses. The area to the southwest of the Project site, along Laguna Ridge Drive, is currently undeveloped.

#### CURRENT LAND USE DESIGNATIONS AND ZONING

The General Plan designates the Project site as Commercial, a designation that includes office, professional, and retail uses. The Project site is zoned AR-2 and AR-10, which allow low-density residential along with agricultural and accessory uses with minimum lot sizes of 2 acres and 10 acres, respectively. **Table 3.0-1** identifies the General Plan land use designations and zoning for the Project site and adjacent areas.

### 3.0 LAND USE AND PLANNING

**TABLE 3.0-1  
LAND USE DESIGNATIONS AND ZONING**

	<b>General Plan Land Use Designation</b>	<b>Zoning</b>
Project Site	Commercial (C)	Agricultural Residential (AR-10) Special Planning Area, Laguna Community Floodplain: Agricultural-Residential Areas 2-Acre Minimum Lot Size (SPALCF: AR-2)
West	Low Density Residential (LDR) Commercial (C)	Low Density Residential, Maximum 5 DU per Acre (RD-5) Limited Commercial (LC)
South	Commercial (C)	Limited Commercial (LC)
East	Commercial (C)	General Commercial (GC) Limited Commercial (LC)
North	Public Open Space/Recreation (PubOs/Rec)	Special Planning Area: Laguna Community Floodplain (SPALCF)

### 3.2 REGULATORY FRAMEWORK

#### LOCAL

#### City of Elk Grove General Plan

The General Plan serves as the overall guiding policy document for the City and identifies specific policies regarding land use in order to provide guidance to the development and management of land in Elk Grove. The General Plan contains goals, policies, and objectives to which projects must adhere; these goals are established in the following General Plan elements: Land Use; Public Facilities and Finance; Circulation; Conservation and Air Quality; Housing; and Parks, Trails, and Open Space.

It should be noted that while this section provides information on the applicable policies and the Project's consistency with those policies, the final authority for interpretation of these policy statements and determination of the Project's General Plan consistency rests with the Elk Grove City Council.

### 3.3 LAND USE EVALUATION

#### METHODOLOGY

Land use impacts are considered significant if the proposed Project would conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. In the following analysis, the proposed Project is evaluated for compatibility with the existing and planned land uses in the Project vicinity and for consistency with adopted City plans and policies. This section differs from other discussions in that only plan consistencies and land use compatibility are addressed, as opposed to environmental impacts and mitigation measures. This discussion complies with Section 15125(d) of the CEQA Guidelines, which requires an EIR to discuss inconsistencies with general plans and regional plans as part of the environmental setting. Potential environmental impacts resulting from the Project are discussed in the Initial Study (see **Appendix B**) and Section 4.1 of this Draft SEIR.

As mentioned above, the City Council is ultimately responsible for interpreting the General Plan and would determine whether the Project is inconsistent with any adopted land use goals or policies.

#### CONSISTENCY

##### **General Plan**

As mentioned above, the entire Project site is designated by the General Plan as Commercial (C). This designation generally allows office, professional, and retail uses. The proposed Project includes a request for a General Plan Amendment to change the site's land use designation to MDR, C, PP, and PubOS/REC. The proposed land use designations would allow less intense use of the Project site compared to an entirely commercial development, which would be allowed under the current General Plan designation. The proposed Project would result in an increase in daily trips compared to that analyzed in the Housing Element Update EIR. However, as disclosed in the Housing Element EIR, with Project-generated traffic, the segment of Elk Grove Boulevard adjacent to the Project site would operate at level of service (LOS) B in the AM and PM peak hours (see subsection 16, Transportation/Traffic, in the Initial Study [**Appendix B**]). The Project includes residential uses adjacent to commercial uses, like that analyzed in the Housing Element Update EIR, which would not be incompatible with the existing and planned uses on adjacent properties. Therefore, the proposed Project would not result in significant environmental impacts beyond those disclosed in the Housing Element Update EIR and would not conflict with plans, policies, or regulations intended to reduce or avoid environmental effects.

##### **Zoning Code**

As mentioned above, the southern portion of the Project site is zoned AR-10, while the northern portion, adjacent to Laguna Creek, is zoned AR-2. The AR-10 zoning district allows low-density residential along with agricultural and accessory uses with a minimum lot size of 10 acres. According to City of Elk Grove Ordinance 78-SPA-20, the SPALCF: AR-2 zoning district generally allows development that will protect and preserve the floodplain of Laguna Creek and its tributaries in a natural condition, protect future residents from potential flooding of Laguna Creek and its tributaries, and provide open space amenities for future residential development. Ordinance 78-SPA-20, Section 501-201.6 identifies the specific permitted uses on the northern portion of the Project site as those permitted in the AR-2 zoning district. The AR-2 zoning district allows low-density residential along with agricultural and accessory uses with a minimum lot size of 2 acres (Elk Grove 2014; Sacramento County 1989).

The proposed zoning would allow fewer residences on the Project site compared to that analyzed in the Housing Element Update EIR. In addition, the proposed site plan provides for an open space/drainage parkway that would provide a buffer between the Laguna Creek corridor and the proposed residential uses. The proposed structures would not be constructed within the 100-year floodplain, and the Project would not result in any significant impacts on Laguna Creek (see subsection 9, Hydrology and Water Quality, of the Initial Study [**Appendix B**]). Furthermore, these proposed uses would be compatible with the existing and planned uses on adjacent properties. Therefore, the proposed Rezone would not result in significant environmental impacts beyond those disclosed in the Housing Element Update EIR and would not conflict with plans, policies, or regulations intended to reduce or avoid environmental effects.

### **3.0 LAND USE AND PLANNING**

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#### COMPATIBILITY

##### **Existing and Planned Adjacent Land Uses**

The Project site has been previously developed and historically used as a commercial nursery. The site is located in an urbanized area, with the majority of the area already developed or in the process of being developed consistent with the Laguna Ridge Specific Plan or other approved development plans. The Project would be compatible with the surrounding area to the extent that it would be located in an urbanized area with similar residential and commercial uses on adjacent properties. Furthermore, the proposed commercial uses would provide opportunities for additional neighborhood-serving retail and professional uses to serve the adjacent residential uses.



**REFERENCES**

City of Elk Grove. 2003a. *Elk Grove General Plan Draft Environmental Impact Report*.

———. 2003b. *City of Elk Grove General Plan*.

———. 2014. *Elk Grove Municipal Code*. Accessed September 11, 2014.  
<http://www.codepublishing.com/ca/elkgrove/frameless/index.pl>.

Sacramento County. 1989. *Zoning Code of Sacramento County, Chapter 1, Article 20, Laguna Community/Floodplain Special Planning Area*.

### **3.0 LAND USE AND PLANNING**

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## **4.0 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS**

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## **4.0 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS**

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### **ANALYSIS ASSUMPTIONS GENERALLY USED TO EVALUATE THE IMPACTS OF THE PROJECT**

#### **BASELINE ENVIRONMENTAL CONDITIONS ASSUMED IN THE DRAFT EIR**

Section 15125(a) of the California Environmental Quality Act (CEQA) Guidelines requires that an environmental impact report include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation (NOP) is published. The CEQA Guidelines also specify that this description of the physical environmental conditions is to serve as the baseline physical conditions by which a lead agency determines whether impacts of a project are considered significant.

The environmental setting conditions of the Project site and the surrounding area are described in Section 2.0, Project Description, and Section 4.1, Cultural Resources. In general, these setting discussions describe the setting conditions of the Project site and the surrounding area as they existed when the NOP for the Project (SCH No. 2013082012) was released on August 22, 2014.

#### **APPROACH TO THE PROJECT ANALYSIS**

The technical analysis in this Draft SEIR is focused on the potential for impacts on historic resources. The Cultural Resources section (Section 4.1) in this Draft EIR contains a description of current setting conditions (including the applicable regulatory setting), an evaluation of the direct and indirect environmental effects resulting from implementation of the proposed Project, and, if applicable, identification of measures that mitigate the identified significant environmental effects, and identification of whether significant environmental effects of the proposed Project would remain after application of proposed mitigation measures. The technical section format for the Draft EIR is as follows.

#### **Existing Setting**

This subsection includes a description of the physical setting conditions associated with the technical area of discussion, consistent with CEQA Guidelines Section 15125. As previously identified, the existing setting is generally based on conditions as they existed when the NOP for the Project was released.

#### **Regulatory Framework**

This subsection identifies applicable federal, state, regional, and local plans, policies, and regulations that apply to the technical area of discussion.

#### **Impacts and Mitigation Measures**

The impact analysis contains an evaluation of whether new or a substantial increase in severity of direct and indirect environmental effects identified in Housing Element Update EIR would result from implementation of the proposed Project. CEQA requires that mitigation to lessen the environmental impact must be feasible. CEQA Guidelines Section 15126.4(a) (1) states, "An EIR shall describe feasible measures which could minimize significant adverse impacts..." Feasible is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (CEQA Section 21061.1).

## **4.0 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS**

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The analysis identifies applicable adopted Housing Element Update EIR mitigation measures to mitigate the identified significant environmental effects, and, if applicable, additional feasible mitigation measures. Feasible mitigation measures that could minimize significant adverse impacts are discussed, after which the impact discussion notes whether the impact would be mitigated to a less than significant level or if it would remain significant and unavoidable.

Concluding statements are included in the impact discussion to disclose the level of significance of the impact before and after mitigation. Standards of significance are identified and utilized to determine whether identified environmental effects are considered significant and require the application of mitigation measures. Each environmental impact analysis is identified numerically and is supported by substantial evidence included in the discussion.

### **APPROACH TO THE CUMULATIVE IMPACT ANALYSIS**

#### **Definition of Cumulative Setting**

CEQA Guidelines Section 15130(a) requires that an EIR "discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." CEQA Guidelines Section 15130(b) states, "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact."

For this Project, the cumulative setting conditions considered in this Draft SEIR generally encompass the City of Elk Grove. Therefore, the cumulative setting conditions consider the City of Elk Grove General Plan (adopted November 2003; amended January 2005) and the cumulative setting conditions identified in the Housing Element Update EIR, as well as development projects that have been proposed and/or approved in the City and the region as appropriate. However, the cumulative setting varies for each environmental issue area, depending on the resources affected, so the technical section of the Draft SEIR includes a description of the geographic extent of the cumulative setting for that resource based on the characteristics of the environmental issue under consideration as set forth in Section 15130(b) of the CEQA Guidelines.

#### **Consideration of Cumulative Impacts**

The technical analysis in the Draft SEIR considers whether the Project's effect on anticipated cumulative setting conditions is cumulatively considerable (i.e., a significant effect). The determination of whether the Project's impact on cumulative conditions is considerable is based on applicable public agency standards, consultation with public agencies, and/or expert opinion. In addition, as described above, the environmental effects of potential development of the Project are considered in the cumulative impact analysis.

**REFERENCES**

City of Elk Grove. 2003. *Elk Grove General Plan Draft Environmental Impact Report* (SCH No. 2002062082).

———. 2014. *Elk Grove Housing Element Update Environmental Impact Report* (SCH No. 2013082012).

## **4.0 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS**

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## **4.1 CULTURAL RESOURCES**



This section evaluates the potential impacts of the proposed Project on historical resources. Historical resources include historic buildings and structures, historic districts, and historic sites.

### CONCEPTS AND TERMINOLOGY FOR EVALUATION OF CULTURAL RESOURCES

The following definitions are common terms used to discuss the regulatory requirements and treatment of cultural resources:

*Cultural resource* is a term used to describe several different types of properties: prehistoric and historical archaeological sites; architectural properties such as buildings, bridges, and infrastructure; and resources of importance to Native Americans.

*Historic properties* is a term defined by the National Historic Preservation Act (NHPA) as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP), including artifacts, records, and material remains related to such a property.

*Historical resource* is a California Environmental Quality Act (CEQA) term that includes buildings, sites, structures, objects, or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance, and is eligible for listing or is listed in the California Register of Historical Resources (CRHR).

#### 4.1.1 EXISTING SETTING

##### HISTORICAL BACKGROUND

The name of Elk Grove was originally applied to the location of the home of the John Hall family, along the current alignment of State Route 99. James Hall built a hotel there in 1850 and named it after his home town in Missouri. This hotel burned down in 1857. The eventual site of Elk Grove was on the ranch of Major James Buckner, who also built a hotel on the site in 1850. The hotel was owned successively by Buckner, Phineas Woodward, Mrs. Jared Erwin, and Nicholas Christophel.

The site did not really become a town until after the railroad was constructed. A farmer named Everson saw potential commercial opportunities for a town at this location, but none of the residents, including Everson, had the money available to construct the necessary buildings. Everson persuaded the citizens to pool their money to form the Elk Grove Building Company in 1876. The profits from the first building, the Chittenden and Everson general merchandise store, fueled further construction which in turn brought in merchants from outside the area.

Only four years later, the town boasted the original general store and one other, two hotels, a flouring mill, the railroad depot, a hardware store, a meat market, a furniture factory, two drugstores, a harness shop, a grain and hay warehouse, a dressmaking shop, two millinery shops, a boot shop, a wagon factory, and a blacksmith.

The town continued to grow, first as a commercial center for the farmers in the area and recently as a suburban residential zone for greater Sacramento. The City of Elk Grove incorporated in 2000, and the City has grown to become an important economic power in the region (City of Elk Grove 2014a, p. 4.4-3).

## 4.1 CULTURAL RESOURCES

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### KNOWN CULTURAL RESOURCES ON THE PROJECT SITE

#### General Plan Background Report

##### Historical Sites

The City of Elk Grove General Plan Background Report (Elk Grove 2003c) identified 24 historic sites within the Planning Area, including many remnants of farms and ranches. These historic sites include the Murphy's Ranch (Murphy's Corral) site, the site of Joseph Hampton Kerr's home, the site of the Old Elk Grove Hotel, the site of the first county free library, and the graves of Alexander Hamilton Willard and Elitha Cumi Donner Wilder. Old Town Elk Grove is also a nationally recognized historic district listed on the National Register of Historic Places (City of Elk Grove 2003c). None of these previously identified historic sites are located on the Project site.

#### Historical Resource Assessment

An assessment of the existing structures on the Project site was completed by ICF International in May 2014 (see **Appendix C**). Following is a summary of this assessment.

The Project site represents the site of the original location of the town of Elk Grove. The site currently consists of buildings associated with the Howard Kirby Ranch and the Tribble Brothers Nursery (Kirby Ranch/Tribble Nursery), including a vernacular-style residence constructed in 1889, a detached garage built circa 1920, and several modern nursery-related buildings on the east side of the site (the modern buildings were not documented as part of the assessment). All of the buildings are situated in a loose cluster near the southern end of the site, set back from Elk Grove Boulevard behind a modern, paved parking lot. Landscaping consists largely of an open dirt lot with several trees lining the northern, eastern, and western ends of the site. There are also several groups of mature trees growing near the ranch house that date to sometime before 1957. Some are oak trees that are over 100 years old.

The residence appears to have been built as a two-story building with a rectangular ground plan. Since its initial construction, however, the building has been substantially enlarged with three one-story additions, which have reconfigured the building's footprint into a T-shaped ground plan. Overall, the building features a principal front-facing gable roof, a secondary side-gabled roof, and pent roof extensions. The residence also displays a continuous concrete foundation, a wood-frame structural system, and exterior walls clad with channel rustic wood siding. The south-facing main elevation is asymmetrically arranged and features a primary entrance centered along the façade of the original two-story massing. A non-original wood panel door opens onto a concrete stoop that is sheltered beneath a front-gabled porch roof with wood shake shingles and wooden post supports. A pair of metal-sash replacement windows flanks the entry door. The windows have wooden surrounds and a molded wooden hood. Two additional windows of this type punctuate the upper floor.

Appended to the east elevation of the main residence is a single-story side-gable addition. The addition features a secondary entrance composed of a wood panel door beneath a gabled porch roof with wood shake shingles and triangular knee brace supports. Two windows of the type previously described are located to the east of the secondary entrance. A large one-story pent-roof rear addition dominates the northern elevation. Cladding conforms to style and materials found elsewhere on the house, and fenestration includes two ribbons of multi-light wood-sash, double-hung windows (composed of three and four windows, respectively), a wood-sash double-hung window, an aluminum sliding window, and a glazed wood panel door. The two-story section of the residence rises above the addition, with its gable end punctuated

by two symmetrically placed multi-light metal-sash windows. The eastern elevation of the addition includes two wood-sash double-hung windows. Landscaping in the vicinity of the ranch house includes several mature trees, shrubs, and a lawn on all four sides of the building.

Situated north of the ranch house is a garage constructed circa 1920. It displays a rectangular ground plan, a wood-frame structural system, and a side-gabled roof with corrugated metal cladding and exposed rafter tails. The exterior walls are clad in horizontal wood plank siding. The south elevation features three horizontally sliding vertical-plank garage doors. An additional entry is on the east elevation, where a standard-sized wood door and a window of an undetermined type punctuate the asymmetrical eave-end elevation. There are two fixed-pane wood-sash windows on the north elevation.

Due to limited access, the present recordation did not include a close inspection of the western side of the parcel. Those buildings that were visible appeared to be of relatively recent origin. Aerial photographs support this, as images taken in 1964 and 2014 show that, except for the ranch house and the garage, all of the buildings on the parcel date to sometime between 1964 and the present. In addition to the aforementioned buildings, the site includes structures associated with the nursery operation. Most notably, there are what appear to be several wood-frame and screen shelters, all of which appear to date to sometime after 1964 (ICF 2014, pp. 1 & 3).

## CONCLUSIONS

The Project site was previously recorded in 2012 by Page & Turnbull as part of a citywide reconnaissance-level survey for the City of Elk Grove. Based on that survey, Page & Turnbull concluded that the Kirby Ranch/Tribble Nursery appeared to be a good candidate for individual listing in the NRHP under Criteria A and C, as well as the CRHR under Criteria 1 and 3.

Under the current intensive-level evaluation, ICF took a more critical assessment of the site's integrity and reached a different conclusion. ICF determined that the residence lacks sufficient integrity to convey its agricultural or architectural past under Criteria A/1 as a late nineteenth-century ranch or an early twentieth-century nursery. NRHP Criterion C and CRHR Criterion 3 are related to whether a resource embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values. The property's integrity of design—and to a lesser degree, its integrity of materials and workmanship—has been substantially compromised by the numerous additions, which cumulatively have more than doubled the original footprint of the residence. Consequently, because of its diminished physical integrity, the property does not appear to possess sufficient design or construction value to meet NRHP Criterion C or CRHR Criterion 3.

Additionally, none of the built features currently on the site appear to qualify for listing in the local register. The residence no longer retains its integrity, and it lacks an association with any significant event relating to the development of local agriculture. The garage also lacks a significant association with any event important in the development of local agriculture, and it is not important for its design or construction value. Finally, research did not indicate that any of the remaining modern, utilitarian buildings or structures is of exceptional importance in terms of historical associations or architecture. These modern resources are all associated with the Capital Nursery, which acquired the property from the Tribble Brothers circa 1936. Historic aerial photographs and US Geological Survey topographical maps show that the property did not change significantly through 1964. In that year, the 1889 residence was accompanied only by three outbuildings, while the remaining land was either unimproved or in use for growing. By 1993, however, the property had taken on the appearance of a modern retail nursery. Several substantial buildings were completed, a landscaped parking lot was added along Elk Grove

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Boulevard, and rows of plants and trees appear to have filled much of the land not occupied by buildings or the parking lot. The residence and, possibly, a pre-1954 outbuilding were still standing on the property. Capital Nursery remained in operation at the Elk Grove Boulevard location until late 2012.

NRHP Criterion B, CRHR Criterion 2, and local Criterion A-ii are related to a resource's association with important persons or events. The built resources on the Project site also do not appear to be eligible under NRHP Criterion B, CRHR Criterion 2, or local Criterion A-ii. Despite their varying degrees of local notability, the available historical sources do not support a conclusion that Howard Kirby or the Tribble brothers made a singularly significant contribution to the development of agriculture or the nursery industry. Howard Kirby was among the early ranchers in the Elk Grove area, but his specific contribution to local ranching does not appear to rise to the level of significance necessary to meet NRHP Criterion B, CRHR Criterion 2, or local Criterion A-ii. Similarly, the Tribble brothers were early horticulturalists in the Elk Grove area, but their contribution to the development of new varieties of fruit and nut trees appears to be important only within the larger context of their contemporaries in California, who together with the Tribble brothers collectively contributed to the diversification of agriculture in places such as Elk Grove.

Although the residence, garage, and other built features associated with the Kirby Ranch/Tribble Nursery at 8423 Elk Grove Boulevard do not appear to be eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or the Elk Grove Registry due to a lack of sufficient integrity or significance, the site on which these resources are located does appear to qualify for individual listing in the Elk Grove Registry as a landmark under local Criterion A-I for its association with the original settlement of Elk Grove. The site possesses outstanding significance because of its association with the original town site of Elk Grove. The town was centered at the former intersection of Upper Stockton Road (present-day State Route 99) and Franklin Road (Elk Grove Boulevard) from 1857 to circa 1878. Buckner's Hotel—built in 1852 by Major James Buckner—was the first building constructed in this area. With the establishment of a post office in the hotel in 1857, the community became officially known as Elk Grove. Circa 1878, the town relocated eastward along the tracks of the Central Pacific Railroad, which was completed through the area in 1868. The original town site around Buckner's Hotel remained as a stage stop and later as an automobile stop for travelers along Upper Stockton Road. During the late nineteenth and early twentieth century, the area around the original town site remained largely rural and agricultural. Howard Kirby established a ranch on the north side of Franklin Road (Elk Grove Boulevard), where he later grew strawberries. After the town relocated to the area closer to the railroad tracks, Kirby constructed the subject ranch house approximately 1,200 feet west of Buckner's Hotel in 1889.

In conclusion, the original town site for the community of Elk Grove as embodied in the site currently addressed as 8423 Elk Grove Boulevard appears to be individually eligible for listing in the Elk Grove Registry as a landmark under local Criterion A-I for its association with the development of the community between 1857 and 1878. The site was also evaluated in accordance with Section 15064.5(a)(2)–(3) of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code, and it appears to be a historical resource for the purposes of CEQA (ICF 2014, p. 2-4).

**4.1.2 REGULATORY FRAMEWORK**

## STATE

**California Environmental Quality Act**

Under CEQA, public agencies must consider the effects of their actions on both "historical resources" and "unique archaeological resources." Pursuant to Public Resources Code (PRC) Section 21084.1, a "project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment." Section 21083.2 requires agencies to determine whether proposed projects would have effects on unique archaeological resources.

*Historical resource* is a term with a defined statutory meaning (PRC Section 21084.1 and State CEQA Guidelines Section 15064.5[a], [b]). The term embraces any resource listed in or determined to be eligible for listing in the California Register of Historical Resources. The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC Section 5024.1 and California Code of Regulations, Title 14, Section 4850). Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process (PRC Section 5024.1[g]), lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project's impacts to historical resources (PRC Section 21084.1 and State CEQA Guidelines Section 15064.5[a][3]). Following CEQA Guidelines Section 21084.5(a) and (b), a historical resource is defined as any object, building, structure, site, area, place, record, or manuscript that:

- 1) Is historically or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California; and
- 2) Meets any of the following criteria:
  - a. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
  - b. Is associated with the lives of persons important in our past;
  - c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - d. Has yielded, or may be likely to yield, information important in prehistory or history.

## 4.1 CULTURAL RESOURCES

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Archaeological resources may also qualify as historical resources, and PRC Section 5024 requires consultation with the Office of Historic Preservation (OHP) when a project may impact historical resources located on State-owned land.

For historic structures, State CEQA Guidelines Section 15064.5(b)(3) indicates that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995) must mitigate impacts to a level of less than significant. Potential eligibility also rests on the integrity of the resource. Integrity is defined as the retention of the resource's physical identity that existed during its period of significance. Integrity is determined through considering the setting, design, workmanship, materials, location, feeling, and association of the resource.

As noted above, CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. PRC Section 21083.2(g) states:

*"Unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:*

- 1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.*
- 2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.*
- 3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.*

Treatment options under Section 21083.2 include activities that preserve such resources in place in an undisturbed state. Other acceptable methods of mitigation under Section 21083.2 include excavation and curation or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a unique archaeological resource).

Advice on procedures to identify cultural resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the series produced by the Governor's Office of Planning and Research (OPR). The technical advice series produced by the OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including but not limited to museums, historical commissions, associations, and societies, be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of their antiquity and provides for the sensitive treatment and disposition of those remains.

Section 7050.5(b) of the California Health and Safety Code specifies protocol when human remains are discovered. The code states:

*In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.*

State CEQA Guidelines Section 15064.5(e) requires that excavation activities stop whenever human remains are uncovered and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of Native Americans, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. At that time, the lead agency must consult, in a timely manner, with the appropriate Native Americans, if any, as identified by the NAHC. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

In addition to the mitigation provisions pertaining to accidental discoveries of human remains, the State CEQA Guidelines also require that a lead agency make provisions for the accidental discovery of historical or archaeological resources, generally. Pursuant to Section 15064.5(f), these provisions should include "an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place."

Paleontological resources are classified as nonrenewable scientific resources and are protected by State statute (PRC Chapter 1.7, Section 5097.5, Archeological, Paleontological, and Historical Sites, and Appendix G). No state or local agencies have specific jurisdiction over paleontological resources. No state or local agency requires a paleontological collecting permit to allow the recovery of fossil remains discovered as a result of construction-related earth moving on State or private land in a project area.

### LOCAL

#### **City of Elk Grove General Plan**

The following Elk Grove General Plan Historic Resources Element (City of Elk Grove 2003b) policies and actions regarding cultural resources are applicable to the proposed Project:

**"Policy HR-1:** Encourage the preservation and enhancement of existing historical and archaeological resources in the City."

**"Policy HR-3:** Encourage restoration, renovation, and/or rehabilitation of all historic structures."

## 4.1 CULTURAL RESOURCES

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- "Policy HR-6:** Protect and preserve prehistoric and historic archaeological resources throughout the City."
- "HR-6-Action 1:** In areas identified in the Background Report as having a significant potential for containing archaeological or paleontological artifacts, require completion of a detailed on-site study as part of the environmental review process. Implement all recommended mitigation measures.
- "HR-6-Action 2:** Impose the following conditions on all discretionary projects in areas which do not have a significant potential for containing archaeological or paleontological resources:
- The Planning Division shall be notified immediately if any prehistoric, archaeological, or paleontologic artifact is uncovered during construction. All construction must stop and 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 45064.5(d) and (e) shall be followed."

The Project does not include any actions or components that conflict with these General Plan policies. However, final authority for interpretation of a policy statement and determination of the Project's consistency with the General Plan ultimately rests with the Elk Grove City Council.

### City of Elk Grove Municipal Code

The City of Elk Grove Municipal Code Title 7.00, Historic Preservation, contains regulatory requirements for the identification and protection of *cultural resources*.

### 4.1.3 IMPACTS AND MITIGATION MEASURES

#### STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the application of the CEQA Guidelines Appendix G environmental checklist. The Project is considered to have a significant effect on the environment if it would:

- 1) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.
- 2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- 3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- 4) Disturb any human remains, including those interred outside of formal cemeteries.



State CEQA Guidelines Section 15064.5 defines "substantial adverse change" as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource is materially impaired.

The Initial Study for the Project (see **Appendix B**) determined that compliance with General Plan Policy HR-6-Action 1 and Action 2 would ensure that impacts to undiscovered archaeological, paleontological, unique geologic features or other cultural resources, including human remains, would be reduced to less than significant (Standards of Significance 2 through 4). Therefore, the discussion below focuses on Standard of Significance 1.

### METHODOLOGY

The following impact analysis is based on the historical resource record prepared for the Project site by ICF International in May 2014 (see **Appendix C**) as well as the Elk Grove General Plan Historic Resources Element and the Elk Grove Municipal Code.

### PROJECT IMPACTS AND MITIGATION MEASURES

#### Historic Resources (Standard of Significance 1)

**Impact 4.1.1** Construction of the proposed Project would result in the demolition of all on-site structures and redevelop the site, which is considered eligible for listing in the Elk Grove Registry as a landmark site, although it has not been listed on any registry to date. The proposed Project would result in an increase in the severity of this impact, which was previously identified in the Housing Element Update EIR as less than significant. This is considered a new potentially significant impact.

The Elk Grove Housing Element Update EIR evaluated potential impacts on cultural and paleontological resources from development of subsequent housing projects under the Housing Element Update. The EIR determined that compliance with General Plan Policies HR-1, HR-2, HR-3, HR-4, HR-6, and associated actions which protect cultural and historic resources and provide guidance if previously undiscovered cultural resources or human remains are encountered, would reduce project impacts to these resources to a less than significant level.

The residence and associated garage on the Project site do not appear to be eligible for listing as a significant historic resource under any criterion, as they lack sufficient integrity of design, materials, and workmanship due to the numerous additions and the overall diminished physical condition (ICF 2014, p. 2-4). Therefore, the proposed demolition of these structures would be considered a less than significant impact.

As described previously, the original town site for the community of Elk Grove as embodied on the Project site appears to be a historical resource for the purposes of CEQA and is individually eligible for listing in the Elk Grove Registry as a landmark under local Criterion A-i. Therefore, development of the Project site as proposed would result in a potentially significant impact on this resource, which would be a new potentially significant impact.

#### Mitigation Measures

**MM 4.1.1** The Project applicant shall incorporate a publicly accessible interpretive display or signage on the Project site describing the history of the site and its association with the original town site of Elk Grove. The display may take the

## 4.1 CULTURAL RESOURCES

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form of a kiosk, plaque, or other display method containing text, historic photographs, excerpts of oral histories, and maps. It shall be placed where visitors and passers-by could read about the history of the site. The Project applicant shall submit plans for the display to the Development Services Department for review and approval prior to installation. The display shall be installed prior to the issuance of occupancy permits.

*Timing/Implementation:* Prior to occupancy permits

*Enforcement/Monitoring:* City of Elk Grove Development Services

Implementation of mitigation measure **MM 4.1.1** would place a more accessible interpretive display/signage that would identify the site as a landmark and provide more information than is currently available in the form of photographs and a history of the activity that occurred here. However, development of the site would alter the site's historic context, including removal of the buildings associated with past uses onsite. While the buildings themselves do not appear to be eligible for listing as significant historic resources under any criterion, the change to the context of the site is considered significant. This impact would remain **significant and unavoidable**.

### 4.1.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

#### CUMULATIVE SETTING

The cumulative context associated with the proposed Project includes proposed, planned, reasonably foreseeable, and approved projects in the City's Sphere of Influence and in Sacramento County.

#### CUMULATIVE IMPACTS AND MITIGATION MEASURES

##### Historic Resources (Standard of Significance 1)

**Impact 4.1.2** Development of the proposed Project could contribute to the cumulative disturbance of historic resources. **The Project's contribution would be considered a new cumulative impact.**

Urban development that has occurred over the past several decades in the incorporated City and in the unincorporated county has resulted in adverse impacts on significant historical resources. It is reasonable to assume that present and future development activities will continue to result in impacts on significant historical resources. Federal, state, and local laws protect cultural resources in most instances but are not always feasible, particularly when in-place preservation would frustrate the implementation of projects. Future developments and planned land uses would contribute to potential impacts on historical resources, including historic resources associated with Euroamerican settlement, gold mining, agriculture, and economic development. Future development could conflict with these resources through inadvertent destruction or removal resulting from grading, excavation, and/or construction activities. For this reason, the cumulative effects of development in the region on historic resources are considered significant.

As discussed in Impact 4.4.1, the existing structures on the Project site are not considered significant historical resources. The Project site itself, however, does meet the criteria for a historic site. This would be a cumulatively considerable contribution to the cumulative impact on historic resources.

Mitigation measure **MM 4.4.1** requires construction of a publicly accessible interpretive display or signage on the Project site describing the history of the site and its association with the original town site of Elk Grove. Even with implementation of mitigation measure **MM 4.4.1**, the Project would change the cumulative setting from that previously considered and would result in a substantial increase in the severity of this impact. The Project would, therefore, result in a more severe contribution to the cumulative impact than disclosed in the EIR. The Project's impact would be **cumulatively considerable and significant and unavoidable**.

### Mitigation Measures

Implement mitigation measure **MM 4.4.1**.

## 4.1 CULTURAL RESOURCES

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### REFERENCES

- City of Elk Grove. 2003a. *Elk Grove General Plan Draft Environmental Impact Report*.
- . 2003b. *City of Elk Grove General Plan*.
- . 2003c. *City of Elk Grove General Plan Background Report*.
- . 2014a. *City of Elk Grove Civic Center Aquatics Complex Project Draft Subsequent Environmental Impact Report*. SCH No. 2000082139.
- . 2014b. *Elk Grove Housing Element Update Environmental Impact Report* (SCH No. 2013082012).
- ICF (ICF International). 2014. Office of Historic Preservation DPR 523A Form, Primary Record: First Elk Grove Town Site.

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## **5.0 OTHER CEQA CONSIDERATIONS**

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## 5.0 OTHER CEQA CONSIDERATIONS

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This section discusses additional topics statutorily required by the California Environmental Quality Act (CEQA), including growth-inducing impacts, significant irreversible environmental effects, significant and unavoidable environmental effects, and a summary of cumulative effects.

### 5.1 GROWTH-INDUCING IMPACTS

#### INTRODUCTION

CEQA Guidelines Section 15126.2(d) requires that an EIR evaluate the growth-inducing impacts of a proposed action. A growth-inducing impact is defined by CEQA Guidelines as:

*...the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth...It must not be assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment.*

A project can have direct and/or indirect growth inducement potential. Direct growth inducement would result if, for example, a project involved construction of new housing. An example of indirect growth inducement potential would be if a project established substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises) or if it would involve a construction effort with substantial short-term employment opportunities that would stimulate the need for additional housing and services to support the new employment demand. Another example of a project indirectly inducing growth would be if it removed a constraint on a required public service, such as expanding a wastewater treatment plant, which would remove an obstacle to additional growth and development. A project providing an increased water supply in an area where water service historically limited growth could be considered growth inducing.

CEQA Guidelines further explain that the environmental effects of induced growth are considered indirect impacts of the proposed action. These indirect impacts or secondary effects of growth may result in significant, adverse environmental impacts. Potential secondary effects of growth include increased demand on community and public services and infrastructure, increased traffic and noise, and adverse environmental impacts such as degradation of air and water quality, degradation or loss of plant and animal habitat, and conversion of agricultural and open space land to developed uses.

Growth inducement may constitute an adverse impact if the growth is not consistent with or accommodated by the land use plans and growth management plans and policies for the area affected. Local land use plans provide for land use development patterns and growth policies that allow the orderly expansion of urban development supported by adequate urban public services, such as water supply, roadway infrastructure, sewer service, and solid waste service.

#### COMPONENTS OF GROWTH

As required by Government Code Section 65300, the General Plan is intended to serve as the overall plan for the physical development of the City of Elk Grove. While the General Plan does not specifically propose any development projects, it does regulate the location and type of future development and thus controls future population and economic growth in the City that would result in indirect growth-inducing effects.

## 5.0 OTHER CEQA CONSIDERATIONS

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The Project site is currently designated Commercial (C) in the General Plan. The Housing Element Update EIR analyzed development of the Project site with high-density residential with a maximum of 407 units and assumed a realistic capacity for the site of 341 units. The Commercial portion of the Project could develop at a similar intensity to that under the existing General Plan, but the residential portion would be less intense than that considered in the Housing Element Update EIR. Therefore, the proposed Project would result in development that is less intense than development under either the General Plan's existing Commercial designation or the High Density Residential designation assumed in the Housing Element Update EIR.

### GROWTH EFFECTS OF THE PROPOSED PROJECT

Changes in population and employment are not in and of themselves environmental impacts. However, they may result in the need for the construction of new housing, businesses, infrastructure, and services that provide for increases in population and employment.

The proposed Project would result in the development of residential uses and would create new employment opportunities in the City in the commercial portion of the Project. Historically, Elk Grove has had a jobs/housing imbalance, with more households in the City than jobs available for the households. The increase in employment opportunities associated with the proposed Project would serve to improve the jobs/housing balance by increasing job opportunities for local residents. Although there would be fewer residential units than assumed in the Housing Element Update EIR, residential development was analyzed for the site and the units could contribute to housing supply to comply with the City's Regional Housing Needs Allocation. The Project's potential impacts on the physical environment are evaluated in Section 4.1, Cultural Resources, of this Draft SEIR and the Initial Study in **Appendix B**.

## 5.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS

CEQA Sections 21100(b)(2) and 21100.1(a) require that EIRs prepared for the adoption of a plan, policy, or ordinance of a public agency include a discussion of significant irreversible environmental changes of project implementation. In addition, CEQA Guidelines Section 15126.2(c) describes irreversible environmental changes as:

*Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.*

The Elk Grove General Plan EIR (SCH Number 2002062082) evaluated significant irreversible environmental effects associated with implementation of the adopted General Plan, and the Housing Element Update EIR (SCH No. 2013082012) assessed the significant irreversible environmental effects associated with implementation of the Elk Grove Housing Element Update. The EIRs identified that the conversion of undeveloped land would occur with implementation of those plans.

Development of the City of Elk Grove Land Use Policy Map constitutes a long-term commitment to developed land uses. It is unlikely that circumstances would arise that would justify the return of the land to its original condition.

Development of the City, including the Project site, would irretrievably commit building materials and energy to the construction and maintenance of buildings and infrastructure proposed. Renewable, nonrenewable, and limited resources would likely be consumed as part of the development of the proposed Project and would include, but not be limited to, oil, gasoline, lumber, sand and gravel, asphalt, water, steel, and similar materials. In addition, development of the Project site would result in increased demand on public services and utilities.

The Project site is designated for urban development on the General Plan Land Use Policy Map and was assumed for development in the Housing Element Update EIR. Therefore, development of the Project site would not conflict with assumptions for development of the site and would result in significant irreversible impacts that are similar to those discussed in the General Plan EIR and Housing Element Update EIR.

**5.3 ENERGY CONSERVATION**

**INTRODUCTION**

Public Resources Code Section 21100(b)(3) and CEQA Guidelines Section 15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. In 1975, largely in response to the oil crisis of the 1970s, the State Legislature adopted Assembly Bill (AB) 1575, which created the California Energy Commission (CEC). The statutory mission of the CEC is to forecast future energy needs, license thermal power plants of 50 megawatts or larger, develop energy technologies and renewable energy resources, plan for and direct State responses to energy emergencies, and—perhaps most importantly—promote energy efficiency through the adoption and enforcement of appliance and building energy efficiency standards. AB 1575 also amended Public Resources Code Section 21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Thereafter, the California Natural Resources Agency created Appendix F of the CEQA Guidelines.

CEQA Guidelines Appendix F is an advisory document that assists EIR preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. For the reasons set forth below, this EIR concludes that the proposed Project would not result in the wasteful, inefficient, and unnecessary consumption of energy and therefore would not create a significant impact on energy resources.

**BACKGROUND**

Energy usage is typically quantified using the British thermal unit (BTU). The approximate amounts of energy contained in common energy sources are as follows:

<b>Energy Source</b>	<b>BTUs</b>
Gasoline	124,000 per gallon
Diesel Fuel	139,000 per gallon
Natural Gas (compressed gas)	1,000 per cubic foot
Electricity	3,414 per kilowatt-hour

*Sources: USDOE 2013*



## 5.0 OTHER CEQA CONSIDERATIONS

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Total energy usage in California was 7,858 trillion BTUs in 2011, which equates to an average of 209 million BTUs per capita. Of California's total energy usage, the breakdown by sector is 38.3 percent transportation, 22.8 percent industrial, 19.6 percent commercial, and 19.3 percent residential (the 19.3 percent value of residential equals 1,516 trillion BTUs and the 19.6 percent value of commercial equals 1,540 trillion BTUs for a combined 3,056 trillion BTUs). Electricity and natural gas in California are generally consumed by stationary users such as residences and commercial and industrial facilities, whereas petroleum consumption is generally accounted for by transportation-related energy use (EIA 2014).

In 2013, taxable gasoline sales (including aviation gasoline) in California accounted for 14,532,944,431 gallons of gasoline (CEC 2014).

### Current Energy Use

The Project site was historically used as a commercial nursery. At the time the Notice of Preparation (NOP) was published, the site was vacant. Therefore, current energy use on the Project site can be assumed to be zero.

### APPLICABLE REGULATIONS

Federal and state agencies regulate energy use and consumption through various means and programs. At the federal level, the US Department of Transportation, the US Department of Energy, and the US Environmental Protection Agency (EPA) are three agencies with substantial influence over energy policies and programs. Generally, federal agencies influence and regulate transportation energy consumption through establishment and enforcement of fuel economy standards for automobiles and light trucks, through funding of energy-related research and development projects, and through funding for transportation infrastructure improvements. At the state level, the California Public Utilities Commission (CPUC) and the California Energy Commission are two agencies with authority over different aspects of energy. The CPUC regulates privately owned utilities in the energy, rail, telecommunications, and water fields. The CEC collects and analyzes energy-related data, prepares statewide energy policy recommendations and plans, promotes and funds energy efficiency programs, and adopts and enforces appliance and building energy efficiency standards. California is exempt under federal law from setting state fuel economy standards for new on-road motor vehicles. Some of the more relevant federal and state energy-related laws and plans are discussed below.

### FEDERAL

#### Federal Energy Policy and Conservation Act

The Federal Energy Policy and Conservation Act of 1975 sought to ensure that all vehicles sold in the United States would meet certain fuel economy goals. Through this act, Congress established the first fuel economy standards for on-road motor vehicles in the country. Pursuant to the act, the National Highway Traffic and Safety Administration, which is part of the US Department of Transportation, is responsible for establishing additional vehicle standards and for revising existing standards. Since 1990, the fuel economy standard for new passenger cars has been 27.5 miles per gallon. Since 1996, the fuel economy standard for new light trucks (gross vehicle weight of 8,500 pounds or less) has been 20.7 miles per gallon. Heavy-duty vehicles (i.e., vehicles and trucks over 8,500 pounds gross vehicle weight) are not currently subject to fuel economy standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model; rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the

United States. The Corporate Average Fuel Economy (CAFE) program, which is administered by the EPA, was created to determine vehicle manufacturers' compliance with the fuel economy standards. The EPA calculates a CAFE value for each manufacturer, based on city and highway fuel economy test results and vehicle sales. On the basis of the information generated under the CAFE program, the US Department of Transportation is authorized to assess penalties for noncompliance. In the course of its over 30-year history, this regulatory program has resulted in vastly improved fuel economy throughout the nation's vehicle fleet.

### **Intermodal Surface Transportation Efficiency Act of 1991**

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of intermodal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that metropolitan planning organizations (MPOs) such as the Sacramento Area Council of Governments (SACOG) were required to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values that were to guide transportation decisions in that metropolitan area. The planning process for specific projects would then address these policies. Another requirement was to consider the consistency of transportation planning with federal, state, and local energy goals. Through these requirements, energy consumption was expected to become a decision criterion, along with cost and other values that determine the best transportation solution.

### **The Transportation Equity Act for the 21<sup>st</sup> Century**

The Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) was signed into law in 1998 and builds on the initiatives established in the ISTEA legislation discussed above. TEA-21 authorizes highway, highway safety, transit, and other efficient surface transportation programs. TEA-21 continues the program structure established for highways and transit under ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of good transportation decisions. TEA-21 also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of intelligent transportation systems, to help improve operations and management of transportation systems and vehicle safety.

## STATE

### **State of California Energy Plan**

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including providing assistance to public agencies and fleet operators, encouraging urban designs that reduce vehicle miles traveled, and accommodating pedestrian and bicycle access.

### **Title 24, Energy Efficiency Standards**

The California Energy Code (Title 24, Part 6, of the California Code of Regulations, California's Energy Efficiency Standards for Residential and Nonresidential Buildings) provides energy

## 5.0 OTHER CEQA CONSIDERATIONS

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conservation standards for all new and renovated commercial and residential buildings constructed in California. The provisions of the California Energy Code apply to the building envelope, space-conditioning systems, and water-heating and lighting systems of buildings and appliances; they also give guidance on construction techniques to maximize energy conservation. Minimum efficiency standards are given for a variety of building elements, including appliances, water and space heating and cooling equipment, and insulation for doors, pipes, walls, and ceilings. The CEC adopted the 2005 changes to the Building Efficiency Standards, which emphasized saving energy during peak periods and seasons, and improving the quality of installation of energy efficiency measures. It is estimated that implementation of the 2005 Title 24 standards has resulted in an increased energy savings of 8.5 percent relative to the previous Title 24 standards. Compliance with Title 24 standards is verified and enforced through the local building permit process. The 2008 Title 24 Standards, which had an effective date beginning August 1, 2009, added provisions that require, for example, "cool roofs" on commercial buildings; increased efficiency in heating, ventilating, and air conditioning systems; and increased use of skylights and more efficient lighting systems. California's Building Energy Efficiency Standards are updated on an approximately three-year cycle. The 2013 Standards will continue to improve upon the current 2008 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The 2013 Standards went into effect on July 1, 2014.

### California Environmental Quality Act Guidelines

CEQA Guidelines Appendix F advises that EIRs should contain a discussion of the potential energy impacts of a project with an emphasis on reducing the wasteful, inefficient, or unnecessary consumption of energy. CEQA Guidelines Appendix F further states that the means of achieving the goal of energy conservation includes the following:

- Decreasing overall per capita energy consumption.
- Decreasing reliance on fossil fuels such as coal, natural gas, and oil.
- Increasing reliance on renewable energy sources.

### LOCAL

#### Elk Grove General Plan

The City of Elk Grove General Plan contains the following policies and actions related to energy conservation that apply to the proposed Project. These policies and goals are contained in the Conservation and Air Quality Element (City of Elk Grove 2003). The Project does not include any actions or components that conflict with these General Plan policies. However, the final authority for interpretation of a policy statement and determination of the Project's consistency with the General Plan ultimately rests with the Elk Grove City Council.

**"CAQ-25:**

The City shall encourage:

- Recycling,
- Reduction in the amount of waste, and
- Re-use of materials to reduce the amount of solid waste generated in Elk Grove."

**"CAQ-25-Action 3:** Encourage the use of recycled concrete in all base material utilized in City and private road construction."

**"CAQ-25-Action 4:** Include a requirement for the use of recycled base material in all requests for bids for City roadway construction projects."

**"CAQ-25-Action 5:** Establish procurement policies and procedures, which facilitate purchase of recycled, recyclable or reusable products and materials where feasible."

**"CAQ-26:** It is the policy of the City of Elk Grove to minimize air pollutant emissions from all City facilities and operations to the extent feasible and consistent with the City's need to provide a high level of public service."

**"CAQ-27:** The City shall promote energy conservation measures in new development to reduce on-site emissions and power plant emissions. The City shall seek to reduce the energy impacts from new residential and commercial projects through investigation and implementation of energy efficiency measures during all phases of design and development."

**"CAQ-27-Action 1:** Provide information to the public and builders on available energy conservation techniques and products."

**"CAQ-27-Action 2:** Encourage the use of trees planted in locations that will maximize energy conservation and air quality benefits. Encourage the use of landscaping materials which produce lower levels of hydrocarbon emissions."

**"CAQ-27-Action 3:** During project review, City staff shall consider energy conservation and, where appropriate, suggest additional energy conservation techniques."

**"CAQ-27-Action 4:** During project review, ensure that "Best Available Control Technology" is properly used and implemented."

**"CAQ-28:** The City shall emphasize "demand management" strategies which seek to reduce single-occupant vehicle use in order to achieve state and federal air quality plan objectives."

**"CAQ-29:** The City shall seek to ensure that public transit is a viable and attractive alternative to the use of private motor vehicles."

**"CAQ-30:** All new development projects which have the potential to result in substantial air quality impacts shall incorporate design, construction, and/or operational features to result in a reduction in emissions equal to 15 percent compared to an 'unmitigated baseline' project. An

## 5.0 OTHER CEQA CONSIDERATIONS

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'unmitigated baseline project' is a development project which is built and/or operated without the implementation of trip-reduction, energy conservation, or similar features, including any such features which may be required by the Zoning Code or other applicable codes."

**"CAQ-32:** As part of the environmental review of projects, the City shall identify the air quality impacts of development proposals to avoid significant adverse impacts and require appropriate mitigation measures, potentially including—in the case of projects which may conflict with applicable air quality plans—emission reductions in addition to those required by Policy CAQ-30."

### Elk Grove Climate Action Plan

The Elk Grove Climate Action Plan (CAP) is a strategic planning document that identifies sources of GHG emissions within the City boundary and reduces emissions through energy use, transportation, land use, water use, and solid waste strategies (referred to as "measures" in the CAP). The policy provisions contained in the CAP were prepared with the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan.

The proposed Project would comply with all applicable policy provisions contained in the CAP, including the following:

- **BE-6 – Building Stock, New Construction.** Adopt CALGreen Tier 1 standards to require all new construction to achieve a 15 percent improvement over minimum Title 24 CALGreen energy requirements.
- **BE-10 – On-Site Renewable Energy Installations, Fourth Action Item.** Require solar photovoltaic prewiring in all new residential development.
- **RC-1 – Waste Reduction, Fourth Action Item.** Expand the current construction and demolition ordinance to require 65 percent waste diversion (Tier 1 CALGreen).
- **TACM-9 – Efficient and Alternative Vehicles Second Action Item.** Require new commercial construction over a certain size to be determined by City staff to provide an electric vehicle charging station and new residential construction to pre-wire for plug-in electric vehicles.

Compliance with the mandatory CAP measures listed above would assist the Project in achieving the goal of energy conservation as stated in CEQA Guidelines Appendix F by increasing energy efficiency, encouraging the installation of solar photovoltaic, reducing waste during Project construction, and encouraging the use of electric vehicles.

### METHODOLOGY

The analysis of energy consumption during construction activities is based on California Emissions Estimator Model (CalEEMod) air quality and greenhouse gas emissions modeling in conjunction with ratios provided in the Climate Action Registry (2009) General Reporting Protocol Version 3.1 (see **Appendix D**). The analysis of operational electricity/natural gas usage is based on the CalEEMod model, which quantifies energy use for occupancy with and without mitigation. Modeling was based primarily on the default settings in the computer program for Sacramento County (see Section 3, Air Quality in the Initial Study in **Appendix B**). The amount of operational

transportation fuel use was estimated using the California Air Resources Board's EMFAC2011 computer program, which also provides assumptions for typical daily fuel usage in Sacramento County. The results of this analysis are included in **Appendix D** of this Draft SEIR.

### PROJECT ENERGY CONSUMPTION AND CONSERVATION

As described previously, the proposed Project would introduce energy usage on a site that is currently vacant and thus uses no energy. Construction activities would involve heavy equipment use that would consume fossil fuel for site preparation (e.g., grading, trenching) and electricity as a temporary power source for electric-powered machinery and tools. Occupancy of the new housing units and commercial buildings would consume energy in the form of fossil fuels, as would vehicles used as part of Project operations.

#### Construction Phase

Construction activities would require the use of gasoline, diesel fuel, and other fuels. Energy use during construction typically involves the use of motor vehicles both for transportation of workers and equipment and for direct construction actions such as the use of cranes or lifts. Additional energy would be used for power tools and equipment on-site, including but not limited to gas generators, air compressors, air handlers and filters, and other typical direct construction energy uses.

Using ratios provided in the Climate Action Registry (2009) General Reporting Protocol Version 3.1, construction associated with the proposed Project would require approximately 96,355 gallons of diesel fuel (see **Appendix D** for data outputs). This usage would constitute approximately 0.0007 percent (96,355 gallons/14,532,944,431 gallons = 0.0007 percent) of typical annual fuel usage in the state as reported by the California Energy Commission.

The demand for fuel and other energy resources would not result in the need for new or altered facilities given the temporary nature of construction. Furthermore, construction activities are not anticipated to result in an inefficient use of energy, as construction contractors would purchase their own gasoline and diesel fuel from local suppliers and would conserve the use of their supplies to minimize costs to the individual project. For these reasons and because of the temporary nature of construction activities, this would not represent a wasteful, inefficient, or unnecessary consumption of energy.

#### Operational Phase

Each residential unit and commercial building constructed under the proposed project would consume energy. In addition, traffic generated by new development would also consume energy.

#### Building Occupancy

Energy consumption associated with occupancy of all the residential units and commercial square footage is summarized in **Table 5.0-1**.

## 5.0 OTHER CEQA CONSIDERATIONS

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TABLE 5.0-1  
PROJECT ENERGY CONSUMPTION FROM PROPOSED LAND USES

Source	Kilowatt-Hours Annually	kBTU Annually	BTU Equivalent Annually
Proposed Project	1,060,189	2,548,001	6,165,516,035

Source: CalEEMod version 2013.2. See Section 3, Air Quality in the Initial Study in **Appendix B** regarding model outputs.

The proposed Project would result in the consumption of 6,165,516,035 BTU equivalents annually. This would constitute approximately 0.2 percent ( $6,165,516,035/3,056,000,000,000 = 0.2$  percent) of the typical annual combined residential and commercial energy usage in the State and approximately 0.0008 percent of total energy use in the State.

Because the proposed Project would result in such a small percentage increase of the overall combined residential and commercial energy usage in the State annually (less than 1 percent), the proposed Project would not result in an inefficient use of energy in terms of residential-related energy consumption.

### Vehicle Trips Fuel Consumption

As described in subsection 16, Transportation/Traffic, of the Initial Study prepared for the Project (see **Appendix B**), the Project is estimated to generate a maximum 2,645 new traffic trips on a daily basis. Using the California Air Resources Board's EMFAC2011 computer program, it was determined that these additional daily traffic trips in Sacramento County would result in the consumption of 730 gallons of automotive fuel and 20 gallons of diesel fuel daily (see **Appendix D**). Per EMFAC2011, it is expected that throughout all of Sacramento County, 1,962,710 gallons of automotive fuel and 60,470 gallons of diesel fuel will be consumed daily (see **Appendix D**). Therefore, the increase of fuel usage generated by the proposed Project would constitute approximately 0.03 percent ( $750$  gallons of automotive and diesel fuel/ $2,023,180$  gallons of automotive and diesel fuel = 0.03 percent) of typical daily fuel usage in the county, which is not considered substantial.

For the reasons described above, the proposed Project would not place a substantial demand on regional energy supply or require significant additional capacity, significantly increase peak and base period electricity demand, cause wasteful, inefficient, and unnecessary consumption of energy during project construction, operation, and/or maintenance, or preempt future energy development or future energy conservation.

## 5.4 SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL EFFECTS

CEQA Guidelines Section 15126.2(b) requires an EIR to discuss unavoidable significant environmental effects, including those that can be mitigated but not reduced to a level of insignificance. In addition, Section 15093(a) of the CEQA Guidelines allows the decision-making agency to determine whether the benefits of a proposed project outweigh the unavoidable adverse environmental impacts of implementing the project. The City can approve a project with unavoidable adverse impacts if it prepares a Statement of Overriding Considerations setting forth the specific reasons for making such a judgment.

**ELK GROVE HOUSING ELEMENT UPDATE**

On June 16, 2004, the City Council certified the Housing Element Update EIR and adopted the associated Findings of Fact regarding environmental effects. A Statement of Overriding Considerations was adopted for the following impacts that were identified as significant and unavoidable:

- Contribute to cumulative impacts on the region's air quality
- Degrade the existing visual character
- Violate and air quality standard or contribute to a violation
- Generate greenhouse gas emissions
- Conflict with a plan or policy establishing acceptable levels of service for the performance of the circulation system
- Contribute to the cumulative degradation of the visual character of the region
- Contribute to the cumulative impacts on the region's air quality
- Contribute to the cumulative impacts on the transportation network

**PROPOSED PROJECT**

The Project would result in significant and unavoidable impacts related to historic properties that were not previously identified in the Housing Element Update EIR.

**Impact 4.1.1** Construction of the proposed Project would result in the demolition of all on-site structures and redevelop the site, which is considered eligible for listing in the Elk Grove Registry as a landmark site, although it has not been listed on any registry to date. The proposed Project would result in an increase in the severity of this impact, which was previously identified in the Housing Element Update EIR as less than significant. This is considered a new potentially significant impact.

**5.5 CUMULATIVE IMPACTS SUMMARY**

This section summarizes the cumulative impacts associated with the proposed Project that are identified in the technical analysis in Section 4.0. Cumulative impacts are the result of combining the potential effects of the proposed Project with other recently approved, planned, and reasonably foreseeable development projects in the region. The reader is referred to the technical analysis in Section 4.0 for a discussion of the proposed Project's cumulative impacts.

**INTRODUCTION**

CEQA requires that an EIR contain an assessment of the cumulative impacts that could be associated with the proposed project. According to CEQA Guidelines Section 15130(a), "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." *Cumulatively considerable* means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past



## 5.0 OTHER CEQA CONSIDERATIONS

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projects, the effects of other current projects, and the effects of probable future projects (as defined by Section 15130). As defined in CEQA Guidelines Section 15355, a cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. A cumulative impact occurs from:

*...the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

In addition, Section 15130(b) identifies that the following three elements are necessary for an adequate cumulative analysis:

- 1) Either:
  - a. A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or
  - b. A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.
- 2) A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available; and
- 3) A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

Where a lead agency is examining a project with an incremental effect that is not cumulatively considerable, a lead agency is not required to consider that effect significant, but must briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

### CUMULATIVE SETTING

A general description of the cumulative setting is provided in Section 4.1, Cultural Resources.

### CUMULATIVE IMPACTS

The following identifies the areas where the proposed Project's contribution to a cumulative impact would result in an impact that was not previously identified in the Housing Element Update EIR or areas where the proposed Project would increase the severity of a significant impact previously identified in the Housing Element Update EIR. As described above, cumulative impacts are two or more effects that, when combined, are considerable or compound other environmental effects.

**CULTURAL**

**Impact 4.1.2** Development of the proposed Project could contribute to the cumulative disturbance of historic resources. **The Project's contribution would be considered considerable, which would result in a new cumulative impact.**

## 5.0 OTHER CEQA CONSIDERATIONS

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### REFERENCES

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## **6.0 PROJECT ALTERNATIVES**

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### 6.1 INTRODUCTION

The purpose of an alternatives discussion in an EIR is to identify and describe alternatives to the proposed Project that reduce or eliminate the significant or potentially significant adverse environmental effects identified as a result of the proposed Project while still meeting most if not all of the basic Project objectives.

The primary intent of the alternatives analysis is to disclose other ways that the objectives of the Project could be attained while reducing the magnitude of or avoiding the environmental impacts of the proposed Project. Alternatives that are included and evaluated in the EIR must be feasible alternatives. However, the Public Resources Code and the California Environmental Quality Act (CEQA) Guidelines direct that the EIR need "set forth only those alternatives necessary to permit a reasoned choice." The CEQA Guidelines provide a definition for "a range of reasonable alternatives" and thus limit the number and type of alternatives that need to be evaluated in a given EIR. An EIR is not required to analyze alternatives when the effects of the alternative "cannot be reasonably ascertained and whose implementation is remote and speculative" (Section 15126.6(f)(3)).

Pursuant to CEQA Guidelines Section 15126.6, an EIR must evaluate "a reasonable range of alternatives to the proposed project, or to the location of the proposed project which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." However, the Public Resources Code and the CEQA Guidelines direct that the EIR need "set forth only those alternatives necessary to permit a reasoned choice." The CEQA Guidelines provide a definition for "a range of reasonable alternatives" and, thus, limit the number and type of alternatives that need to be evaluated in a given EIR. An EIR is not required to analyze alternatives when the effects of the alternative "cannot be reasonably ascertained and whose implementation is remote and speculative" (Section 15126.6(f)(3)).

#### SUMMARY OF SIGNIFICANT AND UNAVOIDABLE IMPACTS

This Draft SEIR concluded there would be significant and unavoidable impacts related to development of a site that is eligible for listing in the Elk Grove Registry as a landmark site (Impact 4.1.1) and its contribution to the cumulative disturbance of historic resources (Impact 4.1.2).

#### ALTERNATIVES NOT SELECTED FOR DETAILED ANALYSIS

CEQA Guidelines Sections 15126.6(f) establishes that the range of alternatives required in an EIR is governed by "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice, as noted above. The range of alternatives is limited to those that would avoid or substantially lessen any of the significant effects of the project. As provided in Section 15126.6(f)(1), among the factors the lead agency may consider in addressing the feasibility of an alternative are site suitability, availability of infrastructure, general plan consistency, and whether the project proponent can reasonably acquire, control, or otherwise have access to an alternative site. The key question concerning the consideration of an alternate location to the proposed Project is whether any of the significant effects identified for the Project would be avoided or substantially lessened by putting the Project in another location (Section 15126[f](2)). The CEQA Guidelines also establish that an EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

## 6.0 PROJECT ALTERNATIVES

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Because the only new significant impacts identified for the Project are related to historic resources, an alternative site would only be required to lack any existing historic buildings or other resources to reduce this impact. Such an off-site alternative would avoid the on-site historic impacts, but depending on the site, it could result in additional impacts at the off-site location. Given the urban nature of the Project vicinity, construction of the Project in a different urban location could result in similar construction impacts or impacts could be more severe if the alternate location is under agricultural production or contains sensitive biological resources. Operational impacts of the Project are within the development intensity assumed for the site in the General Plan, so the Project's operational impacts are not significant. While an off-site alternative could reduce the Project's impact on historic resources, given the Project site's location in an area identified in the General Plan as an area for development, an off-site location would not have a significant advantage over the proposed Project due to the Project's lack of other significant impacts.

Reducing the footprint of the Project would reduce the ground disturbance effects of the Project. However, because a portion of the Project site would be developed under a reduced footprint alternative, the context of the site would still be altered. Therefore, a reduced footprint alternative would not avoid significant impacts related to the site's historic significance. Therefore, a reduced footprint alternative would not provide substantial environmental benefits compared to the Project.

A reduced intensity alternative (fewer residential units or less commercial) would result in fewer residents and therefore less demand for services and utilities, as well as a reduction in vehicle trips and associated air emissions. Depending on the demand for housing and commercial uses in the City, a reduction in units or commercial square footage available at this site could necessitate construction at a different location that would result in physical effects at that location. While a reduced intensity alternative would reduce impacts compared to those of the proposed Project, because the Project would not result in any significant and unavoidable impacts related to project operation, it would not avoid any Project impacts that would have otherwise been significant for the Project.

### 6.2 ALTERNATIVES ANALYSIS

The Project applicant has established the following objectives for the Project for the purposes of CEQA:

- Create a mix of complementary land uses that are compatible with and add to the surrounding community.
- Provide for the productive reuse of an infill parcel.
- Provide for housing and commercial uses that will contribute to the City's economic base.
- Create a unique identity for the Project that is compatible with the surrounding area and the Elk Grove community.
- Provide pedestrian access for residents to parks, trails, and open space.

CEQA Guidelines Section 15126.6(e)(1) requires analysis of a No Project Alternative, the purpose of which is to allow decision-makers to compare the impacts of approving the proposed Project with the impacts of not approving the proposed Project. A discussion of a No Project Alternative is included below.

In addition to the No Project Alternative, two additional alternatives are discussed, as shown below.

- Alternative 1 – No Project Alternative
- Alternative 2 – All Residential Alternative
- Alternative 3 – High-Density Residential Alternative

### ALTERNATIVE 1 – NO PROJECT ALTERNATIVE

CEQA Guidelines Section 15126.6(e)(1) states that a No Project Alternative shall be analyzed. The No Project Alternative analysis is not the baseline for determining whether the environmental impacts of the proposed Project may be significant. A No Project Alternative could assume no development on the Project site or development of the site that is consistent with the land use designations for the site. Under a No Project-No Development Alternative, none of the buildings would be removed and the Project site would remain in its current condition. Because no development of the site would occur, mitigation measure MM 4.1.1, which requires installation of interpretive display or signage on the Project site, would not be required.

A No Project Alternative would be the redevelopment of the site in accordance with its current General Plan designation of Commercial (C), which generally allows office, professional, and retail uses. Assuming a floor area ratio of 0.22, development of the site with such uses could result in approximately 160,000 square feet of commercial uses, which would result in substantially higher traffic generation and an increase in traffic volumes along Elk Grove Boulevard. Criteria air pollutant and greenhouse gas emissions associated with these trips would be increased proportionately from those generated by the proposed Project. Due to increased trips, this alternative would also result in greater transportation-related noise impacts on the existing residential uses adjacent to the Project site to the west and could increase non-transportation noise, though this would be dependent on the use developed. This alternative would result in similar impacts related to the Project footprint, such as those associated with the site's historic significance because of its association with the original town site of Elk Grove. This impact would also be significant with mitigation measure 4.1.1, like the proposed Project, but overall, the No Project Alternative would result in greater impacts compared to those of the proposed Project.

### ALTERNATIVE 2 – ALL RESIDENTIAL ALTERNATIVE

Under the All Residential Alternative, an additional approximately 38 single-family residential units would be constructed on the southern portion of the Project site instead of commercial uses, resulting in a reduction in vehicle trips (approximately 1,447 fewer daily trips) and associated air emissions and traffic noise. This alternative would result in a greater number of residential units on the Project site than under the proposed Project, but fewer residential units than considered in the Housing Element Update EIR, which assumed up to 407 units. Additionally, depending on demand for commercial uses in the city, elimination of commercial uses could necessitate construction of commercial uses at a different location, which would result in physical effects at that location. While the All Residential Alternative would result in an overall reduction of impacts compared to those of the proposed Project, because this alternative like the Project would include redevelopment of the site, it would not avoid any impacts that would have otherwise been significant for the Project.

## **6.0 PROJECT ALTERNATIVES**

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### **ALTERNATIVE 3 – HIGH-DENSITY RESIDENTIAL ALTERNATIVE**

Under the High-Density Residential Alternative, the Project site would be developed with high-density residential uses as proposed by the Elk Grove Housing Element Update. Development of the Project site with high-density residential (up to 407 units) would result in greater traffic volumes and associated air emissions and traffic noise as compared to the proposed Project. In addition, this alternative would result in a greater number of residents on the Project site and therefore greater demand for services and utilities. This alternative would result in similar impacts to the site's historic resource. Overall, the High-Density Residential Alternative would result in greater impacts compared to those of the proposed Project.

### **6.3 ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

Based on the evaluation above, the No Project-No Development Alternative would be the environmentally superior alternative. Because the significant impacts associated with the Project are related to development of the site changing the historic context of the site, only an alternative that does not involve development would avoid the impact. However, the No Project-No Development Alternative would not meet the Project objectives, since no development would occur. In addition, CEQA Guidelines Section 15126.6(e)(2) requires that the EIR also identify an environmentally superior alternative among the other alternatives if the environmentally superior alternative is the "no project" alternative. The All Residential Alternative would result in an overall reduction of impacts compared to those of the proposed Project because it would result in fewer automobile trips than the Project, which would result in proportionately fewer greenhouse gas and criteria air emissions and traffic-related noise. Therefore, the All Residential Alternative is the environmentally superior alternative.



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## **7.0 REPORT PREPARATION**

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**CITY OF ELK GROVE**

Sarah Kirchgessner ..... Project Planner

**EIR CONSULTANTS**

**PMC**

Patrick Angell ..... EIR Project Director

Patrick Hindmarsh.....EIR Project Manager

Kristin Faoro ..... Environmental Planner

Suzanne Wirth..... Technical Editor

Ashley Grey..... Publication

Stephanie Wolfe ..... Publication

## **7.0 REPORT PREPARATION**

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CITY OF ELK GROVE  
CAPITAL RESERVE PROJECT  
FINAL SUBSEQUENT  
ENVIRONMENTAL IMPACT REPORT

---

SCH No. 2014082070

*Prepared for:*

CITY OF ELK GROVE  
8401 LAGUNA PALMS WAY  
ELK GROVE, CA 95758

*Prepared by:*

**PMC**<sup>®</sup>  


2729 PROSPECT PARK DRIVE, SUITE 220  
RANCHO CORDOVA, CA 95670

**DECEMBER 2014**

**CITY OF ELK GROVE  
CAPITAL RESERVE PROJECT  
FINAL SUBSEQUENT  
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*Prepared for:*

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**DECEMBER 2014**

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# **1.0 INTRODUCTION**

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## 1.1 PURPOSE AND BACKGROUND

This document contains public comments received on the Draft Subsequent Environmental Impact Report (Draft SEIR; SCH No. 2014082070) for the Capital Reserve Project (Project). Written comments were received by the City of Elk Grove during the public comment period from October 3, 2014, to November 17, 2014. This Final SEIR includes written responses to environmental issues raised in comments on the Draft SEIR. The responses in the Final SEIR clarify the text in the Draft SEIR, as appropriate. This document has been prepared in accordance with the California Environmental Quality Act (CEQA; Public Resources Code Sections 21000–21177).

Pursuant to CEQA Guidelines Section 15082, the City released a Notice of Preparation (NOP) on August 22, 2014, with a comment period from August 22, 2014, to September 22, 2014. The City distributed the NOP to responsible agencies, private organizations, and individuals that have stated an interest in the Project. The purpose of the NOP was to provide notification that an EIR for the Project was being prepared and to solicit guidance on the scope and content of the document. A copy of the NOP is included in Appendix B of the Draft SEIR. Public and agency responses to the NOP are also included in Appendix B of the Draft SEIR in accordance with CEQA. The City held a scoping meeting for the Project on September 4, 2014. No agency comments were submitted at the scoping meeting; members of the public requested details of the Project, such as grading and whether the residences would be one or two stories.

The Draft SEIR was circulated for public review and comment for a period of 45 days from October 3, 2014, to November 17, 2014. A public hearing was held on the Draft SEIR for this Project on October 30, 2014.

No oral or written comments were received related to the adequacy of the Draft SEIR during the public hearing.

## 1.2 PROJECT UNDER REVIEW

The Project analyzed in the Draft SEIR is the Capital Reserve Project, which consists of 16.7 acres and includes 84 single-family residential lots (45 feet by 75 feet) in a private community on approximately 10 acres on the north portion of the property that would be accessed through a gated entry. The Project also includes 4 parcels for future sale for development of commercial uses (3.2 acres total). The commercial uses would be located in the front (south) portion of the property adjacent to Elk Grove Boulevard. Access to the site would be via Elk Grove Boulevard at the existing driveways on the east and west portions of the site frontage and a new driveway located in the central portion of the site frontage. The Project would also include landscaping, right-of-way, open space, and a water quality basin.

The residential portion of the Project is designed with short blocks and a "grid-style" residential street pattern with the majority of the residential lots in a north-south orientation (east-west-oriented roads), the intent of which is to maximize passive solar design strategies and minimize the effect of the climate, which can reduce the amount of mechanical summer cooling needed. The Project also includes a 0.7-acre open space parcel on the north portion of the site and a 0.8-acre private park in the residential portion of the site.

The entry drive is proposed to be privately owned but would include a public access easement recorded across the entirety of the lot to ensure permanent public access to the non-gated portion of the development. The residential streets would be private streets.

## 1.0 INTRODUCTION

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The Project site contains 37 trees with a diameter of 4 inches or larger. The site plan has been designed to minimize potential effects on existing trees, but ten trees would be removed to accommodate the Project. Any tree removal or trimming would be conducted according to City of Elk Grove Municipal Code Chapter 19.12, Tree Preservation and Protection.

### DRAINAGE

The Project site was previously occupied by Capital Nursery. The front third of the site was the location of the retail buildings and parking lots and is primarily paved, with parking adjacent to Elk Grove Boulevard and paved walks around the buildings and display areas. The remaining two-thirds of the site are unpaved and were used for inventory storage and growing areas. The site generally drains from the south to the north and discharges into Elk Grove Creek. The front one-third of the Project site has an underground drainage system that collects storm runoff from the parking lot and areas adjacent to the buildings and discharges into a man-made ditch in the middle of the project site. This ditch conveys these flows to Elk Grove Creek to the north. The Project would include construction of a water quality basin proposed in the northwest corner of the Project site adjacent to Elk Grove Creek. All Project flows would be conveyed to the water quality basin for treatment prior to discharging into the creek. The plan includes a vehicle access easement through the site to allow access to the basin for maintenance.

### CONSTRUCTION/PHASING

The site would be graded and on-site utilities installed, followed by construction of the residential units. It is anticipated that Project construction would begin in spring or summer of 2015, with residential area construction beginning in late 2015 or early 2016. The Project does not propose construction of commercial uses at this time.

### PROJECT OBJECTIVES

The Project applicant has established the following objectives for the Project for the purposes of CEQA:

- Create a mix of complementary land uses that are compatible with and add to the surrounding community.
- Provide for the productive reuse of an infill parcel.
- Provide for housing and commercial uses that will contribute to the City's economic base.
- Create a unique identity for the Project that is compatible with the surrounding area and the Elk Grove community.
- Provide pedestrian access for residents to parks, trails, and open space.

## 1.3 TYPE OF DOCUMENT

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. As described in CEQA Guidelines Section 15162(a), "when an EIR has been certified . . . no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that substantial changes are proposed in the project which will require major revisions of the previous EIR or

negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects." This EIR has been prepared as a Subsequent EIR to the City of Elk Grove Housing Element Update EIR (SCH No. 2013082012), pursuant to CEQA Guidelines Section 15162.

A Mitigation Monitoring and Reporting Program (MMRP) was prepared and adopted with the Housing Element Update EIR. The MMRP is a binding document that runs with the land and would be applicable to the proposed Project. The City of Elk Grove Housing Element Update MMRP is included as Appendix A of the Draft SEIR.

#### 1.4 RELATIONSHIP TO THE CITY OF ELK GROVE GENERAL PLAN

The City adopted the City of Elk Grove General Plan in November 2003. The General Plan is the City's overall guide for the use of the City's resources, expresses the development goals of the community, and is the foundation upon which all land use decisions are made. The General Plan EIR (SCH No. 2002062082) analyzed the environmental impacts associated with buildout of the City under the land uses and densities allowed by the General Plan. Where feasible, the City has adopted mitigation measures to reduce impacts to an acceptable level of significance. In addition, the City addressed significant and unavoidable impacts identified in the General Plan EIR, and a Statement of Overriding Considerations was adopted with the approval of the General Plan EIR.

The General Plan designates the Project site as Commercial (C), a designation that includes office, professional, and retail uses. The Project site is zoned (Agricultural-Residential Areas 2-Acre Minimum Lot Size) and AR-10 (Agricultural Residential, Minimum 10-Acre Lot, Planned Unit Development), which allow low-density residential along with agricultural and accessory uses with minimum lot sizes of 2 acres and 10 acres, respectively. See Section 3.0 of the Draft SEIR, Land Use and Planning, for further discussion of existing land use designations and zoning for the Project site and the adjacent properties.

#### 1.5 ORGANIZATION OF THIS DOCUMENT

For this Final SEIR, comments and responses are grouped by letters from agencies and individuals. Because the subject matter of one topic may overlap between letters, responses may refer to one or more responses to review all the information on a given subject. To assist the reader, cross-references are provided. The comments and responses that make up the Final SEIR, in conjunction with the Draft SEIR, as amended by the text changes, constitute the SEIR that will be considered for certification by the City of Elk Grove.

The Final SEIR is organized as follows:

**Section 1 – Introduction:** This section includes a summary of the Project description and the process and requirements for a Final SEIR.

**Section 2 – List of Agencies and Persons Commenting:** This section contains a list of all agencies or persons who submitted comments on the Draft SEIR during the public review period.

**Section 3 – Comments and Responses:** This section contains the comment letters received on the Draft SEIR and the corresponding response to each comment. Public agency letters are given a letter designation, while private organizations and individuals are given a number designation, and each comment on an environmental issue in the letter is given a number designation. Responses are provided after the letter in the order in which the comments appear. Where

## **1.0 INTRODUCTION**

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appropriate, responses are cross-referenced between letters. The responses following each comment letter are intended to supplement, clarify, or amend information provided in the Draft SEIR or refer the commenter to the appropriate place in the document where the requested information can be found. Comments not directly related to environmental issues may be discussed or noted for the record.

### **1.6 PUBLIC PARTICIPATION AND REVIEW PROCESS**

The City of Elk Grove notified responsible and trustee agencies and interested groups, organizations, and individuals that the Draft SEIR on the proposed Project was available for review. The following actions took place during the preparation, distribution, and review of the Draft SEIR.

#### **NOTICE OF PREPARATION**

In accordance with Section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation of an EIR for the Project on August 22, 2014. This notice was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the Project. The NOP is presented in Appendix B of the Draft SEIR. The City held a scoping meeting for the Project on September 4, 2014, at 11:00 a.m.

#### **DRAFT SEIR PUBLIC NOTICE/PUBLIC REVIEW**

The Draft SEIR was circulated for public review and comment for a period of 45 days from October 3, 2014, to November 17, 2014. A public hearing was held on the Draft SEIR for this Project on October 30, 2014.

Copies of the Draft SEIR were available for review at the following locations:

- City of Elk Grove City Hall, Planning Division, 8401 Laguna Palms Way
- Elk Grove Branch of the Sacramento Public Library, 8962 Elk Grove Boulevard
- City's Planning Department website at [www.egplanning.org/environmental](http://www.egplanning.org/environmental)

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## **2.0 LIST OF AGENCIES AND PERSONS COMMENTING**

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## 2.0 LIST OF AGENCIES AND PERSONS COMMENTING

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### 2.1 LIST OF COMMENTERS

The following representatives of organizations and agencies and individuals submitted comments on the Draft SEIR:

<b>Letter</b>	<b>Individual or Signatory</b>	<b>Affiliation</b>	<b>Date Submitted</b>
A	Trevor Cleak	Central Valley Regional Water Quality Control Board	November 12, 2014
B	Rob Ferrera	Sacramento Municipal Utility District	November 14, 2014
1	Sandra Chavez	Resident	October 6, 2014
2	Peter R. Murphy	Resident	Undated
3	Bob & Donna One	Residents	November 20, 2014 (after close of comment period)

## **2.0 LIST OF AGENCIES AND PERSONS COMMENTING**

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## **3.0 COMMENTS AND RESPONSES**

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### 3.1 REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires the lead agency to evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. The written response must address the significant environmental issue raised and must provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by a comment, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that where the response to comments results in revisions to the Draft EIR, those revisions be noted as a revision to the Draft EIR or in a separate section of the Final EIR.

### 3.2 COMMENTS RECEIVED AT THE PUBLIC MEETING FOR THE DRAFT SEIR

The City of Elk Grove held a public meeting to take comments on the Draft SEIR for the Project on October 30, 2014. In addition to clarification about details of the Project, attendees had questions about demolition of the existing residence on the Project site, noise from the loading docks at Walmart, and Project traffic. Noise from Walmart loading docks is addressed on pages 49 through 51 of the Initial Study (see Appendix B of the Draft EIR). Based on the distance to the property line, the location and size of the wall, and typical activities at the loading dock, noise levels are anticipated to be 61.3 dBA for a duration of 6 minutes, which would not exceed the City of Elk Grove's cumulative exterior noise standard. With regard to traffic, comments focused on future residents' access to and from the site, including the addition of traffic on northbound Laguna Springs Drive and U-turns at the intersection of Elk Grove Boulevard and Laguna Springs Drive.

Project-related traffic is addressed on pages 57 through 60 of the Initial Study (see Appendix B of the Draft EIR), which determined that with Project-generated traffic, the segment of Elk Grove Boulevard adjacent to the Project site would operate at level of service (LOS) B in the AM and PM peak hours and the Project would not cause a worsening of roadway operations to an unacceptable level. Please see Response to Comment 1-2 regarding traffic on Laguna Springs Drive. Regarding Project residents making U-turns at the intersection of Elk Grove Boulevard and Laguna Springs Drive, the City Public Works Department reviewed the Project for consistency with City design standards and determined there is adequate spacing to allow access to the turn lanes at Laguna Springs Drive. The two existing turn lanes at that intersection would provide adequate capacity for the traffic generated by the Project.

### **3.0 COMMENTS AND RESPONSES**

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#### **3.3 COMMENTS RECEIVED AT THE PLANNING COMMISSION HEARING**

The Project was presented at the Elk Grove Planning Commission meeting held on November 20, 2014. The Project was presented by City staff to the Commission and the public, and the applicant was present to address any questions raised. A summary of the public comments received on environmental issues and corresponding responses is included following responses to written comments submitted on the Draft EIR.

#### **3.4 RESPONSES TO COMMENT LETTERS**

Written comments on the Draft SEIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

Public agency comment letters are coded by letters, and each issue raised in the comment letter is assigned a number (e.g., Comment Letter A, comment 1: A-1).

Individual and interest group comment letters are coded by numbers, and each issue raised in the comment letter is assigned a number (e.g., Comment Letter 1, comment 1: 1-1).

Where changes to the Draft SEIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (underline for new text, ~~strikeout~~ for deleted text).



Letter A  
RECEIVED

NOV 14 2014

CITY OF ELK GROVE  
PLANNING



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

12 November 2014

City of Elk Grove  
Development Services - Planning  
8401 Laguna Palms Way  
Elk Grove, CA 95758

CERTIFIED MAIL  
7014 1200 0000 7154 3182

**COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF AVAILABILITY OF THE DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, CAPITAL RESERVE PROJECT, SCH# 2014082070, SACRAMENTO COUNTY**

Pursuant to the City of Elk Grove Development Services – Planning’s 3 October 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Availability of the Draft Subsequent Environmental Impact Report* for the Capital Reserve Project, located in Sacramento County.

A-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

A-2

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCCE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)



# Letter A Continued

Capital Reserve Project  
Sacramento County

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12 November 2014

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

A-3

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

A-4

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

A-5

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

## Letter A Continued

Capital Reserve Project  
Sacramento County

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12 November 2014

### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

A-6

### **Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

A-7

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

A-8

## Letter A Continued

Capital Reserve Project  
Sacramento County

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12 November 2014

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

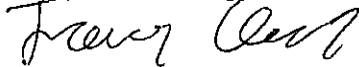
For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4684 or [tcleak@waterboards.ca.gov](mailto:tcleak@waterboards.ca.gov).



Trevor Cleak  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

A-9

#### LETTER A – TREVOR CLEAK, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

##### **Response A-1:**

The commenter states that the Central Valley Regional Water Quality Control Board has reviewed the Draft SEIR. The commenter also states it is the Board's responsibility to protect the quality of surface waters and groundwater of the State of California.

Comment noted.

##### **Response A-2:**

The commenter discusses the Construction Storm Water General Permit and identifies the projects that are required to obtain coverage under the General Permit for Storm Water Discharges.

This requirement is discussed in subsection 9, Hydrology and Water Quality, of the Initial Study (see Draft SEIR Appendix B).

##### **Response A-3:**

The commenter discusses the Phase I and II Municipal Separate Storm Sewer System (MS4) Permit requiring permittees to reduce pollutants and runoff flows from new development and redevelopment using best management practices (BMPs).

The City of Elk Grove falls under Phase I, as a medium municipality (with a population between 100,000 and 225,000). The City of Elk Grove's storm drainage system is subject to the requirements of National Pollutant Discharge Elimination System (NPDES) Stormwater Permit No. CA0082597 issued and enforced by the Central Valley Regional Water Quality Control Board. The reader is referred to subsection 9, Hydrology and Water Quality, in the Initial Study (see Draft SEIR Appendix B) for a discussion of the proposed Project's operational water quality impacts.

##### **Response A-4:**

The commenter discusses the Industrial Storm Water General Permit and identifies that industrial projects are required to comply with this permit.

The proposed Project is not an industrial use, so the Industrial Storm Water General Permit would not apply to the Project.

##### **Response A-5:**

The commenter discusses the requirements of Clean Water Act Section 404.

This requirement is discussed in subsection 4, Biological Resources, of the Initial Study (see Draft SEIR Appendix B). As discussed in this subsection, the proposed Project has been designed to avoid impacts to waters of the State and waters of the United States and would not require a Section 404 permit.

### **3.0 COMMENTS AND RESPONSES**

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#### **Response A-6:**

The commenter discusses the requirements of the Clean Water Act Section 401 permit.

This requirement is discussed in subsection 4, Biological Resources, of the Initial Study (see Draft SEIR Appendix B). As discussed in this subsection, the proposed Project has been designed to avoid impacts to waters of the State and waters of the United States and would not require 401 Water Quality Certification.

#### **Response A-7:**

The commenter discusses the Waste Discharge Requirements permit issued by the Central Valley Regional Water Quality Control Board.

This requirement is discussed in subsection 9, Hydrology and Water Quality, of the Initial Study (see Draft SEIR Appendix B). As discussed in this subsection, the Project's construction and operational water quality impacts would be less than significant.

#### **Response A-8:**

The commenter discusses the regulatory requirements under the Irrigated Lands Regulatory Program and identifies that commercial irrigated agricultural projects are required to comply with these requirements.

The proposed Project is not a commercial irrigated agricultural operation, so the Irrigated Lands Regulatory Program would not apply.

#### **Response A-9:**

The commenter provides information related to the required permits if the Project were to require construction dewatering and if the Project would discharge groundwater to waters of the United States.

It is not anticipated at this time that dewatering would be required for Project construction; however, if dewatering is required, the appropriate application would be submitted to the Central Valley Regional Water Quality Control Board to obtain the necessary coverage.



**Letter B  
RECEIVED**

Powering forward. Together.



NOV 25 2014

CITY OF ELK GROVE  
PLANNING

November 14, 2014

Sarah Kirchgessner  
City of Elk Grove  
8401 Laguna Palms Way  
Elk Grove, CA 95758

Subject: EIR-Draft EIR, Capital Reserve

Dear Ms. Kirchgessner,

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the EIR-Draft EIR, Capital Reserve. SMUD is the primary energy provider for Sacramento County and the proposed project location. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

It is our desire that the EIR-Draft EIR, Capital Reserve will acknowledge any project impacts related to the following:

- Overhead and or underground transmission and distribution line easements
- Electrical load needs/requirements
- Energy Efficiency
- Utility line routing
- Climate Change

**B-1**

SMUD would like to be involved with discussing and resolving the above issues as well discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed project. Please ensure that the information included in this response is conveyed to the project planners and the appropriate project proponents.

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this project. Again, we appreciate the opportunity to provide input on the EIR-Draft EIR. If you have any questions regarding this letter, please contact Rob Ferrera, SMUD Environmental Specialist at (916) 732-6676.

SMUD HQ | 6201 S Street | P.O. Box 15830 | Sacramento, CA 95852-0830 | 1.888.742.7683 | smud.org



## Letter B Continued

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Sincerely,

A handwritten signature in black ink, appearing to read "Rob Ferrera", with a horizontal line extending to the right.

Rob Ferrera  
Environmental Specialist  
Environmental Management  
Legislative & Regulatory Affairs  
Sacramento Municipal Utility District

Cc: Rob Ferrera  
Pat Durham

SMUD HQ | 6201 S Street | P.O. Box 15830 | Sacramento, CA 95852-0830 | 1.888.742.7683 | smud.org



LETTER B – ROB FERRERA, SACRAMENTO MUNICIPAL UTILITY DISTRICT

**Response B-1:**

The comment requests that the Draft EIR identify any potential impacts related to power lines, easements, electrical requirements, energy efficiency, and climate change.

As discussed on Draft EIR page 1.0-1, the EIR is a Subsequent EIR to the Elk Grove Housing Element Update EIR (SCH No. 2013082012), pursuant to CEQA Guidelines Section 15162. Because the proposed Project includes land uses similar to but less intense than land uses previously analyzed for environmental effects in the Housing Element Update EIR, the Initial Study circulated with the NOP determined that the only issue which would require further analysis in the EIR was the potential for effects on historic resources. All other topics were focused out of the EIR in the Initial Study.

The discussion of energy efficiency and climate change was addressed in the Housing Element Update EIR; those issues are considered to be adequately addressed in that certified EIR. The Project site is currently served with electric and gas and as noted above, the Project would include less intense development than analyzed in the Housing Element Update EIR or under the current General Plan designation. Therefore, utility demand would be less than previously planned for the site.

# Letter 1

**From:** Sarah Kirchgessner  
**To:** Christopher Jordan-EG; Patrick Hindmarsh  
**Subject:** FW: Capital Reserve project environmental impact  
**Date:** Wednesday, October 08, 2014 9:40:54 AM

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-----Original Message-----

From: Sandra Chavez [mailto:sandraclavez62@gmail.com]  
 Sent: Monday, October 06, 2014 5:25 PM  
 To: contact@nancychaires.com  
 Cc: Sarah Kirchgessner  
 Subject: Capital Reserve project environmental impact

Hello my name is Sandra Chavez and I live in Elk Grove on Swanbrook court which our though fare is Laguna Springs Drive. Over the past 20 years we have seen Laguna Springs Drive become so inundated with traffic from all the new development. I believe development is good for Elk Grove but it needs to make sense and this Capital Reserve project does not. I believe with the ability to only turn right and most Elk Grove residents work north of Elk Grove Blvd. we are going to get the brunt of the traffic of 84 single-family homes will bring. I would like to know how this will be addressed will there be an environmental impact report on the traffic issues that the community will bare? My neighbors are concerned if these are two storied homes, will they no longer feel like they can leave their curtains open or have privacy in their backyards. I back up to Laguna Springs Blvd., so personally that will not affect me directly but my neighbors are long time residents who should be able to maintain their privacy. My primary concern is the safety of the children who like to ride their bikes and people trying to enter and exit my court. It is already very dangerous turning left to exit our court. We have EGFD using Laguna Springs to go north daily with some days a multitude of sirens and lights and then EOPD going south at alarming speeds. My husband has spoken to the Police Captain and voiced our concern about potential accidents that could occur because the police are trying to protect and serve the community. I love Elk Grove regardless and will continue to voice concerns for the future of our city and the impact of planned growth. It just has to respect the citizens who have lived, worked and supported Elk Grove as a city.

In the past my neighbors and I have voiced our collective and individual opinion on other projects and we are proud of the medical and dental office development on Elk Grove Blvd. and Laguna Springs Drive because a developer wanted to make it a 24 hour gas station and car wash. We knew it wasn't going to benefit the community to add another gas station and Don Nottoli District 5 County Board of Supervisors gave us his support and we were relieved and grateful. I have never forgotten and if you would support my neighbors and my interests, we will speak to our neighbors about your sense of community and compassion.

We Swanbrook court residents will bare the brunt of the environmental impact and the congestion and stress it will place on shoppers who use the existing businesses will back up traffic when we just resolved the Elk Grove Blvd south to north bound highway 99 on ramp which was a good solution to traffic congestion.

It would be much appreciated to hear a response to this email.

Thank you kindly,  
 Sandra Chavez  
 9520 Swanbrook Court  
 Elk Grove, Ca 95758  
 (916)479-1201

Sent from my iPad

By sending us an email (electronic mail message) or filling out a web form, you are sending us personal information

## Letter 1 Continued

(i.e. your name, address, email address or other information). We store this information in order to respond to or process your request or otherwise resolve the subject matter of your submission.

Certain information that you provide us is subject to disclosure under the California Public Records Act or other legal requirements. This means that if it is specifically requested by a member of the public, we are required to provide the information to the person requesting it. We may share personally identifying information with other City of Elk Grove departments or agencies in order to respond to your request. In some circumstances we also may be required by law to disclose information in accordance with the California Public Records Act or other legal requirements.

### 3.0 COMMENTS AND RESPONSES

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#### LETTER 1 – SANDRA CHAVEZ, RESIDENT

##### **Response 1-1:**

The commenter is a resident of Swanbrook Court in Elk Grove, which is accessed via Laguna Springs Drive, and states traffic has increased on Laguna Springs Drive over the past 20 years.

Comment noted.

##### **Response 1-2:**

The comment expresses opposition to the Project. The comment states that because vehicles leaving the site would be forced to turn right [onto Elk Grove Boulevard], most Project traffic would utilize Laguna Springs Drive to access employment centers north of Elk Grove Boulevard.

The commenter is referred to subsection 16, Transportation/Traffic, of the Initial Study prepared for the proposed Project (see Draft SEIR Appendix B, pages 57 through 60) for a discussion of the Project's potential traffic impacts. It is acknowledged that a portion of traffic leaving the Project site would likely utilize Laguna Springs Drive to access other areas of the City. However, as noted in Initial Study subsection 16, the roadway segments surrounding the site all operate at level of service (LOS) A or B during both the AM and PM peak hours; the addition of Project traffic would not cause a worsening of roadway operations to an unacceptable level. Furthermore, as discussed in Initial Study subsection 16, the Elk Grove General Plan currently designates the site for commercial development. Comparatively, the proposed Project would generate substantially fewer daily vehicle trips (approximately 4,301 fewer daily trips) and correspondingly fewer trips on Laguna Springs Drive than that analyzed for the Project site in the Elk Grove General Plan EIR. Consequently, the Project would not increase traffic levels such that level of service would deteriorate to an unacceptable level or increase traffic beyond roadway capacity planned in the General Plan.

##### **Response 1-3:**

The commenter states that the construction of two-story homes on the Project site could result in a loss of privacy at those houses along Swanbrook Court that back up to the Project site.

The City does not consider adjacency of one-story and two-story residences to be incompatible; in fact, such adjacencies are common in many areas of the City. The regulation of land uses to prevent incompatibilities is carried out by the City's Zoning Code. The purpose of the Elk Grove Zoning Code, as stated in Municipal Code Section 23.02.010, is "to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City." This purpose is achieved, in part, through development of "standards and guidelines for the orderly growth and development of the City that will assist in protecting the characteristics and community identity of Elk Grove" (Elk Grove Municipal Code Section 23.02.010A). The Zoning Code contains design standards (see Municipal Code Section 23.30.040) that control aspects of site design such as lot area, dwelling unit density, building height, and setbacks from property lines, but does not control the placement of two-story units adjacent to single-story units. Therefore, this would not be considered an incompatible use or a physical environmental effect of the Project. However, this comment will be forwarded to the decision-makers for their consideration.

**Response 1-4:**

The commenter expresses concern for the safety of pedestrians and vehicles entering and exiting Swanbrook Court due to increased traffic resulting from the proposed Project combined with emergency vehicle traffic on Laguna Springs Drive.

The commenter is referred to subsection 16, Traffic/Transportation, of the Initial Study prepared for the proposed Project (see Draft SEIR Appendix B, pages 57 through 60) as well as to Response 1-2. The proposed Project would not result in a substantial increase in traffic along Laguna Springs Drive and therefore would not create unsafe conditions for pedestrians or vehicles, including conflicts with emergency vehicles.

**Response 1-5:**

The commenter describes previous involvement in development projects near the Project site.

This is not a comment on the adequacy of the Draft SEIR. No response is required.

**Response 1-6:**

The commenter expresses concerns that residents of Swanbrook Court would be adversely affected by the proposed Project and that the Project would result in traffic congestion in the area.

The commenter is referred to subsection 16, Traffic/Transportation, of the Initial Study prepared for the proposed Project (see Draft SEIR Appendix B, pages 57 through 60) as well as to Response 1-2. The proposed Project would not result in the level of service deteriorating to an unacceptable level on any roadways in the vicinity of the Project site, including Laguna Springs Drive.

## Letter 2

### Capital Reserve Project

Peter and Dolores Murphy

9529 Swanbrook Ct

Elk Grove, CA

95758

This Capital Project will utilize some choice land, its level, has beautiful oak trees and has easy access to both Hwy99 and Hwy 5. Whatever is put there now will be there for many years to come and will influence the quality of the surrounding neighborhood and the City of Elk Grove. If eighty four two-story houses are allowed to be crammed onto small lots, it will attract large families. Often large families have more cars than their garage will hold and the streets will be cluttered. For some, these houses would be considered just "Starter Homes" and these buyers will plan to move on to a more spacious location. Folk buying "Starter Homes" have no intention of adding any improvements. This acreage is way too nice to be wasted on "Starter Homes". This land has Location, Location ...

2-1

It seems this property would be an ideal location for young professional families of four or five; where they would have space to live and grow. In time they could shape their yards to their life style, pools, fire-pits, gardens and hot tubs, much as we on Swanbrook Court have done. Many families on Swanbrook Court are the original owners from some twenty years ago. Over the years their homes and yards have been maintained and improved upon. Our neighborhood reflects pride of ownership. This Capital Project deserves the same.

Respectfully

Peter R. Murphy



LETTER 2 – PETER R. MURPHY, RESIDENT

**Response 2-1:**

The commenter speculates that the proposed residential units will be “starter homes” that will not be well maintained and will result in on-street parking in the Project site, but provides no evidence to support these assumptions. The commenter expresses the opinion that the Project site should be developed with larger-lot homes similar to the adjacent Swanbrook Court neighborhood.

The comments are noted and are forwarded to the decision-makers for their consideration.

# Letter 3



CITY OF  
**ELK GROVE**  
RESERVE PROJECT DRAFT EIR

**RECEIVED**  
NOV 20 2014  
CITY OF ELK GROVE  
PLANNING

October 30, 2014

## DEIR Meeting Comment Form for the Capital Reserve Project Draft EIR

Please provide your comments on the adequacy of the analysis of physical environmental effects of the Project in the Capital Reserve Project Draft Subsequent Environmental Impact Report (SCH#2014082070). You can provide this form with your written comments to staff at this meeting or mail or email your comments to:

Sarah Kirchgessner  
City of Elk Grove  
8401 Laguna Palms Way  
Elk Grove, CA 95758  
Email: [skirchgessner@elkgrovecity.org](mailto:skirchgessner@elkgrovecity.org)

Name: Bob & Donna One  
Address: 9521 Swanbrook Court Elk Grove, CA 95758

Comments: The traffic in this city is at an all time high, and we feel putting in another 85 houses will only make the situation much worse. We also feel the drought will only add more pressure of everyone in this city to be even in more desperate situations for water. I for one can tell you we're already thinking of selling this house and moving out of Elk Grove, these streets and freeways were not set up to handle this amount of people.

3-1

3-2

3-3

We are also concerned about the noise pollution with these people breathing down our necks.

3-4

Laguna Springs Drive has been

3-5

### Letter 3 Contintued

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NOV 20 2014

CITY OF ELK GROVE  
PLANNING

very dangerous and increases to  
get worse due to state workers and  
drivers using this as a thorough fare to  
shorten their distance. 3-5  
Cont.

I f you are insisting on 2 story  
houses maybe a block wall will keep  
our privacy & noise down. 3-6

### 3.0 COMMENTS AND RESPONSES

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#### LETTER 3 – BOB AND DONNA ONE, RESIDENTS

##### **Response 3-1:**

The commenters state that traffic is at an all time high and that the Project would make traffic worse, but provide no specific comments related to inadequacies in the Draft SEIR.

The commenters are referred to subsection 16, Transportation/Traffic, of the Initial Study prepared for the proposed Project (see Draft SEIR Appendix B, pages 57 through 60) for a discussion of the Project's potential traffic impacts. See also Response 1-2.

##### **Response 3-2:**

The commenters state that the drought will make the water situation worse.

As discussed on pages 62 and 63 of the Initial Study, the Housing Element Update EIR determined that there would be adequate water to supply development of land uses proposed in the Housing Element Update and the proposed Project would require less water than analyzed for the Project site in the Housing Element Update EIR. Therefore, there would be adequate water to serve the Project and other development in the City.

##### **Response 3-3:**

The commenters state that the streets were "not set up to handle this amount of people."

As discussed on page 1.0-6 of the Draft SEIR, the Project site is currently designated Commercial in the General Plan, which would generate 6,946 daily trips. The existing Commercial General Plan land use designation has been used as the basis for transportation planning efforts in the City and on local highways. The proposed Project would result in a reduction of 4,301 daily trips compared to the number of trips analyzed in the General Plan EIR. Therefore, the proposed Project would result in less traffic than assumed in transportation planning for the City.

##### **Response 3-4:**

The commenters express concern about noise.

Project-related noise is addressed on pages 49 through 52 of the Initial Study, which found that the Project would not result in any new or substantially more severe significant impacts than disclosed in the Housing Element Update EIR.

##### **Response 3-5:**

The commenters state that Laguna Springs Drive is currently dangerous, as drivers use this street to shorten trips.

The traffic analysis (pages 58 through 60 of the Initial Study) found that the Project would not substantially increase traffic in the Project vicinity. Given that the level of service of the roads in the vicinity of the Project would not substantially increase due to Project-generated traffic, it is unlikely that the Project would substantially contribute to safety impacts on Laguna Springs Drive or other area roadways.

**Response 3-6:**

The commenters state that a block wall will keep noise down and improve privacy.

The commenters are likely referring to a wall along the western boundary of the Project site. While a concrete wall would provide better sound attenuation than a wood fence, residential uses are not typically substantial producers of noise and the EIR did not determine that the Project would produce noise levels such that a concrete wall would be required. Privacy is not a physical effect on the environment that is addressed in EIRs. However, the comment is forwarded to the decision-makers for their consideration.

### 3.0 COMMENTS AND RESPONSES

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#### PUBLIC COMMENTS, PLANNING COMMISSION MEETING (NOVEMBER 20, 2014)

##### **Chris Holmard (Resident):**

The commenter proposed that the Project be redesigned to move the roadway to the west along the site's western boundary and relocate the residential lots to the east to provide a buffer along the site's western boundary. The commenter acknowledges that this redesign could reduce the total number of homes. This is a comment on the Project and not on the adequacy of the Draft EIR. No response is required.

The commenter suggests a taller fence than is typical such as 7 feet and made of cinder block with creeping fig or other vegetation to minimize sound and visibility in addition to the proposed screening landscaping. The commenter also proposed that the two-story houses along the site's western boundary have no windows or only bathroom windows along the back walls to limit visibility of neighboring yards and houses. As discussed in Response to Comment 1-3, the City does not consider adjacency of one-story and two-story residences to be incompatible, so a taller or masonry wall would not reduce an impact identified in the Draft EIR.

The commenter expresses support for the overall project but feels that eliminating four to six houses would improve the project and mitigate the traffic concerns. As discussed on pages 57 through 60 of the Initial Study (see Draft SEIR Appendix B), the proposed Project would not result in significant traffic impacts, so a reduction of units would not reduce Project impacts.

##### **John Muma (Resident):**

The commenter states that there are pre-existing single-story homes in his neighborhood and so it would be nice if single-story homes would back up to the fence line. Having single-story homes would not reduce the total number of homes that could be built but would mitigate the privacy and height issues that have been raised. The commenter also expresses his support for a cinder block wall to be constructed between the Project site and the existing homes. Please see Response to Comment 1-3 regarding adjacency of one-story and two-story residences.

The commenter states that his primary concern is traffic on Elk Grove Boulevard and that cars leaving the site would only go out heading west, not east. As discussed above, the Project would not result in significant traffic impacts.

The commenter is not opposed to development on the site but is concerned with the proposed Project. The commenter states that many two-story homes are being constructed south of Elk Grove so there are plenty of options for homebuyers interested in two-story homes. The commenter further states that if two-story homes are constructed, he supports the suggestion that the homes have no windows along the back walls. This is a comment on the Project and not on the adequacy of the Draft EIR.

##### **Susan Pitton (Resident):**

The commenter states that she bought her home in 1994 and chose it because Capital Nursery would be her neighbor and she would have privacy in her backyard. The commenter states that she sold her previous home because the lots were not deep and there were several houses right next to her backyard. The commenter further states that she is not opposed to the site being developed and is happy that it is proposed for residential development as opposed to other alternatives. The comment is noted.

The commenter suggests that lots 1 through 11 be decreased to seven or eight wider lots and be restricted to single-story homes. The commenter states that there are many two-story homes in Elk Grove already and this would provide homebuyers with an alternative option. The commenter states that this would reduce traffic impacts and would allow her to maintain her current quality of life. Please see Response to Comment 1-3 regarding adjacency of one-story and two-story residences.

**Mark Dody (Resident):**

The commenter states that he has questions about the proposed trail connection to Laguna Springs Drive that would double as a trail connection and a secondary access point for the fire department. The commenter states that he visited the site and observed that the area proposed for the trail dips down considerably. He questioned whether it is in the floodplain. The commenter states that a trail in the floodplain would be accessible but not a fire access road.

See DEIR Appendix B page 45. The entire Project site is designated as Zone X, Area of Minimal Flood Hazard. Therefore all proposed structures and associated infrastructure would be developed outside of the 100-year flood hazard area.

The commenter questions how the proposed trail/fire access road would operate given that it would need to be wide enough to accommodate fire apparatus but would need to limit access to the gated community. This is a comment on the Project and not on the adequacy of the Draft EIR.

The commenter states that only 0.84 acres of the proposed parkland and open space would actually be in the proposed park and the remainder would be in small landscaped areas next to the proposed road. The commenter questions whether that is typical of development in the City and states that it is not adequate. The commenter suggests that the developer eliminate two lots to create a larger park to meet the City's parkland standard. The commenter states that the landscaped lots may be visually appealing but cannot be used as a park. As discussed on page 55 of the Initial Study, the Project includes 0.8 acres of land for on-site park development and payment of the City's in-lieu fee for the remaining required 0.56 acres. Compliance with the City's parkland standard would ensure that adequate parks and recreational facilities are provided to future residents of the Project site and would ensure this impact would be less than significant.

**Sandra Chavez (Resident):**

The commenter states that over the last 20 years traffic on Laguna Springs Drive, especially northbound traffic, has increased and notes an Olympic pool being constructed that would add traffic. The commenter also expressed concern about safety. Existing traffic in the area was considered in the traffic analysis, which takes into account the increase in traffic observed by the commenter. The cumulative analysis considered the Civic Center competition swim center. The Project would be developed with uses that are consistent with the uses in the Project vicinity. Therefore, with respect to safety, no aspect of the Project would result in safety issues, including those related to traffic, that would result in a substantial decrease in safety.

The commenter expresses concern regarding increased traffic from 84 new homes and states the Project site should remain commercial. As discussed in Response to Comment 1-2, commercial use on the site would generate more traffic than the residential and commercial uses proposed by the Project.

### **3.0 COMMENTS AND RESPONSES**

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## **4.0 ERRATA**

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## **4.1 INTRODUCTION**

This chapter presents minor corrections and revisions made to the Draft Subsequent EIR (Draft SEIR) initiated by the public, the lead agency, and/or consultants based on their ongoing review. Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. New text is indicated in underline, and text to be deleted is reflected by a strikethrough unless otherwise noted in the introduction preceding the text change. Text changes are presented in the page order in which they appear in the Draft SEIR.

## **4.2 CHANGES TO THE DRAFT SEIR**

### **APPENDIX B - INITIAL STUDY CHECKLIST**

The text in the third column in Table 3 related to Swainson's hawk on page 20 of the Initial Study is amended as follows:

**May affect.** Project-related activities ~~will~~ may result in loss of foraging habitat and encroachment into nesting territories.

The text in the fourth full paragraph on page 21 of the Initial Study is amended as follows:

An additional potential impact to bird species includes the loss of raptor foraging habitat. The Project proposes to keep a portion of the grassland along Elk Grove Creek as open space. Approximately ~~5.5~~ 4.1 acres of grassland habitat will be impacted as a result of the proposed Project.

A portion of the Project site shown in Figures 4 and 5 as "Annual Grassland" has been previously surfaced with gravel. Given this portion of the site's developed nature, this area is shown on the revised figures on the following pages as "Developed."

The text on page 59 of the Initial Study is amended as follows:

As discussed previously, the Housing Element Update EIR analyzed the site as a 407-unit high-density residential development. The traffic analysis for that EIR assumed a realistic unit capacity for the site of 341 units, which would generate 2,247 daily trips, with 187 AM peak hour trips and 235 PM peak hour trips (Fehr and Peers 2013). Therefore, the proposed Project would result in an increase of 398 daily trips compared to that analyzed in the Housing Element Update EIR. The proposed Project would result in ~~an increase~~ a decrease of 81 AM peak hour trips (106 AM trips for the proposed Project versus 187 in the Housing Element EIR) and ~~a decrease~~ an increase of 9 PM peak hour trips (245 AM trips for the proposed Project versus 236 in the Housing Element EIR) compared to that analyzed in the Housing Element Update EIR.

## **4.0 ERRATA**

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T:\GIS\Elk\_Grove\UDr\_Canal\_Presence\_Figure 4 & 5\_Vegetation.mxd (11/24/2014)



Source: City of Elk Grove, ESRI



City of Elk Grove  
Development Services

Figure 4  
Vegetation Map





Figure 5

Impacts to Giant Garter Snake and Western Pond Turtle



City of Elk Grove  
Development Services

**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 Capital Reserve Project (Project).

The Final EIR addresses the potential environmental effects associated with the construction of 84 single-family residential lots (45 feet by 75 feet) in a private community, accessed via a gated entry, on approximately 10 acres on the north portion of the Project site. The Project also includes 4 parcels for future sale and development of commercial uses (3.2 acres total). The commercial uses would be located in the front (south) portion of the property adjacent to Elk Grove Boulevard. Access to the site would be via Elk Grove Boulevard at the existing driveways on the eastern and western portions of the site frontage and a new driveway located in the central portion of the site frontage. The Project would also include landscaping, right-of-way, a water quality basin, a 0.7-acre open space parcel on the north portion of the site, and a 0.8-acre private park in the residential portion of the site.

The Findings and Statement of Overriding Considerations set forth below (Findings) are presented for adoption by the City Council, as the City's findings under the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 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 Capital Reserve Project, despite environmental effects.

**II. General Findings and Overview****A. Relationship to the City of Elk Grove General Plan and Elk Grove Housing Element Update**

The Elk Grove 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. The existing General Plan designation for the Project site is Commercial (C); the zoning on the site is AR-2 (Agricultural-Residential Areas 2-Acre Minimum Lot Size), AR-10 (PDC) (Agricultural Residential, Minimum 10-Acre Lot, Planned Unit Development) and SPALCF (Laguna Community/Floodplain Special Planning Area). The Project proposes a General Plan Amendment to change the site's land use designations to Medium Density Residential (MDR), Commercial (C), Public Open Space/Recreation, and Private Streets and a rezone to change the site's zoning to RD-10 (Medium Density Residential, Maximum 10 Dwelling Units Per Acre), LC (Limited Commercial), and O (Open Space).

**B. Procedural Background**

The City prepared a Notice of Preparation (NOP) on August 22, 2014, stating that an EIR for the Project would be prepared. This notice was circulated to the public, local, State, and federal agencies, and other interested parties to solicit comments on the Project. Concerns raised in response to the NOP were considered during preparation of the Draft Environmental Impact Report (Draft EIR). The Notice of Availability for the Draft EIR was published on October 3, 2014.

and was filed with the California Office of Planning and Research under State Clearinghouse No. 2014082070. The review period for the Draft EIR ended on November 17, 2014.

The City prepared written responses to the comments received during the comment period and included these responses in a separate volume entitled Capital Reserve Project Final Environmental Impact Report. The Final EIR provides a list of those who commented on the Draft EIR, copies of written comments (coded for reference), and written responses to comments regarding the environmental review. The Final EIR was made available for public review on December 5, 2014.

### **C. Project History**

The Elk Grove Housing Element Update EIR (SCH No. 2013082012) assessed the environmental impacts resulting from implementation of the Housing Element Update. The City of Elk Grove approved the Housing Element Update and certified the Final EIR in February 2014. The Housing Element Update amended the Elk Grove General Plan, changed the land use designations and zoning designations for up to 42 sites in the City, and modified the RD-25 zoning district. The Housing Element Update EIR analyzed development of the Project site as High Density Residential with a maximum of 407 units. The Housing Element Update EIR identified significant and unavoidable impacts related to aesthetics, air quality, greenhouse gas emissions, and traffic. A Statement of Overriding Considerations was adopted for these significant and unavoidable impacts. The Housing Element Update EIR also identified impacts related to aesthetics, air quality, greenhouse gas emissions, noise, and traffic. These impacts were reduced to a less than significant level with adoption of the recommended mitigation measures. A Mitigation Monitoring and Reporting Program (MMRP) was prepared and adopted with the Housing Element Update.

### **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'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 Capital Reserve Project EIR (e.g., Notice of Availability).
- The 2003 General Plan Draft EIR, associated appendices to the Draft EIR, and technical materials cited in the Draft EIR.
- The 2003 General Plan Final EIR, associated appendices to the Final EIR, and technical materials cited in the Final EIR.
- The Elk Grove Housing Element Update Draft EIR, associated appendices to the Draft EIR, and technical materials cited in the Draft EIR.
- The Elk Grove Housing Element Update Final EIR, associated appendices to the Final EIR, and technical materials cited in the Final EIR.
- The Capital Reserve Project Draft EIR, associated appendices to the Draft EIR, and technical materials cited in the Draft EIR.
- The Capital Reserve Project Final EIR, including comment letters, and technical materials cited in the Final EIR.

- All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants related to the Project or any of the above associated environmental documents.
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City of Elk Grove Planning Commission and City Council.
- Staff reports associated with Planning Commission and City Council meetings on the 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 offices located at 8401 Laguna Palms Way, Elk Grove, California, 95758.

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

In adopting these Findings, the City Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Capital Reserve Project. By these findings, the Council ratifies, adopts, and incorporates the analysis, explanations, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment of the City Council.

### **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 Capital Reserve Project, shall continue in full force and effect unless amended or modified by the City.

### **G. Summary of Environmental Findings**

The City Council has determined that based on all of the evidence presented, including, but not limited to, the EIR, written and oral testimony given at meetings and hearings, and submission of comments from the public, organizations, and regulatory agencies, and the responses prepared to the public comments, the following environmental impacts associated with the Project are:

#### **1. Potentially Significant and Cannot be Avoided or Reduced to a Less Than Significant Level**

- Cultural Resources
  - Historic Resources (Project-Specific)
  - Historic Resources (Cumulative)



**2. Potentially Significant Impacts That Can be Avoided or Reduced to a Less Than Significant Level Through Implementation of Mitigation Measures Identified in the Capital Reserve Project EIR**

- Biological Resources
  - Have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species

**3. Impacts Addressed Adequately in the Previously Certified Elk Grove Housing Element Update EIR**

- Aesthetics
  - Effects on a scenic vista or scenic resources
  - Effects on existing visual character or quality of the site and its surroundings
  - Creation of new sources of substantial light or glare
- Agriculture and Forestry Resources
  - Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use
  - Conflict with existing zoning for agricultural use, or a Williamson Act contract
  - Conflict with or change existing zoning for forestland, timberland, or timberland production or convert forest land to non-forest use
- Air Quality
  - Conflict with or obstruct implementation of the applicable air quality plan
  - Violate any air quality standards or contribute substantially to an existing or projected air quality violation
  - Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment
  - Expose sensitive receptors to substantial pollutant concentrations
  - Create objectionable odors affecting a substantial number of people
- Biological Resources
  - Have a substantial adverse effect on any riparian habitat or other sensitive natural community, or federally protected wetlands

- 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
- Conflict with any local policies or ordinances protecting biological resources or the provisions of an adopted Habitat Conservation Plan or Natural Community Conservation Plan
- Cultural Resources
  - Adversely affect archaeological or paleontological resources or human remains
- Geology/Soils
  - Expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides
  - Result in substantial soil erosion or the loss of topsoil
  - Be located on expansive soil or a geologic unit or soil that is or would become unstable
  - Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems
- Greenhouse Gas Emissions
  - Generate greenhouse gas emissions or conflict with an applicable greenhouse gas emissions reduction plan, policy or regulation
- Hazards and Hazardous Materials
  - Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; reasonably foreseeable upset and accident conditions involving the release of hazardous materials; or the emission or handling of hazardous materials near a school
  - Be located on a site which is included on the Cortese list
  - Result in a safety hazard related to airport operations
  - Impair implementation of or physically interfere with an adopted emergency response or evacuation plan
  - Expose people or structures to risk of wildland fire

- Hydrology/Water Quality
  - Violate water quality standards or waste discharge requirements or otherwise substantially degrade water quality
  - Substantially deplete groundwater supplies or interfere substantially with groundwater recharge
  - Substantially alter the existing drainage pattern of the site or area resulting in erosion, flooding, or the exceeding the capacity of existing or planned stormwater drainage systems
  - Place housing within 100-year flood hazard area or impede or redirect flood flows
  - Expose people or structures to risk of flooding from dam or levee failure
  - Expose people or structures to risk of inundation by seiche, tsunami, or mudflow
- Land Use/Planning
  - Physically divide an established community
  - Conflict with applicable land use plans, policies, or regulations
  - Conflict with applicable habitat conservation plan or natural community conservation plan
- Mineral Resources
  - Result in the loss of availability of a known mineral resource or locally-important mineral resource recovery site
- Noise
  - Exposure of persons to or generation of noise levels in excess of applicable standards
  - Exposure of persons to or generation of excessive groundborne vibration
  - Result in substantial temporary or periodic increase in ambient noise levels
  - Exposure of persons to excessive noise levels associated with airport or airstrip operations
- Population/Housing
  - Induce substantial population growth
  - Displace substantial numbers of existing housing or people

- Public Services
  - Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities related to fire protection, police protection, schools, and parks
- Recreation
  - Increase the use of existing parks or recreational facilities causing deterioration or include the construction or expansion of recreational facilities
- Transportation/Traffic
  - Conflict with applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system or with an applicable congestion management program
  - Result in a change in air traffic patterns
  - Substantially increase hazards due to a design feature
  - Result in inadequate emergency access
  - Conflict with adopted policies regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities
- Utilities/Service Systems
  - Exceed wastewater treatment requirements or the capacity for the wastewater treatment provider
  - Require new or expanded water treatment facilities or water supplies
  - Require new or expanded stormwater drainage facilities
  - Exceed capacity of serving landfill or conflict with applicable statutes and regulations related to solid waste

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

#### **A. Cultural Resources**

##### **1. Historic Resources (EIR Impact 4.1.1)**

**(a) Potential Impact.** Impacts to historic, prehistoric, and paleontological resources were identified in the Elk Grove Housing Element Update EIR as less than significant with implementation of related General Plan policies and associated actions. The Project would result in the demolition of onsite structures and development of the site. The residence and associated garage on the Project site do not appear to be eligible for listing as a significant

historic resource under any criterion. However, the original town site for the community of Elk Grove as embodied on the Project site appears to be a historical resource and is individually eligible for listing in the Elk Grove Registry as a landmark under local Criterion A-i. Therefore, the Project would alter the site's historic context and cause a substantial adverse change in the significance of a historic resource. See Draft EIR pages 4.1-9 and 4.1-10.

**(b) Mitigation Measures.** Capital Reserve Project EIR mitigation measure MM 4.1.1 is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

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

**(1) Effects of Mitigation.** This mitigation measure requires incorporation of a publicly accessible interpretive display or signage on the Project site describing the history of the site and its association with the original town site of Elk Grove. This mitigation measure would ensure documentation of the resource as well as publicly accessible information on its historic importance. However, documentation of the historic resource does not mitigate its loss below a level of significance.

**(2) Remaining Impacts.** Implementation of this mitigation measure would require documentation of the historic site and publicly accessible information on its historic importance. However, development of the site would permanently alter the site's historic context, including removal of the buildings associated with past uses onsite.

**(3) Overriding Considerations.** The environmental, economic, social, and other benefits of the Project override any remaining significant adverse impact of the Project resulting in a substantial adverse change in the significance of a historic resource, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

## **2. Historic Resources (EIR Impact 4.1.2)**

**(a) Potential Impact.** Cumulative impacts to historic, prehistoric, and paleontological resources were identified in the Elk Grove Housing Element Update EIR as less than cumulatively considerable with implementation of related General Plan policies and associated actions. Cumulative development in the City and unincorporated county will continue to result in impacts on historic resources. Existing regulations protect historic resources in most instances but are not always feasible. The Project site is considered a historic resource that is eligible for local listing. Therefore, development of the Project site would cause a substantial adverse change in the significance of a historic resource contributing to the cumulative loss of such resources in the City and unincorporated county. See Draft EIR pages 4.1-10 and 4.1-11.

**(b) Mitigation Measures.** Capital Reserve Project EIR mitigation measure MM 4.1.1 is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

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

**(1) Effects of Mitigation.** This mitigation measure requires incorporation of a publicly accessible interpretive display or signage on the Project site describing the history of the site and its association with the original town site of Elk Grove. This mitigation measure would ensure documentation of the resource as well as publicly accessible information of its historic importance. However, documentation of the historic resource does not mitigate its loss below a level of significance.

**(2) Remaining Impacts.** Implementation of this mitigation measure would require documentation of the historic site and publicly accessible information on its historic importance. However, development of the site would permanently alter the site's historic context, including removal of the buildings associated with past uses onsite.

**(3) Overriding Considerations.** The environmental, economic, social, and other benefits of the Project override any remaining significant adverse impact of the Project resulting in a substantial adverse change in the significance of a historic resource, as more fully stated in the Statement of Overriding Considerations in Section VIII, below.

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

##### **A. Biological Resources**

**1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species (DEIR Appendix B, Initial Study, Issue IV[a])**

**(a) Potential Impact.** The proposed Project could adversely affect special-status species including giant garter snake, western pond turtle, burrowing owl, raptors, nesting birds, Swainson's hawk, and bats. See DEIR Appendix B pages 18 to 29.

**(b) Mitigation Measures.** Capital Reserve Project mitigation measures BIO-1 through BIO-8 are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

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

**(1) Effects of Mitigation.** The potential impact to special-status species will be mitigated to a less than significant level by implementing standard avoidance measures for giant garter snake; conducting preconstruction surveys for western pond turtle, burrowing owl, raptors, nesting birds, and bats; mitigating for loss of Swainson's hawk foraging habitat through payment of the City's mitigation fee or the conservation of equal habitat; and the provision of a biological monitor during construction activities and worker environmental awareness training.

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

## **V. Other Impacts and Considerations**

### **1. Growth-Inducing Impacts of the Proposed Project**

CEQA Guidelines Section 15126.2(d) requires that an EIR evaluate the growth-inducing impacts of a proposed action.

**(a) Findings.** Based on the Draft EIR and the entire record before this City Council, the Project would result in the development of residential uses and would create new employment opportunities in the City in the commercial portion of the Project. However, the Project would result in development that is less intense than development under either the site's current General Plan designation of Commercial (C) or the High Density Residential designation assumed in the Housing Element Update EIR. Additionally, the increase in employment opportunities associated with the Project would serve to improve the City's jobs/housing balance by increasing job opportunities for local residents. Furthermore, the residential units could contribute to the City's housing supply to comply with the City's Regional Housing Needs Allocation.

**(b) Explanation.** As identified on Draft EIR pages 5.0-1 and 5.0-2, the Project site was analyzed for development with high-density residential (maximum of 407 units) in the Housing Element Update EIR. Furthermore, the Project site is currently designated Commercial (C) in the General Plan. The commercial portion of the Project could develop at a similar intensity to that under the existing General Plan, but the residential portion would be less intense than that considered in the Housing Element Update EIR. Therefore, the proposed Project would result in development that is less intense than development under either the General Plan's existing Commercial designation or the High Density Residential designation assumed in the Housing Element Update EIR.

### **2. Significant Irreversible Environmental Changes Involved if the Project is Implemented**

CEQA Sections 21100(b)(2) and 21100.1(a) require that an EIR prepared for the adoption of a plan, policy, or ordinance of a public agency must include a discussion of significant irreversible environmental changes of project implementation.

**(a) Findings.** Based on the Draft EIR and the entire record before this City Council, the Project could consume energy and natural resources and result in significant irreversible impacts similar to those discussed in the General Plan EIR and Housing Element Update EIR.

**(b) Explanation.** As identified on Draft EIR pages 5.0-2 and 5.0-3, the Project would include development of the site and generate demand for energy and natural resources. This would be consistent with assumptions for development of the Project site in the General Plan EIR and Housing Element Update EIR and would result in significant irreversible impacts similar to those discussed in the General Plan EIR and Housing Element Update EIR.

## **VI. Project Alternatives**

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

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of a project prior to approval (Public Resources Code Section 21002). With the exception of the No Project Alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA "establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose" (*Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d. 553, 556 [1990]). The legislative purpose of CEQA is to protect public health, welfare, and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian (Public Resources Code Section 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 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 Section 15126.6(c)). Thus, consideration of the Project objectives is important to determining which alternatives should be assessed in the EIR.

The Draft EIR identified the following objectives for the Capital Reserve Project:

- 1) Create a mix of complementary land uses that are compatible with and add to the surrounding community.
- 2) Provide for the productive reuse of an infill parcel.
- 3) Provide for housing and commercial uses that will contribute to the City's economic base.
- 4) Create a unique identity for the Project that is compatible with the surrounding area and the Elk Grove community.
- 5) Provide pedestrian access for residents to parks, trails, and open space.



## VII. Alternatives Analysis in the Draft EIR

### 1. Alternatives Considered But Rejected

An alternative that considered an alternative location (off-site alternative) was considered but rejected from further consideration in the EIR.

**(a) Findings.** An alternative location/off-site alternative was rejected from further consideration because the Project's only significant impact is to an historic resource and development of an alternative site, depending on its location, could result in additional impacts on other resources, as discussed on pages 6.0-1 and -2.

**(b) Explanation.** Because the only new significant impacts identified for the Project are related to historic resources, an alternative site would only be required to lack any existing historic buildings or other resources to reduce this impact. Such an off-site alternative would avoid the on-site historic impacts, but depending on the site, it could result in additional impacts on other resources at the off-site location. Given the urban nature of the Project site and vicinity, construction of the Project in a different urban location could result in similar construction impacts or impacts could be more severe if the alternate location is under agricultural production or contains sensitive biological resources. Operational impacts of the Project are within the development intensity assumed for the site in the General Plan, so the Project's operational impacts are not significant. While an off-site alternative could reduce the Project's impact on historic resources, given the Project site's location in an area identified in the General Plan as an area for development, an off-site location would not have a significant advantage over the proposed Project due to the Project's lack of other significant impacts.

### Alternatives Analyzed in the Draft EIR

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

### 2. No Project Alternative

The Draft EIR considers the potential effects of a No Project Alternative on page 6.0-3. This alternative assumes the site would be redeveloped in accordance with its current General Plan designation of Commercial (C), which generally allows office, professional, and retail uses. Assuming a floor area ratio of 0.22, development of the site with such uses could result in approximately 160,000 square feet of commercial uses.

**(a) Findings.** The No Project Alternative is rejected as a feasible alternative because it would not achieve some of the Project objectives and because it would still result in significant and unavoidable impacts related to historic resources.

**(b) Explanation.** This alternative would not achieve the Project objective to provide for housing and would still result in a significant and unavoidable impact to the site's historic context as well as a cumulatively considerable impact to historic resources in the region. Furthermore, this alternative would result in substantially higher traffic generation and an increase in traffic volumes along Elk Grove

Boulevard as well as associated increases in greenhouse gas and criteria air pollutant emissions and traffic noise.

### **3. All Residential Alternative**

The All Residential Alternative is discussed on page 6.0-3 of the Draft EIR. This alternative assumes an additional approximately 38 single-family residential units would be constructed on the southern portion of the Project site instead of commercial uses, for a total of 122 residential units.

**(a) Findings.** The All Residential Alternative is rejected as a feasible alternative because it would not achieve some of the Project objectives and because it would still result in significant and unavoidable impacts related to historic resources.

**(b) Explanation.** This alternative would not achieve the Project objective to provide for commercial uses and would still result in a significant and unavoidable impact to site's historic context as well as a cumulatively considerable impact to historic resources in the region. However, this alternative would result in a reduction in vehicle trips and associated air emissions and traffic noise. Depending on demand for commercial uses in the city, elimination of commercial uses could necessitate construction of commercial uses at a different location, which would result in physical effects at that location.

### **4. High-Density Residential Alternative**

The High-Density Residential Alternative is discussed on page 6.0-4 of the Draft EIR. This alternative assumes the Project site is developed with high-density residential uses as proposed by the Elk Grove Housing Element Update (up to 407 units).

**(a) Findings.** The High-Density Residential Alternative is rejected as a feasible alternative because it would not achieve some of the Project objectives and because it would still result in significant and unavoidable impacts related to historic resources.

**(b) Explanation.** This alternative would not achieve the Project objective to provide for commercial uses and would still result in a significant and unavoidable impact to site's historic context as well as a cumulatively considerable impact to historic resources in the region. Furthermore, this alternative would result in greater traffic volumes and associated air emissions and traffic noise as well as greater demand for services and utilities.

### **5. Environmentally Superior Alternative**

The environmentally superior alternative is discussed on page 6.0-4 of the Draft EIR. Under CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the No Project Alternative, another environmentally superior alternative must be identified. For the Draft EIR analysis, the All Residential Alternative would result in an overall reduction of impacts compared to those of the proposed Project because it would result in fewer automobile trips than the Project, which would result in proportionately fewer greenhouse gas and criteria air emissions and traffic-related noise.

## VIII. Statements of Overriding Considerations Related to the Capital Reserve Project Findings

- A. Consistency with the City's General Plan.** The General Plan designates the Project site as Commercial, a designation that includes office, professional, and retail uses. The proposed Project includes a request for a General Plan Amendment to change the site's land use designation to MDR, C, PP, and PubOS/REC. The proposed land use designations would allow less intense use of the Project site compared to an entirely commercial development, which would be allowed under the current General Plan designation. The proposed Project would result in an increase in daily trips compared to that analyzed in the Housing Element Update EIR. However, as disclosed in the Housing Element EIR, with Project-generated traffic, the segment of Elk Grove Boulevard adjacent to the Project site would operate at level of service (LOS) B in the AM and PM peak hours. The Project includes residential uses adjacent to commercial uses, like that analyzed in the Housing Element Update EIR, which would not be incompatible with the existing and planned uses on adjacent properties. Therefore, the proposed Project would not result in significant environmental impacts beyond those disclosed in the Housing Element Update EIR and would not conflict with the General Plan or any other plans, policies, or regulations intended to reduce or avoid environmental effects.
- B. Employment Opportunities.** The proposed Capital Reserve Project would generate new employment opportunities within the proposed commercial portion of the site.
- C. Benefits to the Community.** The proposed Capital Reserve Project would provide community benefits by providing additional housing opportunities as well as commercial uses to serve the surrounding neighborhood.

Based on the objectives identified for the Project, review of the Project and 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 Capital Reserve Project has been minimized to the extent feasible through the mitigation measure identified herein, and, where mitigation cannot fully reduce impacts to a less than significant level, has been outweighed and counterbalanced by the significant social, environmental, and land use benefits to be generated to the City.

## **Sources**

City of Elk Grove. 2013. *Draft Environmental Impact Report for Elk Grove Housing Element Update*  
SCH# 2013082012.

**MITIGATION MONITORING AND REPORTING PROGRAM**

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**INTRODUCTION**

The California Environmental Quality Act (CEQA) Guidelines, Section 15091(d), requires public agencies, as part of the certification of an environmental impact report, to adopt a reporting and monitoring program to ensure that changes made to the project as conditions of project approval to mitigate or avoid significant environmental effects are implemented. The Mitigation Monitoring and Reporting Program (MMRP) contained herein is intended to satisfy the requirements of CEQA as they relate to the Capital Reserve Project (Project) in the City of Elk Grove (City). The MMRP is intended to be used by City staff and mitigation monitoring personnel during implementation of the Project.

The MMRP will provide for monitoring of construction activities as necessary, in-the-field identification and resolution of environmental concerns, and reporting to City staff. The MMRP will consist of the components described below.

The Project site was evaluated as a housing opportunity site in the Elk Grove Housing Element Update. The Elk Grove Housing Element Update EIR (SCH No. 2013082012) assessed the environmental impacts resulting from implementation of the Housing Element Update. The City approved the Housing Element Update and certified the Final EIR in February 2014. A MMRP was prepared and adopted with the Housing Element Update and would be applicable to the proposed Project.

**COMPLIANCE CHECKLIST**

Table 1 contains a compliance-monitoring checklist that identifies all newly adopted mitigation measures, identification of agencies responsible for enforcement and monitoring, and timing of implementation.

**FIELD MONITORING OF MITIGATION MEASURE IMPLEMENTATION**

During construction of the Project, the City of Elk Grove's designated construction inspector will be responsible for monitoring the implementation of mitigation measures. The inspector will report to the City of Elk Grove Department of Public Works, and will be thoroughly familiar with all plans and requirements of the project. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. Aided by Table 1, the inspector will typically be responsible for the following activities:

1. On-site, day to day monitoring of construction activities;
2. Reviewing construction plans to ensure conformance with adopted mitigation measures;
3. Ensuring contractor knowledge of and compliance with all appropriate conditions of project approval;
4. Evaluating the adequacy of construction impact mitigation measures, and proposing improvements to the contractors and City staff;
5. Requiring correction of activities that violate project mitigation measures, or that represent unsafe or dangerous conditions. The inspector shall have the ability and authority to secure compliance with the conditions or standards through the City of Elk Grove Public Works Department, if necessary;

## **MITIGATION MONITORING AND REPORTING PROGRAM**

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6. Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project mitigation measures, or unsafe or dangerous conditions. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the City of Elk Grove Public Works Department;
7. Maintaining prompt and regular communication with City staff;
8. Obtaining assistance as necessary from technical experts, such as archaeologists and wildlife biologists, to develop site-specific procedures for implementing the mitigation measures adopted by the City for the Project. For example, it may be necessary at times for a wildlife biologist to work in the field with the inspector and construction contractor to explicitly identify and mark areas to be avoided during construction; and
9. Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

### **PLAN CHECK**

Many mitigation measures will be monitored via plan check during Project implementation. City staff will be responsible for monitoring plan check mitigation measures.

**MITIGATION MONITORING AND REPORTING PROGRAM**

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MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
BIO-1	<p><b>Initial Study Mitigation Measures:</b></p> <p><b>Implementation of Standard Avoidance Measures for Giant Garter Snake.</b> The Project applicant shall implement all of the minimization and avoidance measures found in Appendix C of the 1997 Programmatic Consultation with the US Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California (USFWS file #1-1-F-97-149), except the restriction of construction only occurring between May 1 and October 1.</p> <p>a) Exclusionary fencing shall be installed at the limits of the temporary construction zone to protect adjacent, undisturbed giant garter snake habitat. The exclusionary fencing shall be maintained by the construction contractor during all phases of construction. Any breaches in the fencing shall be fixed within a 24-hour period.</p> <p>b) The Project applicant or contractor shall prohibit the use of plastic, monofilament, jute, or similar erosion control matting that could entangle snakes at the Project site.</p> <p>c) Within 24 hours of the commencement of ground-disturbing activities, the Project site shall be inspected for giant garter snakes by a qualified biologist. The survey shall be repeated if a lapse in construction activities of two weeks or greater occurs. If a giant garter snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or until it has been determined that the snake will not be harmed. All sightings and incidental take shall be reported to the USFWS immediately via telephone at (916) 414-6600.</p> <p>d) After completion of construction activities, the Project</p>	Prior to construction activities	City of Elk Grove Planning Department	

**MITIGATION MONITORING AND REPORTING PROGRAM**

MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
BIO-2	<p>applicant or contractor shall remove any temporary fill and construction debris and restore temporarily disturbed areas to pre-project conditions. Restoration work may include such activities as reseeding upland areas that have been disturbed.</p> <p><b>Western Pond Turtle Preconstruction Surveys.</b> Prior to implementation of construction activities within 100 feet of Elk Grove Creek, the Project applicant shall retain a qualified biologist to conduct a survey for western pond turtle no more than three days prior to initiation of construction activities. If this species is documented near any proposed construction areas, the turtle(s) shall be moved at least 500 feet downstream to suitable habitat. If turtles are observed during construction activities, all construction activities shall be halted, a qualified biologist shall be notified, and the qualified biologist shall relocate the turtle prior to continuing construction activities.</p> <p>If active nest sites are identified during the survey, the Project applicant shall impose a limited operating period (LOP) within 100 feet of all active nest sites prior to commencement of any construction activities to avoid construction- or access-related disturbances to western pond turtles. A LOP constitutes a period during which Project-related activities (i.e., vegetation removal, earth moving, and construction) shall not occur and shall be imposed within 100 feet of any active nest sites until the eggs hatch or the nest is moved to an appropriate location as authorized by the CDFW.</p>	Prior to construction activities	City of Elk Grove Planning Department	
BIO-3	<p><b>Burrowing Owl Preconstruction Surveys.</b> If clearing and construction activities will occur during the nesting period for burrowing owls (February 1–August 31), a qualified biologist shall conduct preconstruction surveys for burrowing owls on and adjacent to the Project site within 14 days prior to construction initiation. Surveys shall be conducted in accordance with the CDFG’s Staff Report on Burrowing Owl Mitigation (Staff Report), published March 7, 2012. Surveys shall be repeated if Project</p>	Prior to construction activities	City of Elk Grove Planning Department	



**MITIGATION MONITORING AND REPORTING PROGRAM**

MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
	<p>activities are suspended or delayed for more than 15 days during nesting season.</p> <p>if no burrowing owls are detected, no further mitigation is required. If active burrowing owls nest sites are detected, the Project applicant shall implement the avoidance, minimization, and mitigation methodologies outlined in the CDFG's Staff Report prior to initiating Project-related activities that may impact burrowing owls.</p>			
	<p><b>Environmental Impact Report Mitigation Measures:</b></p>			
BIO-4	<p><b>Raptor Surveys.</b> If clearing and/or construction activities will occur during the raptor nesting season (January 15–August 15), preconstruction surveys to identify active raptor nests shall be conducted by a qualified biologist within 14 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites within the proposed impact area, including construction access routes and a 1,000-foot buffer (if feasible). If no active nests are found, no further mitigation is required. Surveys shall be repeated if construction activities are delayed or postponed for more than 30 days.</p> <p>If active white-tailed kite or other raptor (excluding Swainson's hawk) nest sites are identified within 1,000 feet of Project activities, the applicant shall impose a 500-foot setback to all active nest sites prior to commencement of any Project construction activities to avoid construction- or access-related disturbances to nesting raptors. Project-related activities (i.e., vegetation removal, earth moving, and construction) shall not occur within the setback until the nest is deemed inactive. Activities permitted within setbacks and the size of setbacks may be adjusted through consultation with the City.</p> <p>If active Swainson's hawk nest sites are identified within 1,000 feet of Project activities, the applicant shall impose a 1,000-foot setback to all active nest sites prior to commencement of any</p>	Prior to construction activities	City of Elk Grove Planning Department	

**MITIGATION MONITORING AND REPORTING PROGRAM**

MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
BIO-5	<p>construction activities to avoid construction- or access-related disturbances to nesting raptors. Project-related activities (i.e., vegetation removal, earth moving, and construction) shall not occur within the setback until the nest is deemed inactive. Activities permitted within setbacks and the size of setbacks may be adjusted through consultation with the CDFW.</p> <p><b>Nesting Bird Surveys.</b> If clearing and/or construction activities will occur during the migratory bird nesting season (April 15–August 15), preconstruction surveys to identify active migratory bird, including loggerhead shrike, nests shall be conducted by a qualified biologist within 14 days prior to construction initiation. Focused surveys must be performed by a qualified biologist for the purposes of determining the presence/absence of active nest sites within the proposed impact area, including construction access routes and a 200-foot buffer (if feasible).</p> <p>If active nest sites are identified within 200 feet of Project activities, the applicant shall impose a LOP for all active nest sites prior to commencement of any Project construction activities to avoid construction- or access-related disturbances to migratory bird nesting activities. A LOP constitutes a period during which Project related activities (i.e., vegetation removal, earth moving, and construction) shall not occur, and shall be imposed within 100 feet of any active nest sites until the nest is deemed inactive. Activities permitted within and the size (i.e., 100 feet) of LOPs may be adjusted through consultation with the City.</p>	Prior to construction activities	City of Elk Grove Planning Department	
BIO-6	<p><b>Swainson's Hawk Foraging Habitat.</b> The Project applicant shall mitigate for the loss of Swainson's hawk foraging habitat at a 1:1 ratio. Mitigation can be accomplished through City of Elk Grove Municipal Code Chapter 16.130, Swainson's Hawk Impact Mitigation Fees, (if applicable) or through the conservation of farmland of equal or greater forage value. A conservation easement approved by the City must be established for conserved farmlands.</p>	Prior to construction activities	City of Elk Grove Planning Department	

MITIGATION MONITORING AND REPORTING PROGRAM

MM Number	Mitigation Measure	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
BIO-7	<p><b>Bat Roost Surveys.</b> Demolition of abandoned structures and removal of trees shall be preceded by a survey for bat presence, conducted by a qualified biologist. Structures and/or trees being used by bats shall not be removed until it has been determined that bats are no longer using the site or until demolition can be carried out without harming any bats.</p>	Prior to construction activities	City of Elk Grove Planning Department	
BIO-8	<p><b>Biological Monitoring and Worker Environmental Awareness Training.</b> A qualified biologist(s) shall monitor construction activities that could potentially cause significant impacts to sensitive biological resources. In addition, the Project applicant shall retain a qualified biologist to conduct mandatory contractor/worker awareness training for construction personnel. The awareness training shall be provided to all construction personnel to brief them on the identified location(s) of sensitive biological resources, including how to identify species with the potential to occur in the construction area and the need to avoid impacts to biological resources (e.g., wildlife and jurisdictional waters), and to brief them on the penalties for not complying with biological mitigation requirements. If new construction personnel are added to the Project, the contractor shall ensure that they receive the mandatory training before starting work.</p>	Prior to and ongoing during construction	City of Elk Grove Planning Department	
4.1.1	<p>The Project applicant shall incorporate a publicly accessible interpretive display or signage on the Project site describing the history of the site and its association with the original town site of Elk Grove. The display may take the form of a kiosk, plaque, or other display method containing text, historic photographs, excerpts of oral histories, and maps. It shall be placed where visitors and passers-by could read about the history of the site. The Project applicant shall submit plans for the display to the Development Services Department for review and approval prior to installation. The display shall be installed prior to the issuance of occupancy permits.</p>	Prior to occupancy permits	City of Elk Grove Development Services	

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2014-283**

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

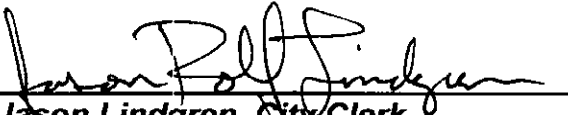
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 10, 2014 by the following vote:*

**AYES :**       **COUNCILMEMBERS:**       *Davis, Hume, Detrick, Ly, Suen*

**NOES:**       **COUNCILMEMBERS:**       *None*

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

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

  
\_\_\_\_\_  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**