

CEQA Findings of Fact and
Statement of Overriding Considerations
of the City of Elk Grove
for the

City of Elk Grove General Plan Amendments
and
Updates of Vehicle Miles Traveled Standards Project

November 2023

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1 INTRODUCTION

The City of Elk Grove (City), as lead agency, prepared a subsequent environmental impact report (SEIR) for the proposed City of Elk Grove General Plan Amendments and Updates of Vehicle Miles Traveled Standards Project (General Plan Amendments and Updates of VMT Standards, or Project). The document consists of the June 2023 Draft SEIR and the August 2023 Final SEIR (State Clearinghouse No. 2022020463) (collectively referred to as the SEIR). The SEIR for the Project presents an assessment of the reasonably foreseeable and potentially significant adverse environmental effects that may occur from implementation of the Project beyond what was evaluated in the General Plan Update Final EIR (General Plan EIR) (SCH No. 2013082012). These findings have been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and its implementing guidelines (CEQA Guidelines) (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). The City is the lead agency under CEQA and the City of Elk Grove Council (Council) is the decision-making authority for the Project. The City Council adopts these findings in that capacity.

2 PROJECT DESCRIPTION

2.1 BACKGROUND AND LOCATION

State law requires each city and county to adopt a general plan. The City certified the City of Elk Grove General Plan Update Final EIR (General Plan EIR) and adopted the current General Plan in February 2019. The General Plan has been amended six times, twice with SEIRs for the Housing and Safety Element Update and the Southeast Industrial Area Specific Plan.

In 2019, the Elk Grove City Council directed City staff to study how to leverage the value of a planned new thoroughfare, Kammerer Road, beyond its ability to carry vehicle traffic, to lay the foundation for economic development in the form of a 21st century employment center. The charge was to connect transportation with land-use planning and design in recognition that the most economically, socially, and environmentally successful communities, which are walkable and contain a mix of uses. In January 2021, the City completed the Kammerer Road Urban Design Strategies that resulted in recommended increases in General Plan land use intensities and transportation improvements along a conceptual road corridor plan for the Promenade Parkway and Kammerer Road corridors.

The City has upgraded its current Travel Demand Model from SACSIM15 to SACSIM19. This modeling update has triggered the need to reevaluate the City's VMT thresholds as set forth in General Plan Mobility Chapter (Policy MOB-1-1) and the 2019 City of Elk Grove Transportation Analysis Guidelines.

The City is a member of the Capital SouthEast Connector Joint Powers Authority (JPA), which was established to implement the 34-mile corridor known as the Capital SouthEast Connector (Connector). The Connector would connect Interstate 5 (I-5), State Route (SR) 99, SR 16, and US Highway 50. The Connector is intended to relieve traffic congestion, preserve open space, and improve roadway safety. Segment C of the Connector is a 2.7-mile section on Grant Line Road between Bond Road and Calvine Road in the City identified as the "Special Sheldon Segment." Segment A2 is a section on Kammerer Road between Bruceville Road and SR 99.

The City is located in Sacramento County and consists of approximately 42 square miles within its boundary. Land uses are regulated under the City General Plan. The City General Plan established a Planning Area (approximately 31,238 acres) which includes all land within the current City limits as well as lands outside the City limits. Existing land uses in the City consist of residential at varying densities, commercial, office, industrial, park, and open space. Beyond the City limits, the Planning Area primarily consists of agricultural lands and rural residential uses. Nearby natural open space and habitat areas include the Stone Lakes National Wildlife Refuge and the Sacramento River to the west, the Cosumnes River Preserve to the south, and the Sacramento Regional County Sanitation District (Regional San) bufferlands to the northwest. Major roadway access to the City is provided I-5 and SR 99.

2.2 OVERVIEW

The following provides a brief summary and overview of the General Plan Amendments and Update of VMT Standards Project. Chapter 2, "Project Description," of the SEIR includes a detailed description of the Project, including maps and graphics.

The Project would:

- ▶ Amend the City's General Plan to establish the Livable Employment Area (LEA) Community Plan,
- ▶ Amend the City's General Plan to update vehicle miles traveled thresholds currently provided in the General Plan,
- ▶ Amend the City's General Plan Mitigation Measure MM 5.5.1a and MM 5.5.1b, and
- ▶ Amend the City's General Plan to update the South and West Study Area land uses.

2.2.1 Livable Employment Area Community Plan

The City would develop a new community plan area, the Livable Employment Area (LEA) Community Plan. The LEA Community Plan covers a 1,150 acre area that would provide a walkable urban area in the City with a variety of mobility options and neighborhood streets. The LEA Community Plan area, herein referred to as the LEA Community Plan Area, is located west of SR 99, south of Whitelock Parkway along Promenade Parkway and along Kammerer Road to McMillan Road/Big Horn Boulevard to the west. The LEA Community Plan Area includes some areas that were previously part of the Southeast Policy Area (SEPA), South Pointe Land Use Policy Area, and the Lent Ranch Marketplace Policy Area. These plans areas were established prior to the 2019 General Plan Update. The Lent Ranch Land Use Policy Area would be incorporated into the LEA Community Plan as part of the Project. Additionally, the LEA Community Plan Area includes a portion of the South Study Area.

The LEA Community Plan Area would be developed using the urban planning concept of the transect, which is defined as a series of zones that transition from sparse rural farmhouses to the dense urban core. The LEA Community Plan would be organized with three transects (sub-urban zone, general urban zone, and urban center zone) and around four centers. Each center would have higher densities with the areas between the centers having relatively lower intensities. The character of each center would be defined by the assemblage of diverse and dense land uses and public features such as plazas, parks, gathering spaces, and access to public transit. The centers would be developed according to proposed General Plan Policy LEA 2-4, as follows:

- ▶ Center 1 would be the most dense urban center of all the centers, a high concentration of retail centers and offices as well as higher density residential development. Buildings would range from two to seven stories, though additional height may be allowed.
- ▶ Center 2 would be considered the gateway to the LEA Community Plan Area and contain the terminus station of the light rail line. Development would include an urban style while providing a transition to the existing single family neighborhood to the north.
- ▶ Center 3 would integrate with the adjacent Sky River Casino and embrace surrounding development.
- ▶ Center 4 would have connections to important streets, including to SR 99. This center would have adjacent expansion opportunities.

Within the LEA Community Plan Area Kammerer Road would be an urban avenue with two vehicular lanes in each direction and a 12-foot median. On each side of the roadway there would be a one-way slip lane to provide a pedestrian streetscape. New development would be designed with a street grid and all new thoroughfares would have a complete street design to allow pedestrian and bicycle infrastructure. Water and sewer infrastructure would be developed to support the LEA Community Plan Area.

LEA COMMUNITY PLAN GUIDING PRINCIPLES AND GOALS

The overarching development framework for the LEA Community Plan would follow a set of guiding principles related to urban design, land use, circulation, environmental sensitivity, and contextual compatibility. The guiding principles would direct development in the LEA Community Plan Area to distinct neighborhoods with mixed-use development patterns and multimodal connectivity. The four new centers described above would be located around transit stations and would be developed with Transit Oriented development principles. Principles related to environmental sensitivity seek to achieve a carbon neutral development and principles related to contextual compatibility would provide for connectivity and consideration of surrounding development.

The LEA Community Plan includes goals and policies that would be added to the General Plan. New and revised goals are listed below with a summary of the policies.

GOAL LEA-1: The development of four mixed-use pedestrian-friendly centers.

- ▶ Policies are related to circulation and are intended to promote a grid of streets, extend Kammerer Road and develop a multi-way boulevard, and develop complete streets.

GOAL LEA-2: Livable employment area development.

- ▶ Policies are related to structure and organization and are intended to promote development of neighborhood areas and mixed-use centers, establish new zoning regulations, and identify the four centers (see Policy LEA 2-4 above).

GOAL LEA-3: Parking is “right-sized” for future requirements.

- ▶ Policies are intended to reduce parking requirements and promote incentives for alternative transportation.

GOAL LEA-4: Healthy and safe community.

- ▶ Policies are related to pedestrian and bicycle-oriented design and are intended to guide development of safe and accessible pedestrian and bicycle infrastructure.

GOAL LEA-5: A network of parks and open spaces integrated into the development area.

- ▶ Policies are intended to provide park and open space requirements related to size, location, and design.

GOAL RC-1: A center within the region.

- ▶ Policy revisions under this existing goal are intended to provide additional standards for development in the LEA Community Plan Area and development around Kammerer Road.

LEA COMMUNITY PLAN LAND USE DESIGNATIONS

The LEA Community Plan would include an update to the General Plan Land Use Diagram. New land use designations include transect-based land use designations to establish the pattern and intensity of development in the LEA Community Plan Area. Specific land use designations for the LEA Community Plan are shown in Table 1.

Table 1 LEA Community Plan Land Use Designations

Transect-Based Land Use Designation	Residential Density	Building Intensity	Description	Maximum Height Allowance
General Neighborhood Residential (T3-R)	Minimum: 10.0 du/ac Maximum: 20.0 du/ac	Maximum FAR of 1.0	Uses are characterized by small-lot single-family residential development (attached or detached), duplexes, townhomes, and small apartment buildings, but may also include small live-work spaces, home-offices or workspaces, and bed and breakfast inns. Limited amounts of local serving retail and small office structures, particularly at intersections, are also permitted. Buildings are typically not taller than 3 stories and are surface parked (on the side or rear of the lot), though additional height may be allowed through zoning provisions.	3 stories

Transect-Based Land Use Designation	Residential Density	Building Intensity	Description	Maximum Height Allowance
Neighborhood Center Low (T3)	Minimum: 14.0 du/ac Maximum: 30.0 du/ac	Maximum FAR of 2.0	Similar uses and densities as T3-R, however, a mix of uses is permitted throughout, with no preference provided for residential uses. Buildings are typically not taller than 3 stories and are surface parked (on the side or rear of the lot), though additional height may be allowed through zoning provisions.	3 stories
Neighborhood Center Medium (T4)	Minimum: 20.0 du/ac Maximum: 40.0 du/ac	Maximum FAR of 5.0	Uses are characterized by a diverse mix of uses residential and commercial uses at higher intensities than T3. Residential building types generally include townhomes and urban apartment buildings, as well as live-work spaces. Retail, hotel, and office uses are permitted. Buildings are typically not taller than 5 stories (though additional height may be allowed through zoning provisions) and may have a mix of garage and or surface parking in the rear of the lot or the middle of the block, screened from view.	5 stories
Neighborhood Center High (T5)	Minimum: 30.0 du/ac Maximum: 100.0 du/ac	Maximum FAR of 7.0	Includes a diverse mix of uses at higher intensities than T4. Many individual buildings may have a mix of uses. Residential building types generally include apartment buildings as well as live-work spaces. Retail and Office uses as are hotels. Buildings are typically not taller than 7 stories (though additional height may be allowed through zoning provisions) and will have parking in garages that are screened from view or below ground. <u>Development within the T5 designation is oriented around and accessible by transit services.</u>	7 stories

Notes: Du/ac = dwelling units per acre; FAR = Floor Area Ratio

LIVEABLE EMPLOYMENT AREA FORM-BASED CODE

The form based code developed for the LEA Community Plan would carry out the policies of the General Plan by classifying and regulating the uses the land and structures with within the LEA Community Plan Area. A form based code is a type of development regulation that prioritizes that prioritizes the form of buildings, rather than the use within them. This contrasts with traditional zoning regulations, which tend to be more use-based. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

The mix of uses and building heights for each land use proposed in the LEA are included in Table 2-1. Parcels would be landscaped to conserve water with water efficient irrigation systems and hardscape would be semipermeable. Each area of landscaping in the LEA Community Plan Area would have a minimum interior width of 15 feet with protective curbing, except where stormwater discharge would be necessary. Lawns would be limited to 20 percent of the total landscaped area. Street trees would be planted in the public right-of-way. Multi-family or nonresidential development would be required to adhere to lighting standards in the form based code for the LEA Community Plan. Lighting would be limited to a maximum height of 16 feet, energy efficient, and directed downward.

GENERAL PLAN BUILDOUT PROJECTIONS

The General Plan designates land uses defining the type of development that can occur throughout the City through buildout of the geographic extents of the General Plan (the General Plan Planning Area). Development of the LEA Community Plan and an increase in the maximum residential density from 40 to 80 dwelling units per acre for the Village Center Mixed Use land use designation would increase buildout projections for dwelling units, population, and employment (Table 2). Based on the number of new dwelling units projected under buildout of the LEA Community Plan, full buildout of the General Plan would result in an additional estimated 563 new dwelling units, 1,824 more persons, and a reduction of 5,578 jobs in the City as compared to the existing General Plan. The number of dwelling units and population projections would decrease in the South Study Area under buildout of the General Plan with the implementation of the LEA Community Plan, while employment opportunities would increase. In the West Study Area the number of dwelling units and population would increase, while employment opportunities would decrease under buildout of the General Plan with the implementation of the LEA Community Plan. The Project would not result in any changes in buildout projections in the North Study Area or East Study Area.

Table 2 General Plan Development Capacity

	Existing General Plan			General Plan Amendment		
	Dwelling Units	Population ¹	Employment (Jobs)	Dwelling Units	Population ¹	Employment (Jobs)
General Plan Total	102,865	332,254	127,463	103,428	334,078	121,885
City Limits	72,262	233,406	81,784	76,693	247,724	72,518
Study Areas Subtotal	30,603	98,848	45,679	26,735	86,354	48,367
North Study Area	323	1,043	0	323	1,043	0
East Study Area	4,806	15,523	9,183	4,806	15,523	9,183
South Study Area	16,250	52,488	30,367	11,245	36,321	33,564
West Study Area	9,224	29,794	6,1295	10,361	33,466	5,620

Note: numbers may not sum due to rounding

¹ Based on 3.23 persons per household, average.

2.2.2 General Plan Amendments for VMT

The General Plan would be updated to include revisions to Chapter 6, Mobility to incorporate results of the upgraded Travel Demand Model to SACSIM19. EGSIM20 is the City of Elk Grove Travel Demand Model, which is a modified version of the Sacramento Area of Governments SACIM19 Travel Demand Model. Relative to SACSIM19, EGSIM20 includes calibration refinements to the base year (2020) model to include more detailed traffic analysis zones, roadway network updated Internal-External and External-Internal (I-X and X-I) travel for the SR 99 and I-5 model gateways, and an update to the base year land use inputs in the City to 2020 conditions. The model was then validated to year 2020 pre-pandemic conditions. The future EGSIM20 model represents General Plan buildout for the City and land uses and transportation projects for the region as included in the 2020 Metropolitan Transportation Plan and was refined to include several planned developments, such as the LEA Community Plan.

Specifically, the VMT limit in General Plan Table 6-1 and Table 6-2 under Policy MOB-1-1, would be revised to reflect the new model. General Plan Table 6-1 includes the daily VMT limits for projects to achieve a 15 percent below existing (2015) conditions. Updated VMT limits by land use designation are shown in Table 3. Cumulative total daily VMT would also be updated as part of the Project. New development projects would need to demonstrate that cumulative VMT within the City for a future project would be less than or equal to the revised cumulative limit of 8,066,247 total daily VMT, which is 1,698,414 above the current cumulative daily VMT in the General Plan of 6,367,833 as a result of proposed General Plan land use designation changes described in this Chapter. General Plan Table 6-2 would be updated to include cumulative development in Study Areas, as shown in Table 4. A direct comparison between the existing and proposed VMT thresholds is not possible because of the characteristics of either travel demand model.

Table 3 Vehicle Miles Traveled Limits by Land Use Designation

Land Use Designation	VMT Limit (daily per service population)		
	2019 General Plan	Proposed VMT Limit Update	Change in VMT (2019 General Plan – Project)
Commercial and Employment Land Use Designations			
Community Commercial (CC)	41.6	29.4	12.2
Regional Commercial (RC)	44.3	29.4	14.9
Employment Center (EC)	47.1	19.3	27.8
Light Industrial/Flex (LI/FX)	24.5	19.0	5.5
Light Industrial (LI)	24.5	24.2	0.1
Heavy Industrial (HI)	39.5	23.4	16.1
Mixed Use Land Use Designations			
Mixed Use Village Center (VCMU)	41.6	18.6	23.0
Residential Mixed Use (RMU)	21.2	19.7	1.5
Transect Based-Land Use Designations			
General Neighborhood Residential (T3-R)	NA	41.6	19.3
Neighborhood Center Low (T3)	NA	21.2	19.4
Neighborhood Center Medium (T4)	NA	41.6	19.3
Neighborhood Center High (T5)	NA	21.2	19.4
Public/Quasi Public and Open Space Land Use Designations			
Parks and Open Space (P/OS)	NA ¹	NA ¹	-
Resource Management and Conservation (RMC)	NA ¹	NA ¹	-
Public Services (PS)	NA	22.2	-

Land Use Designation	VMT Limit (daily per service population)		
	2019 General Plan	Proposed VMT Limit Update	Change in VMT (2019 General Plan – Project)
Residential Land Use Designations			
Rural Residential (RR)	34.7	24.9	9.8
Estate Residential (ER)	49.2	22.3	26.9
Low Density Residential (LDR)	21.2	20.2	1.0
Medium Density Residential (MDR)	20.9	19.7	1.2
High Density Residential (HDR)	20.6	18.6	2
Other Land Use Designations			
Agriculture (AG)	34.7	25.2	9.5
Study Areas	NA ²	NA ²	-
Tribal Trust Lands	NA ³	NA ³	-

Notes: VMT = vehicle miles traveled. VMT limit is 85% of average base year VMT per service population for parcels with land use designations. VMT limit is average buildout VMT per service population for parcels with land use designations.

- ¹ These land use designations are not anticipated to produce substantial VMT, as they have no residents and few to no employees. These land use designations therefore have no limit and are exempt from analysis.
- ² Lands within the Study Areas shall be analyzed based upon their ultimate land use designation, not the interim “Study Area” designation.
- ³ Tribal Trust Lands are exempt from VMT analysis as they are not subject to City policy

Table 4 Study Area Total Vehicle Miles Traveled Daily Limits

Study Area	VMT Limit (Total VMT at Buildout)	
	2019 General Plan	Proposed VMT Limit Update
City	6,367,833	8,066,247
North Study Area	37,622	27,383
East Study Area	420,612	584,786
South Study Area	1,311,107	1,594,674
West Study Area	705,243	773,103

Note: Total VMT refers to VMT based on all trips that have one end in a specific location. This is calculated using model origin – destination trip matrix. Fully accounts for entire trip length within SACOG region.

As shown in Table 3 VMT limit by land use designation under the Project would be reduced as compared to the 2019 General Plan, which used the SACSIM15 model to estimate VMT. However, the changes in VMT are not comparable to the VMT estimates in the General Plan because the revised VMT estimates are from a refined version of the model. The changes in VMT limits shown in Table 4 are also due to the changes in calculation methodology from the new model. In addition to VMT updates in the General Plan the Project would revise the 2019 City of Elk Grove Transportation Analysis Guidelines for consistency with the General Plan amendments. Revisions to the Transportation Analysis Guidelines would include VMT projections from the Travel Demand Model version SACSIM19 and a revised screening map.

2.2.3 Other General Plan Updates

SOUTHEAST CONNECTOR

Grant Line Road Precise Roadway Study

The Grant Line Road Precise Roadway Study (Precise Study) was prepared to determine the preparation of geometric layouts, identification of right-of-way impacts, cost estimates, consideration of public comments, and a comparison of alternatives for the Segment C of the Connector. The Project would incorporate the Grant Line Road Precise Roadway Study into the Rural Area Community Plan. Rural Area Community Plan Policy RA-3-4, under Goal RA-3, would be modified to include language that the City shall implement the Grant Line Road Precise Study. In addition, a new figure, Figure RA-2, that illustrates the preferred alignment for Segment C would be added to the Rural Area Community Plan.

The preferred geometric layouts included in the Precise Study to be incorporated into the Rural Area Community Plan via Policy RA-3-4 are to be utilized by the City when considering a potential future project. Alternatives analyzed in the Precise Study include alternatives for signal and roundabout traffic control at intersections. All alternatives include intersection controls at Bond Road, Wilton Road, Aleilani Lane, Sheldon Road, and Calvine Road. One additional intersection control was considered at either Graybill Road or Bradley Ranch Road. Signal and roundabout alternatives are included below.

Signal Alternatives:

- ▶ Alternative 1A: signals at each intersection, with an additional signal at Graybill Road
- ▶ Alternative 1C: signals at each study intersection, with an additional signal at Bradley Ranch Road

Signal alternatives would provide 12-foot lanes, 14-foot to 7-foot raised medians, 6-foot outside shoulders, and a separated 10-foot multi-use path on the west side of Grant Line Road. Signals would be provided at six intersections with required turn lanes to accommodate forecasted traffic to acceptable operations. Signal alternatives would require the acquisition of properties with commercial businesses located at the corner of Grant Line Road and Pleasant Grove School Road and at Grant Line Road north of Wilton Road.

Roundabout Alternatives:

- ▶ Alternative 2A: roundabouts at each intersection, with an additional roundabout at Graybill Road
- ▶ Alternative 2C: roundabouts at each intersection, with an additional roundabout at Graybill Road, and a realignment of Wilton Road and relocation of the Wilton Road intersection
- ▶ Alternative 2A/2D: roundabouts at each study intersection, with an additional roundabout at Bradley Ranch Road
- ▶ Alternative 2C/2D: roundabouts at each study intersection, with an additional roundabout at Bradley Ranch Road, and a realignment of Wilton Road and relocation of the Wilton Road intersection

Each roundabout would have the same lane configuration/cross-section between intersections as the signalized alternatives. Within the commercial zone, the median would be reduced to 4 feet and the multi-use path to 8 feet to reduce the right-of-way impacts. The Wilton Road intersection would be reconfigured. A roundabout would require right-of-way acquisition from the existing two fuel stations at the intersection of Grant Line Road. Additionally, the parking lots in front of the shopping center and restaurants on the west side near this intersection would likely need to be combined to maintain access to the businesses.

Kammerer Road Segment

Segment A2 of the SouthEast Connector includes Kammerer Road from Bruceville Road to SR 99 and is within the LEA Community Plan Area. The Project would revise the configuration of Segment A2 along Kammerer Road currently described in the General Plan.

Kammerer Road (Segment A2) from Big Horn to just east of Lotz Parkway would be an urban avenue with two vehicular lanes in each direction and a 12-foot median. On each side of the roadway there would be a one-way slip lane to provide a pedestrian streetscape. The roadway design would be refined to increase compatibility with each of the subareas through which the roadway would pass.

2.2.4 Amendments to General Plan Mitigation Measure MM 5.5.1a and MM 5.5.1b

General Plan EIR Mitigation Measure MM 5.5.1a and MM 5.5.1b require subsequent development projects in the Planning Area to prepare a detailed cultural resources study of the subject property and protect cultural resources. Mitigation Measure MM 5.5.1a and MM 5.5.1b would be revised as follows with changes shown in ~~strikeout~~ and underline:

Mitigation Measure MM 5.5.1a

Prior to the approval of subsequent development projects in the Planning Area, the City shall determine the level of archaeological sensitivity based on the previously prepared confidential archaeological sensitivity map in combination with the level of previous disturbance of the project area and anticipated level of ground disturbance, as shown below.

	<u>Developed, proposed ground disturbance less than 24"</u>	<u>Not previously developed, proposed ground disturbance less than 24"</u>	<u>Developed, proposed ground disturbance more than 24"</u>	<u>Not previously developed, proposed ground disturbance below 24"</u>
<u>low area of archaeological sensitivity</u>	<u>minimum investigation</u>	<u>minimum investigation</u>	<u>minimum investigation</u>	<u>moderate investigation</u>
<u>medium area of archaeological sensitivity</u>	<u>minimum investigation</u>	<u>moderate investigation</u>	<u>moderate investigation</u>	<u>intensive investigation</u>
<u>high area of archaeological sensitivity</u>	<u>moderate investigation</u>	<u>intensive investigation</u>	<u>intensive investigation</u>	<u>intensive investigation</u>

- ▶ Minimum Investigation: Implement Mitigation Measure 5.5-1a(1).
- ▶ Moderate Investigation: Implement Mitigation Measure 5.5-1a(1) and (2).
- ▶ Intensive Investigation: Implement Mitigation Measure 5.5-1a(1), (2), and (3).

~~detailed cultural resources study of the subject property shall be conducted by the applicant and peer reviewed by the City. The cultural resources study shall identify, evaluate, and mitigate impacts to cultural resources as defined by CEQA and/or the NHPA. Mitigation methods to be employed include, but are not limited to, the following:~~

- ~~▶ Redesign of the project to avoid the resource. The resource site shall be deeded to a nonprofit agency to be approved by the City for maintenance of the site.~~
- ~~▶ If avoidance is determined to be infeasible by the City, the resource shall be mapped, stabilized, and capped pursuant to appropriate standards.~~
- ~~▶ If capping is determined infeasible by the City, the resource shall be recovered to appropriate standards~~

Mitigation Measure 5.5.1b

- 1) ~~Unless the project qualifies for part (2) below, no cultural resources study shall be required as part of the project consideration. If ~~cultural resources~~ archaeological materials or tribal cultural resources are discovered during grading or construction activities within the project site ~~Planning Area~~, work shall halt immediately within 50 feet of the discovery, the Planning Division ~~Department~~ shall be notified, and a qualified professional shall be retained. As related to archaeological materials, a professional~~

archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards in archaeology shall ~~be retained to~~ determine the significance of the discovery. As related to tribal cultural resources, a “qualified professional” consists of the geographically and culturally affiliated tribe.

If resources are determined to be potentially significant, the City shall require the preparation of a treatment plan and report of findings for ~~cultural archaeological~~ and tribal cultural resources by a qualified professional. The City and the applicant shall consult and agree to implement all measures the City deems feasible. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The applicant shall be required to implement measures necessary for the protection and documentation of ~~cultural archeological and tribal cultural~~ resources.

2) A detailed cultural resources study of the subject property shall be conducted by either the City or the applicant and then peer reviewed by the City. The report shall include a records search of the North Central Information Center, the Native American Heritage Commission, tribal outreach, and a pedestrian field survey. The cultural resources study shall identify, evaluate, and mitigate impacts to ~~cultural~~ archaeological and tribal cultural resources as defined by CEQA and/or the NHPA. Mitigation methods to be employed include, but are not limited to, the following:

- ▶ Redesign of the project to avoid the resource. The resource site shall be deeded to a nonprofit agency to be approved by the City for maintenance of the site.
- ▶ If avoidance is determined to be infeasible by the City, the resource shall be mapped, stabilized, and capped pursuant to appropriate standards.
- ▶ If capping is determined infeasible by the City, the resource shall be recovered to appropriate standards.

3) Prior to the start of any ground disturbing activities, a qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall be retained to develop a construction worker awareness brochure. This brochure shall be distributed to all construction personnel and supervisors who will have the potential to encounter cultural resources. The topics to be addressed in the Worker Environmental Awareness Program will include, at a minimum:

- ▶ types of cultural resources expected in the project area;
- ▶ what to do if a worker encounters a possible resource;
- ▶ what to do if a worker encounters bones or possible bones; and
- ▶ penalties for removing or intentionally disturbing cultural resources, such as those identified in the Archeological Resources Protection Act.

Mitigation Measure MM 5.5.1b

As part of the development review process for projects involving modification to existing buildings and structures, require all affected buildings and structures over 50 years of age to be evaluated for historical significance, using the significance criteria set forth for historic resources under CEQA Guidelines Section 15064.5, which are also criteria for listing in the Elk Grove Register of Historic Resources, contained in Section 7.00.050 of the Municipal Code. For buildings or structures that do not meet the CEQA criteria for historical resource, no further mitigation is required.

If the building or structure can be preserved on site, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with the “Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings” (Weeks and Grimmer 1995).

If a significant historic building or structure is proposed for demolition, the City shall ensure that a qualified architectural historian thoroughly documents the building and associated landscaping, if applicable, and setting. Documentation shall be to the applicable level (short form, Level 1, Level II, or Level III) of Historic

American Building Survey or Historic American Engineering Record documentation. This is consistent with Section 700.080(B)(5) of the Elk Grove Municipal Code. A copy of the record shall be deposited with the City, Elk Grove Historical Society, and the North Central Information Center, at minimum. The record shall be accompanied by a report containing site-specific history and appropriate contextual information.

2.2.5 Revisions to South and West Study Areas

The Project includes revisions to the land use district program standards for both the South and West Study Areas. The South Study Area would serve as the second phase of the LEA that would build off development to the north. The land use district designations would be adjusted to increase industrial development with transitional neighborhoods and high density residential development. The West Study Area would include additional high density residential development, and rural and estate residential development. Medium density residential development, public services, and employment center development would be slightly reduced. The revised land use district program standards for the South and West Study Areas are shown in Tables 5 and 6, respectively. There are no changes proposed to the land use diagrams for the South and West Study Areas. Land use designations in Table 5 and Table 6 are intended to occur within the percentage ranges listed. If the land uses are required to be adjusted to support other land uses and meet the City’s regional housing needs allocation the other percentages would be adjusted to achieve an appropriate development pattern.

Table 5 South Study Area Use District – Revised Program Standards

Land Use District	Designations Allowed in District	Desired Land Use Range (Percent)	Desired Land Use Range (Acres)
Activity District	Community Commercial (CC)	1.5-2	50-75
	Regional Commercial (RC)		
	Employment Center (EC)	8-11	300-400
	Light Industrial/Flex (LI/FX)		
	Light Industrial (LI)		
	Heavy Industrial (HI)		
	General Neighborhood Residential (T3-R)	1.5-2	50-70
	Neighborhood Center Low (T3)	1.5-2	60-75
	Neighborhood Center Medium (T4)	1-1.5	30-50
	Neighborhood Center High (T5)		
	High Density Residential (HDR)	1-3 ^a	20-50
Parks and Open Space (P/OS)	3-6	120-200	
Residential Neighborhood District	Community Commercial (CC)	1-2	35-75
	Rural Residential (RR)	30-38	1,100-1,400
	Estate Residential (ER)		
	Low Density Residential (LDR)		
	Medium Density Residential (MDR)	6-8	225-300
	High Density Residential (HDR)	1.5-3 ^a	40-100
	Parks and Open Space (P/OS)	5-10 ^b	185-370
	Public Services (PS)	4-6 ^b	140-200
Resource Management and Conservation (RMC)	As needed to meet drainage requirements	TBD	
Open Space/Conservation District	Resource Management and Conservation (RMC)	8-11 ^c	300-400

^a percent of land use or as needed to meet regional housing needs allocation

^b percent of land use or as needed to support other land use

^c percent of land use or as needed to meet resource conservation standards and/or to provide floodplain buffer

Table 6 West Study Area Use District – Revised Program Standards

Land Use District	Designations Allowed in District	Desired Land Use Range (Percent)	Desired Land Use Range (Acres)
Activity District	Community Commercial (CC)	1-3	20-60
	Employment Center (EC)	3-5	60-100
	High Density Residential (HDR)	5-8 ^a	110-150
Residential Neighborhood District	Community Commercial (CC)	1-3	20-60
	Rural Residential (RR)	50-60	950-1,150
	Estate Residential (ER)		
	Low Density Residential (LDR)		
	Medium Density Residential (MDR)	8-10	150-190
	High Density Residential (HDR)	3-5 ^a	60-100
	Parks and Open Space (P/OS)	8-15 ^b	150-290
Public Services (PS)	5-8 ^b	100-150	
Open Space/Conservation District	Resources Management and Conservation (RMC)	2-8 ^b	40-150
	Public Services (PS)	2-8 ^b	40-150

^a percent of land use or as needed to meet regional housing needs allocation

^b percent of land use or as needed to support other land use

^c percent of land use or as needed to meet resource conservation standards and/or to provide floodplain buffer

2.3 DISCRETIONARY APPROVALS

The following actions would occur as part of this Project:

- ▶ Amend the City's General Plan to include the LEA Community Plan Area;
- ▶ Amend City's General Plan to include revisions to Mobility Policy MOB-1-1;
- ▶ Amend the City's Transportation Analysis Guidelines to include revisions to VMT thresholds and the screening map;
- ▶ Amend the Rural Area Community Plan to include the Grant Line Road Precise Roadway Study; and
- ▶ Amend General Plan EIR Mitigation Measure MM 5.5.1a and MM 5.5.1b.

3 ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15082 of the State CEQA Guidelines, the City prepared a Notice of Preparation (NOP) of an SEIR on February 18, 2022. It was submitted to the California State Clearinghouse and distributed to interested and affected federal, state, and local agencies; interested parties; and organizations. The NOP was circulated for 30 days, through March 21, 2022. A public scoping meeting was recorded and posted to the City's Project website. Concerns raised in response to the NOP were considered during preparation of the Draft SEIR. The NOP and all comments received on the NOP are presented in Appendix A of the Draft SEIR.

Assembly Bill 52 (Chapter 532, Statutes 2014) requires public agencies to consult with tribes during the CEQA process. A request was made to the California Native American Heritage Commission for a list of applicable tribes, and a notice to ten tribes was circulated on March 18, 2022. No requests for consultation were received by the City within the 30 calendar-day notification period.

The Draft SEIR includes an analysis of the following issue areas:

- ▶ Aesthetics;
- ▶ Air Quality;
- ▶ Archaeological, Historical, and Tribal Cultural Resources;
- ▶ Energy;
- ▶ Greenhouse Gas Emissions and Climate Change;
- ▶ Population, and Housing;
- ▶ Noise and Vibration;
- ▶ Public Services and Recreation;
- ▶ Transportation; and
- ▶ Utilities and Service Systems.

In addition, the Draft SEIR includes an analysis in Section 3.11 reevaluating impacts to the following issues areas from adopted area plans and specific plans in the Livable Employment Area:

- ▶ Agriculture,
- ▶ Biological Resources,
- ▶ Geology and Soils,
- ▶ Hazards and Hazardous Materials,
- ▶ Hydrology and Water Quality, and
- ▶ Land Use and Planning.

The City published the Draft SEIR for public and agency review on June 2, 2023. A 45-day public review period was provided, ending on July 17, 2023.

Consistent with Section 15202 of the State CEQA Guidelines, the City conducted a public meeting on the Draft SEIR at 6:00 p.m. on July 12, 2023 to provide an overview of the Draft SEIR and to invite public comments. During the public review period, the City received 5 comment letters from agencies and 2 letters from individuals. No comments were received during the public meeting.

Those comments relevant to CEQA were addressed in compliance with the State CEQA Guidelines (Sections 15088, 15132). The Final SEIR was released in August 2023. Public hearings are planned for September 2023.

The Final SEIR includes comments received on the Draft SEIR; responses to these comments; and revisions to the Draft SEIR, as necessary, in response to these comments or to amplify or clarify material in the Draft SEIR. The Draft and Final SEIR were made available for public review on the internet at <https://www.elkgrovecity.org/strategic-planning-and-innovation/kammerer-road-urban-design-study>. As discussed in Section 10, below, none of the changes to the Draft SEIR, or information added to the Draft SEIR, constitutes "significant new information" requiring recirculation of the Draft SEIR pursuant to PRC Section 21092.1 and State CEQA Guidelines Section 15088.5. A summary table of the impacts and mitigation measures is in the Mitigation Monitoring and Reporting Program.

4 GENERAL CEQA FINDINGS

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

Based on the entire record before the City of Elk Grove City Council and having considered the unavoidable significant impacts of the Project, the City of Elk Grove City Council hereby determines that all feasible mitigation within the responsibility and jurisdiction of the City of Elk Grove has been adopted to reduce or avoid the potentially significant impacts identified in the Final SEIR, and that no additional feasible mitigation is available to further reduce significant impacts. The feasible mitigation measures are discussed below in the findings, and are set forth in the MMRP.

Section 21081.6 of the Public Resources Code requires the City of Elk Grove City Council to adopt a monitoring or compliance program regarding the changes in the Project and mitigation measures imposed to lessen or avoid significant effects on the environment. The MMRP for the General Plan Amendments and Updates of VMT Standards is hereby adopted by the City of Elk Grove City Council because it fulfills the CEQA mitigation monitoring requirements:

- ▶ The MMRP is designed to ensure compliance with the changes in the Project and mitigation measures imposed on the Project during Project implementation; and
- ▶ Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements, or other measures.

4.2 CEQA GUIDELINES SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the administrative record, the City of Elk Grove City Council has made one or more of the following findings with respect to each of the significant effects of the Project:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly-trained workers, make infeasible the mitigation measures or alternatives identified in the Final SEIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.
2. Any remaining significant effects that have been found to be unavoidable are acceptable due to the overriding considerations set forth herein.

4.3 CITY OF ELK GROVE CITY COUNCIL INDEPENDENT JUDGMENT

The Final SEIR reflects the City of Elk Grove City Council's independent judgment. The City of Elk Grove City Council has exercised independent judgment in accordance with Public Resources Code 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

Having received, reviewed, and considered the information in the Final SEIR, as well as any and all other information in the record, the City of Elk Grove City Council hereby makes findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

4.4 NATURE OF FINDINGS

Any findings made by the City of Elk Grove City Council shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the City of Elk Grove City Council, whether or not any particular sentence or clause includes a statement to that effect. The City of Elk Grove City Council intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City of Elk Grove City Council with respect to any particular subject matter of the Final SEIR, shall be deemed to be made if it appears in any portion of these findings.

4.5 RELIANCE ON RECORD

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the Project.

RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6(e), the record of proceedings for the City of Elk Grove City Council's decision on the Project includes the following documents:

- ▶ The NOP for the Project and all other public notices issued in conjunction with the Project;
- ▶ All comments submitted by agencies or members of the public during the comment period on the NOP;
- ▶ The Draft SEIR for the Project and all appendices;
- ▶ All comments submitted by agencies or members of the public during the comment period on the Draft SEIR;
- ▶ The Final SEIR for the Project, including comments received on the Draft SEIR, responses to those comments, and appendices;
- ▶ Documents cited or referenced in the Draft SEIR and Final SEIR;
- ▶ The MMRP for the Project;
- ▶ All findings and resolutions adopted by the City Council in connection with the Project and all documents cited or referred to therein;
- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared in compliance with the requirements of CEQA and with respect to the City Council's action on the Project;
- ▶ All documents submitted by other public agencies or members of the public in connection with the Project, up through the close of the final public hearing;
- ▶ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the Project;
- ▶ Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
- ▶ Any and all resolutions adopted by the City of Elk Grove regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;

- ▶ Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- ▶ Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- ▶ Any other written materials relevant to the City of Elk Grove City Council's compliance with CEQA or its decision on the merits of the Project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the Project, or included in the City of Elk Grove City Council non-privileged retained files for the SEIR or Project;
- ▶ Any other materials required for the record of proceedings by PRC Section 21167.6(e); and
- ▶ The Notice of Determination.

The City of Elk Grove City Council intends that only those documents relating to the Project and its compliance with CEQA and prepared, owned, used, or retained by the City of Elk Grove and listed above shall comprise the administrative record for the Project. Only that evidence was presented to, considered by, and ultimately before the City of Elk Grove City Council prior to reviewing and reaching its decision on the SEIR and Project.

CUSTODIAN OF RECORDS

The custodian of the documents or other material that constitute the record of proceedings upon which the City of Elk Grove City Council's decision is based is identified as follows:

City of Elk Grove
City Clerk
8401 Laguna Palms Way
Elk Grove, California 95758

RECIRCULATION NOT REQUIRED

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines, Section 15088.5(a).) "Significant new information," as defined in State CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a "substantial adverse environmental effect" or a "feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

An example of significant new information provided by the State CEQA Guidelines is a disclosure showing that a "new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented;" that a "substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance;" or that a "feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it." (CEQA Guidelines, Section 15088.5(a)(1)-(3).)

Recirculation is not required where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." (CEQA Guidelines, Section 15088.5(b).) Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies.

In this legal context, the City of Elk Grove City Council finds that recirculation of the Draft SEIR prior to certification is not required. In addition to providing responses to comments, the Final SEIR includes revisions to expand upon information presented in the Draft SEIR; explain or enhance the evidentiary basis for the Draft SEIR's findings; update

information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft SEIR. The Final SEIR's revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final SEIR demonstrates that the Project will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft SEIR. The changes reflected in the Final SEIR also do not indicate that meaningful public review of the Draft SEIR was precluded in the first instance. Accordingly, recirculation of the SEIR is not required as revisions to the SEIR are not significant as defined in Section 15088.5 of the State CEQA Guidelines.

4.6 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The City of Elk Grove City Council certifies that the Final SEIR has been completed in compliance with CEQA and the State CEQA Guidelines, that the SEIR was presented to the City of Elk Grove City Council, and that the City Council reviewed and considered the information contained therein before approving the proposed General Plan Amendments and Updates of VMT Standards, and that the SEIR reflects the independent judgment and analysis of the City of Elk Grove City Council. (CEQA Guidelines Section 15090.)

5 FINDINGS REQUIRED UNDER CEQA

This statement of Findings of Fact (Findings) and Statement of Overriding Considerations addresses the environmental effects associated with the General Plan Amendments and Updates of VMT Standards (Project). These Findings are made pursuant to CEQA under Sections 21081, 21081.5, and 21081.6 of the Public Resources Code and Sections 15091 and 15093 of the CEQA Guidelines, Title 14, Cal. Code Regs. 15000, et seq (CEQA Guidelines). The potentially significant impacts were identified in the Final SEIR that includes the Draft SEIR.

Public Resources Code Section 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The City is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines. Section 15091 of the CEQA Guidelines states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code Section 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

Section 15093 of the State CEQA Guidelines state that:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final SEIR for the Project identified potentially significant effects that could result from Project implementation. However, the City finds that the inclusion of one mitigation measure as part of the Project approval will reduce most, but not all, of those effects to less than significant levels. Those impacts that are not reduced to less than significant levels are identified and overridden due to specific Project benefits in a Statement of Overriding Considerations.

In accordance with CEQA and the CEQA Guidelines, the City adopts these Findings as part of its certification of the Final SEIR for the Project. Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the City of Elk Grove City Council also finds that the Final SEIR reflects the City Council's independent judgment as the lead agency for the Project. As required by CEQA, the City, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the Project. The City finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the Project.

6 RELATIONSHIP WITH FINDINGS MADE ASSOCIATED WITH CITY OF ELK GROVE GENERAL PLAN UPDATE EIR AND ADOPTION OF THE GENERAL PLAN

The City certified the City of Elk Grove General Plan EIR and adopted the General Plan on February 27, 2019. This action included the adoption of the Elk Grove General Plan Update CEQA Findings and Statement of Overriding Considerations that addressed significant impacts identified in the General Plan EIR. The General Plan was amended in January 2021 for the City of Elk Grove Multi-Sport Complex and Southeast Industrial Annexation Area Project. This action included adoption of the City of Elk Grove Multi-Sport Complex and Southeast Industrial Annexation Area Project CEQA Findings and Statement of Overriding Considerations that addressed new significant impacts not included in the original General Plan EIR. The General Plan was amended a second time in May 2021 with subsequent amendments in December of 2021 for the 2012-2029 Housing Element and Safety Element Update. This action included the adoption of the 2012-2029 Housing Element and Safety Element Update CEQA Findings and Statement of Overriding Considerations that addressed new significant impacts identified in the 2021-2029 Housing Element and Safety Element Update SEIR that were not included in the original General Plan EIR.

The Project would replace existing land uses and policy provisions of the General Plan. The Final SEIR identified that the Project would have environmental effects that would result in a substantial increase in severity of significant environmental impacts identified in the General Plan EIR pursuant to State CEQA Guidelines Section 15162 that are disclosed in these findings.

The City Council readopts the Elk Grove General Plan Update CEQA Findings and Statement of Overriding Considerations, Multi-Sport Complex and Southeast Industrial Annexation Area Project CEQA Findings and Statement of Overriding Considerations, and the 2012-2029 Housing Element and Safety Element Update Findings and Statement of Overriding Considerations for impacts where the Final SEIR did not identify any new significant environment effects or a substantial increase in severity of environmental effects disclosed in the General Plan EIR. The Elk Grove General Plan Update CEQA Findings and Statement of Overriding Considerations, as well as the 2012-2029 Housing Element and Safety Element Update CEQA Findings and Statement of Overriding Considerations, and the Multi-Sport Complex and Southeast Industrial Annexation Area Project CEQA Findings and Statement of Overriding Considerations are incorporated by reference herein by this reference. They are on file and available from the City Clerk under City Council Resolutions 2019-035, 2021-128, and 2021-032, respectively. The CEQA Findings and Statement of Overriding Considerations for the other CEQA documents referenced as part of the SEIR (Southeast Policy Area Strategic Plan EIR, Sterling Meadows Tentative Subdivision Map EIR, Laguna Ridge Specific Plan EIR, and Lent Ranch Marketplace Special Planning Area EIR) are also incorporated by reference herein. They are on file and available from the City Clerk under City Council Resolutions 2014-151, 2008-121, 2019-281, and 2001-42, respectively.

7 FINDINGS REGARDING IMPACTS THAT ARE NOT SIGNIFICANT

This section identifies those impacts where the Final SEIR did not identify any new significant environment effects or a substantial increase in severity of environmental effects disclosed in the General Plan EIR. This section also identifies those potentially significant impacts that would be reduced to a less-than-significant impact through implementation of mitigation measures. Additionally, this section includes findings for the analysis conducted to reevaluate Project impacts in comparison to adopted area plans and specific plans in the Livable Employment Area Community Plan, including the Southeast Policy Area Strategic Plan EIR, Laguna Ridge Specific Plan EIR, Sterling Meadows Tentative Subdivision Map EIR, and Lent Ranch Marketplace Special Planning Area EIR. These impacts were addressed in Draft SEIR Section 3.11, "Environmental Impacts and Mitigation Addressed in Previous EIRs." Although this section includes new mitigation in comparison to mitigation provided for the adopted area plans and specific plans new significant impacts would not occur beyond those determined in adopted area plans and specific plans in the Livable Employment Area. The reader is referred to Section 6 and Attachment A regarding CEQA findings associated with impacts identified in the General Plan EIR.

7.1 SECTION 3.2: AIR QUALITY

Impact 3.2-3: Exposure of Sensitive Receptors to Substantial Carbon Monoxide Pollutant Concentrations

The General Plan EIR Impact 5.3.3 concluded that the Project would not contribute to localized concentrations of mobile-source carbon monoxide (CO) impacts. Implementation of the Project would include land use amendments that would result in distribution of vehicle trips throughout the City; however, this redistribution would not result in a new CO impact. Based on modeling performed for this analysis, the maximum development proposed for the Project could generate a maximum of 24,200 daily trips; however, the trips would be distributed throughout the City and into the region and would not be focused within one intersection exclusively. Therefore, there is no new effect and the impact is not substantially more severe than the impact identified in the General Plan.

Mitigation Measures

No additional mitigation is required.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

7.2 SECTION 3.3: ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

Impact 3.3-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource

General Plan EIR Impact 5.5.1 determined that implementation of the General Plan could result in impacts to historical resources and identified that implementation of Mitigation Measure MM 5.5.1a and MM 5.5.1b would reduce this impact to a less-than-significant level. Future development associated with the Project could be located on properties that contain previously unevaluated historic-age buildings or structures which could result in damage to or destruction to these features. If they are found to be eligible for listing in the NRHP, CRHR, or the Elk Grove Register of Historic Resources, the impact to historical resources would be potentially significant. All projects within the City would be subject to adopted General Plan Mitigation Measure MM 5.5.1a and MM 5.5.1b. As part of the Project adopted Mitigation Measures MM 5.5.1a and MM 5.5.1b would be modified to provide additional clarity and separate the requirements and procedures for historical resources from archaeological resources. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Mitigation Measures

No new mitigation is required beyond compliance with General Plan Policy HR-2-1 and implementation of adopted General Plan Mitigation Measure MM 5.5.1b, as revised.

Mitigation Measure MM 5.5.1b

As part of the development review process for projects involving modification to existing buildings and structures, require all affected buildings and structures over 50 years of age to be evaluated for historical significance, using the significance criteria set forth for historic resources under CEQA Guidelines Section 15064.5, which are also the criteria for listing in the Elk Grove Register of Historic Resources, contained in Section 7.00.050 of the Municipal Code. For buildings or structures that do not meet the CEQA criteria for historical resource, no further mitigation is required.

If the building or structure can be preserved on site, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with the "Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" (Weeks and Grimmer 1995).

If a significant historic building or structure is proposed for demolition, the City shall ensure that a qualified architectural historian thoroughly documents the building and associated landscaping, if applicable, and setting. Documentation shall be to the applicable level (short form, Level I, Level II, or Level III) of Historic American Building Survey or Historic American Engineering Record documentation. This is consistent with Section 7.00.080(B)(5) of the Elk Grove Municipal Code. A copy of the record shall be deposited with the City, Elk Grove Historical Society, and the North Central Information Center, at minimum. The record shall be accompanied by a report containing site-specific history and appropriate contextual information.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no additional mitigation measures are required. The modified mitigation measure will be adopted and included as part of the Mitigation Monitoring and Reporting Program for the Project.

Impact 3.3-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources

General Plan EIR Impact 5.5.1 determined that implementation of the General Plan could result in significant impacts to archaeological resources and identified that implementation of Mitigation Measures 5.5.1a and 5.5.1b would reduce this impact to a less-than-significant level. Future development associated with the Project could be located on properties that contain known or unknown archaeological resources and ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in CEQA Guidelines Section 15064.5. This would be a potentially significant impact. However, all projects within the City would be subject to adopted General Plan Mitigation Measure MM 5.5.1a. As part of the Project adopted Mitigation Measure MM 5.5.1a would be modified to provide additional clarity and separate the requirements and procedures for archaeological resources from historical resources. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Mitigation Measures

No new mitigation is required beyond implementation of adopted General Plan EIR Mitigation Measure MM 5.5.1a, as revised.

Mitigation Measure MM 5.5.1a

Prior to the approval of subsequent development projects in the Planning Area, the City shall determine the level of archaeological sensitivity based on the previously prepared confidential archaeological sensitivity map, in combination with the level of previous disturbance of the project area and anticipated level of ground disturbance, as shown below.

	Developed, proposed ground disturbance less than 24"	Not previously developed, proposed ground disturbance less than 24"	Developed, proposed ground disturbance more than 24"	Not previously developed, proposed ground disturbance below 24"
low area of archaeological sensitivity	minimum investigation	minimum investigation	minimum investigation	moderate investigation
medium area of archaeological sensitivity	minimum investigation	moderate investigation	moderate investigation	intensive investigation
high area of archaeological sensitivity	moderate investigation	intensive investigation	intensive investigation	intensive investigation

- ▶ Minimum Investigation: Implement Mitigation Measure 5.5-1a(1).
 - ▶ Moderate Investigation: Implement Mitigation Measure 5.5-1a(1) and (2).
 - ▶ Intensive Investigation: Implement Mitigation Measure 5.5-1a(1), (2), and (3).
- 1) Unless the project qualifies for part (2) below, no cultural resources study shall be required as part of the project consideration. If archaeological materials or tribal cultural resources are discovered during grading or construction activities within the project site, work shall halt immediately within 50 feet of the discovery, the Planning Division shall be notified, and a qualified professional shall be retained. As related to archaeological materials, a professional archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in archaeology shall determine the significance of the discovery. As related to tribal cultural resources, a "qualified professional" consists of the geographically and culturally affiliated tribe.

If resources are determined to be potentially significant, the City shall require the preparation of a treatment plan and report of findings for archaeological and tribal cultural resources by a qualified professional. The City and the applicant shall consult and agree to implement all measures the City deems feasible. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The applicant shall be required to implement measures necessary for the protection and documentation of archaeological and tribal cultural resources.
 - 2) A detailed cultural resources study of the subject property shall be conducted by either the City or the applicant and then peer reviewed by the City. The report shall include a records search of the North Central Information Center, the Native American Heritage Commission, tribal outreach, and a pedestrian field survey. The cultural resources study shall identify, evaluate, and mitigate impacts to archaeological and tribal cultural resources as defined by CEQA and/or the NHPA. Mitigation methods to be employed include, but are not limited to, the following:
 - ▶ Redesign of the project to avoid the resource. The resource site shall be deeded to a nonprofit agency to be approved by the City for maintenance of the site.
 - ▶ If avoidance is determined to be infeasible by the City, the resource shall be mapped, stabilized, and capped pursuant to appropriate standards.
 - ▶ If capping is determined infeasible by the City, the resource shall be recovered to appropriate standards.
 - 3) Prior to the start of any ground disturbing activities, a qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall be retained to develop a construction worker awareness brochure. This brochure shall be distributed to all construction personnel and supervisors who will have the potential to encounter cultural resources. The topics to be addressed in the Worker Environmental Awareness Program will include, at a minimum:

- ▶ types of cultural resources expected in the project area;
- ▶ what to do if a worker encounters a possible resource;
- ▶ what to do if a worker encounters bones or possible bones; and
- ▶ penalties for removing or intentionally disturbing cultural resources, such as those identified in the Archeological Resources Protection Act

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no additional mitigation measures are required. The modified mitigation measure will be adopted and included as part of the Mitigation Monitoring and Reporting Program for the Project.

Impact 3.3-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

No California Native American tribes responded to AB 52 notification letters, however, one tribal cultural resource is known to exist in the Planning Area. It is possible that additional tribal cultural resources could be identified during analysis of subsequent projects associated with the Project. General Plan EIR Impact 5.5.1 determined that implementation of the General Plan could result in impacts to tribal cultural resources and identified that implementation of Mitigation Measures 5.5.1a and 5.5.1b would be required. However, compliance with PRC Section 21080.3.2 and Section 21084.3 (a) would reduce this impact to less than significant. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with revised Mitigation Measures MM 5.5.1a and MM 5.5.1b, shown above, and California PRC 21081.3.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no additional mitigation measures are required.

Impact 3.3-4: Disturb Human Remains

It is possible that ground-disturbing construction activities associated with the Project could uncover previously unknown human remains. General Plan EIR Impact 5.5.1 determined that implementation of the General Plan could result in impacts to the disturbance of human remains and identified that implementation of Mitigation Measure MM 5.5.1b would be required. However, compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 would reduce this impact less than significant. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with California Health and Safety Code Section 7050.5 and California PRC Section 5097.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no additional mitigation measures are required.

7.3 SECTION 3.4: ENERGY

Impact 3.4-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy during Project Construction or Operation

The General Plan EIR Impact 5.7.3 evaluated the energy consumption associated with the land uses proposed under the General Plan and concluded that energy consumption would not be wasteful, inefficient, or unnecessary because development would be required to comply with the most recent versions of the California Energy Code and actions under the Elk Grove Climate Action Plan (CAP) that include zero net energy requirements in 2020 and 2030 for residential and commercial development. Implementation of the Project could result in the consumption of additional energy supplies during construction in the form of gasoline and diesel fuel consumption; however, this energy expenditure would not be considered wasteful when compared to other construction projects. Operation of development facilitated by the Project would also result in additional energy consumption but would be required to comply with the most recent version of the California Energy Code and the CAP. Implementation of the Project would be required to comply with these standards and would not result in a new or substantially more severe energy impacts that was addressed in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with the City's CAP and the 2022 California Energy Code and any subsequent code updates.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 3.4-2: Conflict with or Obstruction of a State or Local Plan for Renewable Energy or Energy Efficiency

The General Plan EIR Impact 5.7.3 evaluated consistency with applicable state or local plans for renewable energy and energy efficiency and concluded that the land use under the General Plan would not conflict with an applicable plan. Implementation of the Project could increase energy demands compared to existing conditions; however, development would be required to comply with applicable California Energy Code requirements. Additionally, the City's CAP contains several measures that would apply to subsequent development that would reduce overall energy demand. As a result, implementation of the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the Project would not have a more severe impact than what was identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with the City's CAP, including measures BE-1, BE-5, BE-6, BE-7, BE-8, and ACM-5, and Municipal Code Chapter 16.07 and Section 23.58.120.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

7.4 SECTION 3.6: NOISE AND VIBRATION

Impact 3.6-1: Construction Activities Could Result in a Substantial Temporary Increase in Noise Levels at Nearby Noise-Sensitive Land Uses

The General Plan EIR Impact 5.10.1 determined that the potential noise generation from construction activities could result in a substantial temporary increase in noise levels, but impacts would be less than significant with adherence to the Elk Grove Municipal Code (EGMC) and General Plan policies. Potential construction noise impacts would be

reduced by adherence to the EGMC (Chapter 6.32, Noise Control) and General Plan Policy N-1-7, which addresses potential impacts on current and future sensitive land uses associated with construction noise by setting allowable construction hours to limit impacts on sensitive land uses. Additionally, the City may require site-specific assessment and mitigation for future development under the Project to reduce construction noise. Finally, development facilitated by the Project would be subject to Policy N-1-8 that may require applicants to assess and minimize potential construction noise impacts on nearby sensitive receivers. However, development in the LEA Community Plan Area would be required to adhere to mitigation requirements to reduce construction noise, as modified in the Draft SEIR as Mitigation Measure 3.6-1. Construction activities associated with implementation of the Project would be similar to construction activities anticipated under the current General Plan. Development as part of the Project would be required to comply with these standards as well as General Plan Policy N-1-7 and N-1-8 and development in the LEA Community Plan Area would be required to adhere to Mitigation Measure 3.6-1. The Project would not result in new or substantially more several impacts related to construction noise.

Mitigation Measures

Mitigation Measure 3.6-1 Construction Noise Reduction Measures for the LEA Community Plan Area

The following mitigation measures shall be implemented and specified on subsequent project building and improvement plans:

- ▶ Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and shrouds, in accordance with manufacturers' recommendations.
- ▶ Construction equipment staging areas shall be centrally located on the site or located at the farthest distance possible from nearby residential land uses.
- ▶ All motorized construction equipment and vehicles shall be turned off when not in use.
- ▶ To the extent feasible, alternative construction processes that generate lower noise levels shall be selected. Examples include the use of drilled piles as opposed to impact piles, use of electrified equipment as opposed to combustion engines, and temporary noise barriers or noise curtains installation such that they block the line of sight between the noise source and the receiver.
- ▶ Post visible signs along the perimeter of the construction site that disclose construction times and duration, as well as a contact number for a noise complaint and enforcement manager. The on-site noise complaint and enforcement manager's duties shall include documenting noise complaints, responding to and investigating noise-related complaints, implementing any feasible and appropriate measures to reduce noise at the receiving land uses, and reporting the complaints to City staff on a weekly basis.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no additional mitigation measures are required.

Impact 3.6-3: Future Development Could Expose Existing Noise-Sensitive Land Uses to New Non-Transportation Noise Sources that Could Exceed the City's Applicable Noise Standards

General Plan EIR Impact 5.10.3 determined that potential noise generation from future development could expose existing noise-sensitive land uses to new non-transportation noise sources that could exceed the City's applicable noise standards. Specific to residential land uses, the General Plan EIR identified lawn and garden equipment, voices, and amplified music as potential noise sources associated with residential land uses. Operational noise associated with commercial and industrial land uses typically consists of site-specific mechanical building equipment (e.g., heating equipment, HVAC systems) and other types of machinery. The General Plan EIR identified Section 6.32.110 of the EGMC as containing hourly noise standards that apply to non-transportation noise sources. Additionally, General Plan Policy N-2-1 indicates that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed noise level standards. Development facilitated by the Project would be required to comply with

these standards and would not result in new or substantially more severe noise impacts than addressed in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with General Plan Policy N-2-1 and Municipal Code Section 6.32.110.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 3.6-4: Result in Development Projects Involving that Could Expose Receptors to Excessive Groundborne Vibration

General Plan EIR Impact 5.10.4 determined that potential vibration generation from construction and operation could occur as a result of the Project. Long-term vibration was mainly associated with transit system routes and maintenance activities, and vibration from increased traffic would not be perceptible. Short-term vibration associated with construction could be substantial for activities such as pile driving and vibratory rolling. Adherence to Policy N-1.9 was identified as having a mitigating effect on construction vibration and the impact was determined to be less than significant. Implementation of the Project would be required to comply with these standards and would not result in new or substantially more severe vibration impacts.

Mitigation Measures

No additional mitigation is required beyond compliance with General Plan Policy N-1-9 and Municipal Code Section 6.32.100.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

7.5 SECTION 3.7: POPULATION, EMPLOYMENT, AND HOUSING

Impact 3.7-1: Induce Substantial Population Growth

General Plan EIR Section 3.3 determined that implementation of the General Plan would exceed SACOG's population and housing projections for Elk Grove. The Project would accommodate up to 563 net new dwelling units, 121,885 jobs, and approximately 1,824 net new persons beyond the General Plan. This growth would exceed projections assumed under the City's General Plan and regional planning efforts completed by SACOG. The Project would not indirectly induce unplanned population growth or residential development. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Mitigation Measures

No mitigation is required.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

7.6 SECTION 3.8: PUBLIC SERVICES AND RECREATION

Impact 3.8-1: Require Construction of New Fire Protection Facilities, Resulting in Adverse Environmental Impacts

The General Plan EIR Impact 5.11.1.1 determined that where new growth areas within the City have been identified, new fire stations are planned to accommodate the anticipated growth and no significant impacts would occur. Compliance with applicable regulations and existing General Plan policies would ensure new fire station siting and resources are available. If new fire protection facilities are proposed, environmental review for the new facility would be conducted as appropriate. Project impacts associated with the construction of needed fire protection facilities would not result in a new or substantially more severe construction impacts than disclosed in the technical sections of the General Plan EIR. Buildout projected under the Project would be required to comply with applicable regulations and policies.

Mitigation Measures

No additional mitigation is required for this impact beyond compliance with EGMC Chapters 16.85 and 17.04 and General Plan Policies ER-4-1, ER-4-2, SAF-1-3, and SAF-1-4.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 3.8-2: Require Construction of New Law Enforcement Facilities, Resulting in Adverse Environmental Impacts

General Plan EIR Impact 5.11.1.2 indicated that police services operate out of a centralized facility at the City Hall complex and additional police services to accommodate development can be accomplished through additional personnel and equipment and no significant impacts would occur. Relative to the General Plan EIR, the Project would not result in new or substantially more severe impacts related to law enforcement. In addition, Elk Grove General Plan Policy SAF-1-1 directs regular monitoring and review of the level of police staffing provided in Elk Grove and ensures that sufficient staffing and resources are available to serve local needs. The addition of new officers and/or administrative staff would not require a new or expanded police facility because EGPD operations would continue within the centralized facility at the City Hall complex and additional police services to accommodate development can be accomplished through additional personnel and equipment.

Mitigation Measures

No additional mitigation is required beyond compliance with General Plan Policy SAF-1-1.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 3.8-4: Require Construction of New Park or Recreation Facilities, resulting in Adverse Environmental Impacts

Impact 5.11.4.1 of the General Plan EIR identifies that increased development would increase the demand on existing recreational facilities and require the development of new recreational facilities and no significant impacts would occur. Construction of park facilities would be subject to policies, standards, and mitigation measures from the General Plan and the General Plan EIR, or the mitigation identified in project-specific mitigation monitoring and reporting programs. No new or substantially more severe impacts would be associated with implementation of the Project.

Mitigation Measures

No mitigation is required for this impact beyond compliance with General Plan Policies PT-1-3, PT-1-5, PT-1-6, and PT-1-9, City and CCSD MOU, and EGMC Chapter 22.40.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

7.7 SECTION 3.9: TRANSPORTATION

Impact 3.9-2: Impacts on Transit, Bicycle, and Pedestrian Facilities

General Plan EIR Impact 5.13.7 identified that implementation of the General Plan would not result in conflicts with plans, policies, or programs for transit, bicycle, and pedestrian facilities. Implementation of the Project would be subject to and implement General Plan policies applicable to transit, bicycle, and pedestrian facilities and service. Additionally, subsequent development projects under the Project would be subject to all applicable City guidelines, standards, and specifications related to transit, bicycle, or pedestrian facilities. Therefore, there is no new significant effect, and the impact is not more severe than what was addressed in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with the *Bicycle, Pedestrian, and Trails Master Plan* and General Plan Policies MOB-1-2, MOB-3-1, MOB-3-7, MOB-3-8, MOB-5-4, MOB-5-6, MOB-5-7, and H-1-3.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 3.9-3: Substantially Increase Hazards Because of a Design Feature or Incompatible Uses

No significant design hazard impacts were identified in the General Plan EIR. Implementation of the Project would be subject to, and constructed in accordance with, applicable roadway design and safety guidelines and General Plan policies. Therefore, the Project would not increase hazards because of a roadway design feature or incompatible uses. There is no new significant effect, and the impact is not more severe than what was addressed in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond General Plan Policy MOB-3-10 and compliance with City standards and specifications.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 3.9-4: Result in Inadequate Emergency Access

General Plan EIR Impact 5.13.6 evaluated whether implementation of the General Plan would result in inadequate emergency access. The analysis concluded that implementation of the General Plan would not alter land use patterns in a way that would impact emergency access. The internal circulation network and any changes to the external circulation network associated with the development facilitated by the Project would be subject to review by the City of Elk Grove and responsible emergency service agencies. Additionally, future development would be subject to General Plan Policy SAF-1-6 that requires adequate emergency access for new development projects. Compliance with General Plan policies and review of emergency access for individual projects by the City would ensure all applicable emergency access and design standards would be met and adequate emergency access would be provided. There is no new significant effect, and the impact is not more severe than what was addressed in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with City and Cosumnes Community Services District Fire Department standards.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

7.8 SECTION 3.10: UTILITIES AND SERVICE SYSTEMS**Impact 3.10-2: Adverse Impacts on Wastewater Treatment Capacity**

General Plan EIR Impact 5.12.2.1 evaluated whether implementation of the General Plan would increase demand for wastewater treatment. General Plan EIR Impact 5.12.2.2 evaluated whether implementation of the General Plan would require the construction of new or expanded wastewater infrastructure, which could result in impacts to the physical environmental effects. The analyses both concluded that while the General Plan would increase demand for wastewater treatment, facility plans would have sufficient capacity to serve the additional wastewater. The proposed housing sites that would require redesignation of General Plan land uses under the Housing Element Update could generate approximately 0.04 million gallons per day (mgd) of wastewater beyond the amount anticipated under the adopted General Plan. The Sacramento Regional Wastewater Treatment Plan (SRWTP) has been master planned to accommodate additional growth. Therefore, the additional wastewater services resulting from the Project would not result in a new or substantially more severe impacts than was addressed in the General Plan EIR.

Mitigation Measures

No mitigation is required.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 3.10-3: Adverse Impacts on Landfill Capacity and Compliance with Applicable Solid Waste Regulations

General Plan EIR Impact 5.12.3.1 concluded that increased demand for solid waste services associated with implementation of the General Plan would not result in significant environmental impacts. Implementation of the Project could result in increased solid waste generation associated with proposed residential, commercial, and industrial development that would require redesignation of General Plan land uses. There is substantial remaining capacity in the landfills serving local waste haulers, with an average remaining capacity of more than 70 percent. All future development projects associated with the Project would be required to comply with all applicable solid waste regulations, including the City's Space Allocation and Enclosure Design Guidelines for Trash and Recycling. Therefore, the additional solid waste services resulting from the Project would not result in a new or substantially more severe impacts than were addressed in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with the City's existing recycling programs and associated regulations, we well as EGMC Section 30.70.030(C).

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no additional mitigation measures are required.

7.9 SECTION 3.11: ENVIRONMENTAL IMPACTS IN PREVIOUS EIRS

Impact 3.11-3: Adverse Impacts to Geology and Soils

Geology and soils impacts were determined to be less than significant with mitigation in the General Plan EIR and certified CEQA documents that cover portions of the LEA Community Plan Area (i.e., Southeast Policy Area Strategic Plan EIR, Laguna Ridge Specific Plan EIR, Sterling Meadows Tentative Subdivision Map EIR, and Lent Ranch Marketplace Special Planning Area EIR). Subsequent development would be required to comply with applicable General Plan policies, Elk Grove Municipal Code (which include erosion control standards comparable to mitigation measures identified in Appendix G), and adopted Mitigation Measure MM 5.6.5 "Paleontological Resources Avoidance and Minimization" from the General Plan EIR. Because this issue was evaluated in the General Plan EIR and other previous EIRs and the proposed footprint of development has not changed from the General Plan EIR there would be no additional geology and soils impacts as a result of implementing the Project. There is no new significant effect, and the impact is not more severe than the impact identified in the General Plan EIR.

Mitigation Measures

No mitigation is required beyond compliance with existing laws, existing and proposed General Policies, and General Plan Mitigation Measure MM 5.6.5.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no additional mitigation measures are required.

Impact 3.11-5: Adverse Impacts from Hazard and Hazardous Materials

Hazardous materials impacts were determined to be less than significant with mitigation in the General Plan EIR Chapter 5.8. Projects would be required to comply with applicable regulations, General Plan policies, and General Plan EIR Mitigation Measure 5.5.2 that requires preparation of a Phase I Environmental Site Assessment for future projects. The Project would not change the development footprint for the LEA Community Plan Area, Precise Study Area, or South and West Policy Areas and there would not be additional development within 0.25 mile of a school. Because this issue was evaluated in the General Plan EIR and other environmental documents for the City's special planning areas and the proposed footprint of development has not changed from the General Plan EIR there would be no additional hazardous materials impacts as a result of implementing the Project.

Mitigation Measures

Mitigation Measure 3.11-12 Soil Contaminant Evaluation for the LEA Community Plan Area

With each improvement plan and/or grading plan application, the Project applicant shall include a detailed assessment of soil contamination associated with previous herbicide/pesticide use on the site. Soil sampling shall be conducted within the areas of potential herbicide/pesticide contamination. If substances are detected at concentrations that could pose a health hazard and/or violate local, State, or federal health standards, remediation of the affected areas shall be undertaken in accordance with the requirements of the City of Elk Grove and the Sacramento County Environmental Management Department. Development of the site shall not commence until the site is deemed remediated and clear for development by the City in consultation with the Sacramento County Environmental Management Department.

Mitigation Measure 3.11-13 Asbestos and Lead Prevention in the LEA Community Plan Area

Prior to the issuance of demolition permits for existing onsite structures constructed prior to 1979, asbestos material sampling shall be conducted to determine if asbestos containing building materials are present. Any identified asbestos containing building materials present in each of the structures to be dismantled shall be removed under acceptable engineering methods and work practices by a licensed asbestos abatement contractor prior to removal. These practices include, but are not limited to: containment of the area by plastic, negative air filtration, wet removal techniques, and personal respiratory protection and decontamination. The process shall be designed and monitored

by a California Certified Asbestos Consultant. The abatement and monitoring plan shall be developed and submitted for review and approval by the Sacramento Metropolitan Air Quality Management District.

Prior to the issuance of demolition permits for existing onsite structures that were constructed prior to 1970, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, State, and federal regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take precautions in accordance with local, state, and federal regulations to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint.

Mitigation Measure 3.11-14 Utility Hazard Avoidance in the LEA Community Plan Area

Prior to approval of improvement plans and/or a grading permit for development of properties that contain transformers, the City Planning Department shall consult with SMUD, which owns and operates the transformers, to determine whether onsite transformers are to be abandoned, moved, upgraded, etc. Together, the City Planning Department and SMUD shall develop a plan for dealing with all of the transformers located within the Project area. Future actions associated with the transformers may be implemented as individual development Projects are proposed.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no additional mitigation measures are required.

Impact 3.11-5: Adverse Impacts to Hydrology and Water Quality

Hydrology and water quality impacts related to water quality, flooding, groundwater recharge, and drainage were determined to be less than significant in the General Plan EIR Chapter 5.9 and certified CEQA documents that cover portions of the LEA Community Plan Area (i.e., Southeast Policy Area Strategic Plan EIR, Laguna Ridge Specific Plan EIR, and Sterling Meadows Tentative Subdivision Map EIR, Lent Ranch Marketplace Special Planning Area EIR). Specifically, the planned drainage facilities serving the LEA Community Plan area were considered in the Southeast Policy Area Strategic Plan EIR and the Lent Ranch EIR and Sterling Meadows EIR. The Project would not change the extent or character of land disturbance from what was evaluated in the General Plan EIR. Because this issue was evaluated in the General Plan EIR and other previous and the proposed footprint of development has not changed from the General Plan EIR there would be no additional hydrology impacts as a result of the Project.

Mitigation Measures

Mitigation Measure 3.11-15 Stormwater Retention for the LEA Community Plan Area

Grading plans for individual development projects in the LEA Community Plan Area shall be designed in such a way to direct all overland flow into proposed on-site detention basins. If this is not feasible, separate stormwater quality treatment facilities shall be constructed and a detailed drainage study shall be completed which demonstrates that the overall flood control and hydromodification goals for the watershed, contained in the City's Storm Drainage Master Plan, are still met.

Mitigation Measure 3.11-16 Drainage Report for the LEA Community Plan Area

New development in the LEA Community Plan Area shall be accompanied by site-specific drainage report. The project drainage report shall be reviewed and approved by the City prior to improvement plan approval for new development. The project drainage report shall include, at a minimum, written text addressing existing conditions, the effects of project improvements, all appropriate calculations, a watershed map, potential increases in downstream flows and volumes, proposed on-site improvements, and drainage easements, if necessary, to accommodate flows from the site. The sites specific drainage plans shall ensure that peak flows from developed areas do not exceed pre-development conditions. Site-specific drainage reports shall demonstrate consistency with the Southeast Policy Area Drainage Study.

Impact 3.11-6: Adverse Land Use and Planning Impacts

Land use and roadway changes that would be implemented by the Project are designed to further implement the vision, intent, and goals of the General Plan, therefore, creating no new land use impacts. Additionally, proposed development would be consistent with goals and policies in the General Plan, as discussed throughout this SEIR. The Project would not change the extent or character of land disturbance from what was evaluated in the General Plan EIR (no change in the City's planned development footprint).

Mitigation Measures

None required.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

7.10 CHAPTER 4: CUMULATIVE IMPACTS

Impact 4-4: Historic Resources, Archaeological Resources, Tribal Cultural Resources, and Human Remains

General Plan EIR Impact 5.5.2 evaluated whether implementation of the General Plan would have the potential to contribute to cumulative impacts on cultural resources, including archaeological and historic resources, as well as interred human remains, and determined that the impact was less than cumulatively considerable. The past, present, and foreseeable projects have affected, or will affect, cultural resources throughout the region despite the federal, State, and local laws designed to protect them. These laws have led to the discovery, recording, preservation, and curation of artifacts and historic structures; however, more have been destroyed in the period before preservation efforts began or are inadvertently destroyed during grading and excavation for construction. For these reasons, cumulative impacts on cultural resources in the region are significant. The analysis noted that implementation of mitigation measures MM 5.5.1a and MM 5.5.1b would ensure that the General Plan's contribution to the cumulative impact would remain less than cumulatively considerable as identified in the General Plan EIR.

As identified in Impacts 3.3-1, 3.3-2, 3.3-3, and 3.3-4 of the Draft SEIR, development facilitated by the Project would include development of previously disturbed areas where undiscovered subsurface resources may exist similar in extent to the General Plan because the extent of assumed land disturbance would not change from what was evaluated in the General Plan EIR. While the Project would increase the density of development compared to what was assumed in the General Plan EIR, development facilitated by the Project would be required to comply with adopted mitigation measures requiring a cultural resources study and handling of discoveries. Adherence to applicable codes and regulations as well as implementation of Mitigation Measures MM 5.5.1a and MM 5.5.1b, as revised for the Project, would ensure that the Project's contribution to the cumulative impact are offset. Therefore, the Project would not result in a new or greater contribution to cumulative effects to historic resources, archaeological resources, tribal cultural resources, and human remains beyond what was identified in the General Plan EIR. The Project's contribution to the significant cumulative impact would remain less than cumulatively considerable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with General Plan policies HR-2-1, revised Mitigation Measures 5.5-1a and 5.5-1b, compliance with California PRC Section 5097 et seq. and 21081.3, and California Health and Safety Code Section 7050.5.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no additional mitigation measures are required.

Impact 4-5: Cumulative Impacts Related to Energy

Impact 5.7.3 of the General Plan EIR evaluated whether implementation of the proposed land uses under the General Plan would result in the wasteful, inefficient, or unnecessary consumption of energy. The General Plan EIR concluded that construction-related energy expenditures would be less than significant due to the inherent short-term nature of construction. The General Plan EIR also determined that operational energy usage would be less than significant because future development would comply with applicable future versions of the California Energy Code. Also, the General Plan and Climate Action Plan (CAP) included policies and actions that would reduce energy consumption.

Implementation of the Project would also be subject to the energy efficiency actions of the California Energy Code and CAP and would not result in a substantial increase in energy use or wasteful energy use beyond what was anticipated in the General Plan EIR. As noted in Section 3.4, "Energy," of the Draft SEIR, more densely operated land uses would improve the energy efficiency of the City's residences on a per capita basis as compared to the less dense land uses currently included in the existing General Plan. Therefore, the Project would not result in a new or greater contribution to cumulative effects to energy use beyond what was identified in the General Plan EIR. The Project's contribution to the significant cumulative impact would remain less than cumulatively considerable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with the City's CAP, including measures BE-1, BE-5, BE-6, BE-7, BE-8, and ACM-5, and Municipal Code Chapter 16.07 and Section 23.58.120.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 4-9: Cumulative Population Growth

As identified in Impact 3.7-1 of the Draft SEIR, the Project would increase development capacity in the City through amendments to the land use designations in the City's General Plan. Changes in population anticipated for the Project would result in the need for construction of new housing, infrastructure, and services above what was anticipated in the General Plan to accommodate increases in population. However, development of proposed housing associated with the Project is anticipated to meet population needs and would occur over Project buildout (30 years or more). Future development under the Project would be dispersed throughout the Planning Area to specific growth areas, such as the LEA Community Plan Area. Therefore, the Project would not induce unplanned population growth or residential development throughout the region. The Project would not result in a new or greater contribution to cumulative population growth beyond what was identified in the General Plan EIR. Thus, the Project's contribution to cumulative population growth would remain less than cumulatively considerable as identified in the General Plan EIR.

Mitigation Measures

No mitigation is required.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 4-10: Cumulative Impacts to Fire Protection and Emergency Medical Services

General Plan EIR Impact 5.11.1.2 evaluated whether Implementation of the General Plan, in combination with other development within the CCSD's service area, would increase demand for fire protection and emergency medical services. The analysis noted that funding from property taxes, development impact fees, and other sources of funding would provide sufficient resources to expand the department's staff, equipment, and facilities to accommodate future growth within the CCSD service area. The analysis concluded that the impact would not be cumulatively significant.

As identified in Impact 3.8-1 of the Draft SEIR, compliance with General Plan policies would ensure new fire station siting and resources are available and that required environmental review would be conducted as specific fire protection facilities are proposed. Development facilitated by the Project would be required to pay development fees and property taxes that would fund fire protection services. Impacts associated with the construction of needed fire protection facilities would not exceed construction impacts disclosed in the technical sections of the General Plan EIR. Therefore, the Project would not result in a new or greater contribution to cumulative effects related to fire protection and emergency medical services beyond what was identified in the General Plan EIR. Thus, the Project's contribution to substantial effects related to fire protection and emergency medical services would remain less than cumulatively considerable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with EGMC Chapter 16.85 and 17.04 and General Plan policies ER-4-1, ER-4-2, SAF-1-3, and SAF-1-4.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 4-11: Cumulative Law Enforcement Impacts

General Plan EIR Impact 5.11.2.2 evaluated whether Implementation of the General Plan, in combination with other development would increase demand for law enforcement services. The analysis noted that because additional police services to accommodate development can be accomplished through additional personnel and equipment, the impact would not be cumulatively significant.

As identified in Impact 3.8-2 of the Draft SEIR, the addition of new officers to serve future development would not require a new or expanded police facility because EGPD operations would continue within the centralized facility at the City Hall complex. The City collects fees that provides fair share funding towards the construction of new police facilities and acquires new (not replacement) police equipment to serve growth. Although the South and West Study Areas are located outside of the EGPD's existing service, these study areas would be subject to General Plan policies and mitigation measures identified in the General Plan EIR, which would subsequently reduce physical environmental effects and provide additional police protection services as the study areas develop. Therefore, the Project would not result in a new or greater contribution to cumulative effects related to law enforcement beyond what was identified in the General Plan EIR. Thus, the Project's contribution to substantial effects related to law enforcement would remain less than cumulatively considerable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with General Plan Policy SAF-1-1.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 4-13: Cumulative Impacts to Parks and Recreation Facilities

General Plan EIR Impact 5.11.4.2 evaluated whether the General Plan would result in a cumulative increase in demand for parkland and recreational facilities, the construction of which could impact the physical environment. The analysis concluded that the is impact would not be cumulatively significant.

As identified in Impact 3.8-4 of the Draft SEIR, the City and the CCSD have entered into a memorandum of understanding (MOU) regarding delivery of some parks and recreation facilities within the City's existing boundaries. Development projects outside of the MOU areas that include the construction of recreation facilities would be subject to General Plan policies and mitigation measures identified in the General Plan EIR to reduce physical environmental effects. The CCSD would be responsible for the construction of facilities in the MOU areas and would be required to

comply with the mitigation monitoring and reporting program (MMRP) from the relevant project-level CEQA document in which the park facilities would be located. Therefore, the construction of park facilities would be subject to policies, standards, and mitigation measures from the General Plan and this SEIR, or the mitigation identified in project specific MMRPs. The Project would not result in a new or greater contribution to cumulative effects related to parks and recreation facilities beyond what was identified in the General Plan EIR. Thus, the Project's contribution to substantial effects related to parks and recreational facilities would remain less than cumulatively considerable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with General Plan policies PT-1-3, PT-1-5, PT-1-6, and PT-1-9, City and CCSD MOU, and EGMC Chapter 22.40.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 4-15: Cumulative Impacts on Transit, Bicycle, and Pedestrian Facilities

General Plan EIR Impact 5.13.7 identified that implementation of the General Plan would not result in conflicts with plans, policies, or programs for transit, bicycle, and pedestrian facilities. As described in Impact 3.14-2 of the Draft SEIR, implementation of the Project would be subject to and implement General Plan policies applicable to transit, bicycle, and pedestrian facilities and service. The intent of development within the LEA Community Plan Area would be to provide a walkable urban area in the City with a variety of mobility options and neighborhood streets and the Grant Line Road Precise Plan would include a multi-use path for alternative forms of transportation. Additionally, subsequent development projects under the Project would be subject to all applicable City guidelines, standards, and specifications related to transit, bicycle, or pedestrian facilities. Therefore, the Project would not result in a new or greater contribution to cumulative effects related to transit, bicycle, and pedestrian facilities beyond what was identified in the General Plan EIR. Thus, the Project's contribution to substantial effects related to transit, bicycle, and pedestrian facilities would remain less than cumulatively considerable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with the Bicycle, Pedestrian, and Trails Master Plan and General Plan Policies MOB-1-2, MOB-3-1, MOB-3-7, MOB-3-8, MOB-5-4, MOB-5-6, MOB-5-7, and H-1-3.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 4-16: Cumulative Hazards Due to a Design Feature or Incompatible Uses

No significant design hazard impacts were identified in the General Plan EIR. Implementation of the Project would be subject to, and constructed in accordance with, applicable roadway design and safety guidelines and General Plan policies. Therefore, the Project would not result in a new or greater contribution to cumulative effects related to hazards due to a design feature or incompatible uses beyond what was identified in the General Plan EIR. Thus, the Project's contribution to substantial effects related to design features or incompatible uses would remain less than cumulatively considerable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond General Plan Policy MOB-3-10.

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

Impact 4-19: Cumulative Solid Waste Impacts

General Plan EIR Impact 5.12.3.2 evaluated whether implementation of the General Plan, in combination with other development in other jurisdictions that contribute to regional landfills, would generate solid waste, thereby increasing demand for hauling and disposal services. The analysis concluded that the cumulative impact would not be significant and the General Plan's contribution would not be cumulatively considerable.

As identified in Impact 3.10-3 of the Draft SEIR, proposed development as a result of the Project could result in increased solid waste generation associated with proposed development. The analysis noted that there is substantial remaining capacity in the landfills serving local waste haulers, with an average remaining capacity of more than 70 percent. Additionally, future development associated with the Project would be required to comply with applicable solid waste regulations, including the City's Space Allocation and Enclosure Design Guidelines for Trash and Recycling. Therefore, the Project would not result in a new or greater contribution to cumulative effects related to solid waste beyond what was identified in the General Plan EIR. Thus, the Project's contribution to substantial effects related to solid waste would remain less than cumulatively considerable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with the City's existing recycling programs and associated regulations, as well as Municipal Code Section 30.70.030(C).

Finding

The City of Elk Grove City Council finds that, based upon substantial evidence in the record, the potential impacts related to the Project's effects are less than significant, and no mitigation measures are required.

8 FINDINGS REGARDING IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

This section identifies those impacts where the Final SEIR identifies a substantial increase in severity of environmental effects disclosed in the General Plan EIR that cannot be mitigated below a level of significance. For these impacts, there are no feasible mitigation measures or feasible alternatives that would reduce the impacts to a less-than-significant level and the impacts would remain significant and unavoidable. Additionally, the City has chosen to conservatively identify impacts as significant and unavoidable when mitigation is available that would otherwise fully mitigate the impact, but the mitigation is not within the jurisdiction of the City to implement or enforce. This section also includes findings for the analysis conducted to reevaluate Project impacts in comparison to adopted area plans and specific plans in the Livable Employment Area Community Plan, including the Southeast Policy Area Strategic Plan EIR, Laguna Ridge Specific Plan EIR, Sterling Meadows Tentative Subdivision Map EIR, and Lent Ranch Marketplace Special Planning Area EIR. These impacts were addressed in Draft SEIR Section 3.11, "Environmental Impacts and Mitigation Addressed in Previous EIRs."

8.1 SECTION 3.1: AESTHETICS

Impact 3.1-1: Potential to Substantially Degrade the Existing Visual Character or Quality of Public Views of the Project Area and Its Surroundings

The General Plan EIR Impact 5.1.2 determined that buildout of the City's Planning Area would cause conversion from a rural/natural character to a more urbanized character and this impact would be significant and unavoidable. Future development associated with the Project would result in the development of higher density residential and commercial uses that would be similar in development character that was evaluated in the General Plan EIR, which determined this impact significant and unavoidable. Therefore, the Project would not result in a new or substantially more severe impacts than were addressed in the General Plan EIR. Project impacts would remain significant and unavoidable.

Mitigation Measures

As documented in the General Plan EIR and Draft SEIR, no additional feasible mitigation is available beyond compliance with EGMC Chapter 19.12 and Section 23.16.080.

Finding

The City of Elk Grove City Council finds that there are no feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 3.1-2: Potential to Create a New Source of Substantial Light or Glare Which Would Adversely Affect Day or Nighttime Views in the Area

The General Plan EIR Impact 5.1.3 determined that buildout of the City's Planning Area would create substantial new sources of light and glare and the impact would be significant and unavoidable. Future development associated with the Project would create nighttime lighting within the City similar to conditions anticipated for the planned urban land uses for the City under the General Plan. The Project would be subject to the City's General Plan policies, Design Guidelines, and Municipal Code requirements that address lighting and glare. In addition, lighting, including adverse effects of glare and light trespass or spillover light are considerations addressed by the City through the site plan and

design review process. All future development in the Project area would be subject to this review process, ensuring that the effects of glare and spillover light would be addressed. Therefore, the Project would not result in a new or substantially more severe impacts than were addressed in the General Plan EIR. Project impacts would remain significant and unavoidable.

Mitigation Measures

As documented in the General Plan EIR and Draft SEIR, no mitigation measures are available beyond compliance with General Plan policies, state regulations, the Elk Grove Municipal Code Chapter 23.56 and Chapter 23.16, and LEA Form Based Code.

Finding

The City of Elk Grove City Council finds that there are no feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

8.2 SECTION 3.2: AIR QUALITY

Impact 3.2-1: Construction Emissions of Criteria Air Pollutants and Precursors

The General Plan EIR Impact 5.3.1 determined that development and growth under the General Plan could result in short-term construction emissions that could violate or substantially contribute to a violation of the NAAQS and CAAQS for ozone, PM₁₀, and PM_{2.5}. This impact was identified as significant and unavoidable. Implementation of the Project could generate construction emissions of ROG, NO_x, PM₁₀, and PM_{2.5} from demolition, material and equipment delivery trips, worker commute trips, and other miscellaneous activities. However, construction activities and emissions from implementation of the Project would be similar to what was anticipated under the General Plan EIR and the current General Plan land use designations. Subsequent projects would be required to comply with General Plan Policy NR-4-8, which would require that emissions in exceedance of SMAQMD's thresholds of significance be mitigated. Therefore, construction-generated emissions would not result in a new or substantially more severe construction air quality impacts than was addressed in the General Plan EIR. However, pursuant to the previous findings it remains significant and unavoidable.

Mitigation Measures

Mitigation Measure 3.2-1: Implement the Sacramento Metropolitan Air Quality Management District's Advanced On-site Exhaust Control Measures for the LEA Community Plan Area

Subsequent development in the LEA Community Plan Area shall implement SMAQMD's Enhanced Exhaust Control Practices for NO_x and exhaust PM emissions. Before the issuance of grading and/or building permits, subsequent project applicants shall submit to the City and SMAQMD an initial report of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used 8 hours or more during any portion of the construction project before any grading activities. The initial report shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment. The subsequent project applicants shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. The information shall be submitted at least 4 business days before the use of subject heavy-duty off-road equipment. The report shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.

Before any grading activities, the subsequent project applicants shall provide a plan for approval by the City and SMAQMD demonstrating that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a subsequent project-wide fleet-average of 10 percent NO_x reduction (depending on available technology and engine Tier) compared to the most recent CARB fleet average. This plan shall be submitted in conjunction with the equipment inventory. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. If achievement of the aforementioned reductions over the statewide average are deemed infeasible by the City, SMAQMD, or construction contractor, the subsequent project applicants shall ensure the construction fleet meets the lowest fleetwide emissions average possible, through the use of all available on-site emissions reduction measures (e.g., highest tier engines, emission control devices, cleaner burning fuel).

The subsequent project applicants shall submit a final report at the end of the job, phase, or calendar year, as pre-arranged with SMAQMD staff and documented in the approval letter, to demonstrate continued project compliance. If modeled construction-generated emissions of NO_x are not reduced to a level below SMAQMD's thresholds of significance by the application of the aforementioned mitigation measures, then the project developer must pay a mitigation fee into SMAQMD's off-site mitigation program. By paying the appropriate off-site mitigation fee, construction-generated emissions of NO_x would be reduced to a less-than-significant level. The fee calculation to offset daily NO_x emissions shall be based on the SMAQMD-determined cost to reduce one ton of NO_x applicable at the time (currently \$30,000 per ton in May 2023 but subject to change in future years).

Once initial construction activities are finalized by the subsequent project applicants, and before the issuance of grading and/or building permits, quantification of construction-related emissions shall be verified at the project level. As each subsequent project-level construction phase is finalized throughout the duration of the project buildout, the mitigation fee shall be calculated based on current information, available construction equipment, and proposed construction activities. As construction activities occur over the buildout period, the developer shall work with SMAQMD to continually update mitigation fees based on actual on-the-ground emissions. The final mitigation fees shall be based on the contractor equipment report provided by the developer to SMAQMD and shall reconcile any fee discrepancies due to schedule adjustments and increased or decreased equipment inventories. Equipment inventories and NO_x emission estimates for subsequent construction phases shall be coordinated with SMAQMD, and the off-site mitigation fee measure shall be assessed to any construction phase that would result in an exceedance of SMAQMD's mass emission threshold for NO_x.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 3.2-2: Long-Term Operational Emissions of ROG, NO_x, PM₁₀, and PM_{2.5}

General Plan EIR Impact 5.3.2 and 5.3.6 determined that long-term operational emissions of ROG, NO_x, PM₁₀, and PM_{2.5} would be substantial and could substantially contribute to a violation of the NAAQS and CAAQS for ozone and PM and conflict with air quality attainment efforts. This impact was identified as significant and unavoidable. Implementation of the Project could generate long-term operational emissions of ROG, NO_x, PM₁₀, and PM_{2.5}. The Project proposes greater development than what was presented in the General Plan EIR. This level of development would subsequently result in greater operational emissions as compared to the General Plan EIR for the Planning Area. Therefore, operational emissions would result in a substantially more severe air quality impacts that was addressed in the General Plan EIR. Project impacts would be significant and unavoidable.

Mitigation Measures

Mitigation Measure 3.2-2: Prepare an Air Quality Mitigation Plan for the LEA Community Plan Area

The City shall prepare an Air Quality Management Plan that demonstrates a 15 percent reduction in operational air pollutant for the LEA Community Plan Area, compared to unmitigated baseline project consistent with General Plan Policy NR-4-1. For the portion of the LEA Community Plan Area that lies outside of areas anticipated for development in the growth projections of the State Implementation Plan, the City shall prepare an Air Quality Management Plan that demonstrates a 35 percent reduction in operational pollutants, compared to unmitigated baseline project conditions.

The Air Quality Management Plans shall be submitted to the Sacramento Metropolitan Air Quality Management District for review and verification of technical adequacy. Air Quality Management Plan emission reduction measures will be identified and quantified and may include commitments to reducing VMT, promoting alternative modes of transportation, and energy efficiency building measures. The Air Quality Management Plans shall be submitted to SMAQMD prior to the certification of the Final EIR to confirm that the project meets reduction requirements.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 3.2-4: Exposure of Sensitive Receptors to TACs

The General Plan EIR Impact 5.3.4 concluded that operational-related emissions of mobile source TACs would result in significant and unavoidable impacts to public health. Implementation of Project could generate mobile source TACs. However, these TAC emissions would be similar to what was anticipated under buildout conditions as described in the General Plan EIR and its current land use designations. Therefore, potential TAC mobile emissions would not result in a new or substantially more severe TAC impacts that was addressed in the General Plan EIR. Project impacts would remain significant and unavoidable.

Mitigation Measures

No additional mitigation is available beyond compliance with General Plan Policies NR-2-4, NR-4-9, NR-4-10, MOB-3-1, MOB-3-2, MOB-3-5, MOB-3-6, MOB-3-7, MOB-3-13, and MOB-7-5.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

8.3 SECTION 3.5: GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Impact 3.5-1: Project-Generated GHG Emissions and Consistency with Plans and Regulations

The General Plan EIR determined that GHG-related impacts would be less than significant through the incorporation of GHG reduction actions included in the General Plan and 2019 CAP (General Plan EIR Impact 5.7.1) but would not likely meet long term reduction goals under Executive Order S-3-05 and result in a significant and unavoidable impact (General Plan Impact 5.7.2).

Construction and operation of development under the Project would generate an estimated 29,701 MTCO₂e/year in 2040, the assumed first full year of Project operation. Consistent with the findings of the General Plan EIR, new development under the Project would be subject to the policies contained in the 2019 CAP and 2019 General Plan, which would demonstrate consistency with statewide GHG reduction goals set forth by SB 32. However, development under the Project would extend beyond 2030 into 2040 and beyond. While the current CAP has a long-term reduction target for 2050 of 1.4 MTCO₂e per capita, the measures of the CAP are designed to reduce the gap in emission between a business-as-usual scenario for 2020 and 2030 but do not currently fully address reduction targets for 2050. Also, since the time the current CAP was prepared GHG reduction goals have become more stringent (i.e., 80 percent reduction in 1990 GHG emissions by 2050 versus an 85 percent reduction in 1990 GHG emissions by 2045).

Because the measures of the current CAP are limited to target years of 2020 and 2030, it does not account for the newest GHG reduction targets, and compliance with CAP measures would not be sufficient to meet the State's long-term targets. Due to the more stringent GHG reduction targets and increase in emissions, this impact would result in a substantially more severe impact than what was addressed in the General Plan EIR.

Mitigation Measures

No additional mitigation is available beyond compliance with Measures BE-1, BE-4, BE-5, BE-6, BE-7, BE-8, TACM-6, TACM-8, TACM-9, and ACM-5 from the 2019 CAP and EGMC Chapter 16.07 and Section 23.58.120. The City is in the process of updating the 2019 CAP to meet the most recent regulatory requirements, however the CAP would not be completed before adoption of the Project.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

8.4 SECTION 3.6: NOISE AND VIBRATION

Impact 3.6-2: Traffic Noise

General Plan EIR Impact 5.10.2 identified that implementation of the General Plan would result in a significant and unavoidable increase in transportation noise, including traffic noise levels along many existing roadways in the City. Further, Impact 5.10.2 notes that the General Plan includes a set of policies that are intended to ensure that new specific proposed development would comply with noise standards and would not adversely impact sensitive land uses from traffic noise. The policies include Policy N-1-1, Policy N-1-2, Policy N-1-4, Policy N-1-5, Policy N-1-6, and Policy N-2-2. As shown in Draft SEIR Table 3.6-11, traffic generated from the Project would result in additional increases in traffic noise levels not previously analyzed as part of the General Plan EIR. Some roadway segments

would result in traffic noise increases that would exceed the City's incremental increase noise standards as detailed in General Plan Policy N-2-2. Project traffic noise on the following roadway segments would exceed the thresholds identified in General Plan Policy N-2-2:

- ▶ Elk Grove Boulevard between Bradshaw Road and Grant Line Road
- ▶ Bruceville Road between Big Horn Boulevard and Laguna Boulevard
- ▶ Franklin Boulevard between Elk Grove Boulevard and Whitelock Parkway
- ▶ Waterman Road between Sheldon Road and Bond Road
- ▶ Laguna Boulevard between Franklin Boulevard and Bruceville Road
- ▶ Laguna Boulevard between Bruceville Road and Big Horn Boulevard
- ▶ Whitelock Parkway between Bruceville Road and Big Horn Boulevard
- ▶ Whitelock Parkway between Big Horn Boulevard and Lotz Pkwy

Therefore, the Project would result in substantially more severe traffic noise impacts than the General Plan EIR.

Mitigation Measures

In addition to compliance with General Plan policies N-1-1, N-1-4, N-1-5, and N-2-3, development within the LEA Community Plan Area would be subject to Mitigation Measure 3.6-2.

Mitigation Measure 3.6-2 Operational Noise Reduction Measures for the LEA Community Plan Area

The City shall require acoustical assessments to be prepared as part of subsequent land use development projects in the LEA Community Plan Area. The acoustical assessments shall evaluate potential environmental noise impacts attributable to the subsequent project, anticipated traffic noise condition, stationary noise sources, and the compatibility of proposed land uses in comparison to applicable City noise standards. Where the acoustical analysis determines that noise levels would exceed applicable City noise standards, noise reduction measures shall be identified and included in the subsequent project. Such measures may include, but are not limited to, the incorporation of setbacks, sound barriers, berms, hourly limitations, or equipment enclosures. The emphasis of such measures shall be placed on site planning and Project design. The acoustical analysis shall be prepared in accordance with City requirements (Elk Grove Municipal Code and General Plan).

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

8.5 SECTION 3.8: PUBLIC SERVICES AND RECREATION

Impact 3.8-3: Increased Demand for New Public School Facilities

Impact 5.11.3.1 of the General Plan EIR identified that future development in the City would result in an increase of school-aged children and would require the construction of new public school facilities. As determined by the General Plan EIR, because school facilities would be constructed by the EGUSD the environmental impacts of school construction would be significant and unavoidable. Implementation of the Project would result in an increase in student generation that could require additional school facility needs beyond current General Plan analysis. This would be an increase in

impact severity than what was previously identified in General Plan EIR Impact 5.11.3.1. No mitigation measures are available to reduce potentially significant impacts; thus this impact would remain significant and unavoidable.

Mitigation Measures

As stated in the General Plan EIR, no additional feasible mitigation is available beyond compliance with existing laws and General Plan policies, and payment of EGUSD fees. While the EGUSD could and should implement measures to reduce physical environmental effects of school development, the EGUSD is not subject to mitigation adopted by the City, making mitigation imposed by the City infeasible. Under California Government Code Section 65995(h), payment of fees levied by EGUSD pursuant to California Education Code Section 17620 is considered mitigation for the increased demand for public school facilities generated by the Project. However, because the City does not have the jurisdiction to impose school fees, no additional enforceable measures are available. Therefore, this impact would remain significant and unavoidable as determined in the General Plan EIR.

Finding

The City of Elk Grove City Council finds that because EGUSD is not subject to local regulations or any General Plan policies or mitigation, there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(2) and CEQA Guidelines Section 15091(a)(2), project changes that would mitigate impacts related to public schools are within the responsibility and jurisdiction of another public agency and not the City. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, technological, and other benefits of the Project that outweigh this significant and unavoidable impact.

8.6 SECTION 3.9: TRANSPORTATION

Impact 3.9-1: Result in an Exceedance of City of Elk Grove General Plan VMT Thresholds

General Plan Impact 5.13.3 identified that implementation of the General Plan would result in increased VMT that would be significant and unavoidable. Project-generated VMT per service population associated with buildout of the Project would result in an exceedance of the City's VMT per service population threshold for several land use designations. The addition of Project-generated total daily VMT within the City could also result in an exceedance of the established Citywide limit of 6,367,833 VMT. The Project VMT modeling, limits, and results were calculated using a different base year (i.e., 2020), a revised calculation methodology, and new modeling tool (i.e., EGSIM20) than that of the General Plan EIR. Because of this, the changes in VMT associated with implementation of the Project, and more specifically the revisions to the model and VMT limits, are not comparable to the VMT estimates in the General Plan. Therefore, it cannot be assured that development under the Project would be able to achieve the VMT per service population limits for individual land use types or the required reduction in total daily VMT within the City with implementation of all feasible mitigation.

Mitigation Measures

No additional feasible mitigation is available beyond compliance with the General Plan Policies MOB-1-1, MOB-3-1 through MOB-3.9, MOB-3-10 through MOB-3-13, MOB-3-14 through MOB-3-17, MOB-4-1 through MOB-4-5, MOB-5-1 through MOB-5-10, and Mitigation Measure 3.13-1 from the 2012-2029 Housing Element and Safety Element Update SEIR.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and

CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

8.7 SECTION 3.10: UTILITIES AND SERVICE SYSTEMS

Impact 3.10-1: Adverse Impacts on Sufficient Water Supply, Infrastructure, and Treatment

General Plan Impact 5.12.1.1 identified significant and unavoidable water supply impacts because of the anticipated new water demand as a result of proposed development located outside of City limits but within the Study Areas. Implementation of the Project could generate additional demand for water supplies from increased development. Development facilitated by the Project would result in 3.12 mgd of water demand. However, the additional demand is minor compared with existing and projected water demand and water supplies. Therefore, the additional water demand resulting from the Project would not result in a new or substantially more severe water supply impacts than was addressed in the General Plan EIR. Project impacts would remain significant and unavoidable.

Mitigation Measures

No additional mitigation is available beyond compliance General Plan Policy INF-1-1 and Mitigation Measure 5.12.1.1 from the General Plan EIR.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 3.10-4: Adverse Impacts on Groundwater Resources and Conflicts with a Groundwater Sustainability Plan

While General Plan Impact 5.9.7 did not address conflicts with a groundwater sustainability plan, it did identify significant and unavoidable groundwater impacts because of the anticipated new water demand from the General Plan may exceed the annual sustainable yield of the groundwater from the Central Basin portion of the South American subbasin because of proposed development located outside of City limits but within the Study Areas. Implementation of the Project would generate additional demand for water supplies from increased development that could add to groundwater resource impacts identified in the General Plan EIR. Future development and water service providers would participate management actions that implement South American Subbasin Groundwater Sustainability Plan (adopted after General Plan EIR certification) and maintain groundwater production at or below the long-term average annual sustainable yield of 235,000 AFY. The Project's additional water demand is minor compared with existing and projected water demand and is not expected to result in the exceedance of the long-term average annual sustainable yield. The Project would also be subject to applicable management actions to meet the groundwater sustainability goal of the South American Subbasin Groundwater Sustainability Plan. Therefore, the additional water demand resulting from the Project would not result in a new or substantially more severe groundwater impacts than was addressed in the General Plan EIR. The Project would also not result in conflicts with the South American Subbasin Groundwater Sustainability Plan. Project impacts would remain significant and unavoidable.

Mitigation Measures

No additional feasible mitigation available beyond compliance with existing laws, proposed General Policies, and General Plan Mitigation Measure MM 5.12.1.11 from the General Plan EIR.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

8.8 SECTION 3.11: ENVIRONMENTAL IMPACTS IN PREVIOUS EIRS

Impact 3.11-1: Adverse Impacts to Agricultural Resources

Implementation of the proposed Project would allow for development in areas of the Planning Area that are designated Important Farmland and/or under Williamson Act contract. Additionally, the Project would place urban land uses adjacent to primary agricultural land uses. Placing urban land uses adjacent to agriculture may impair agricultural production. However, the Project would not increase the total area impacted by development as compared to the General Plan EIR but would result in denser development in the LEA Community Plan Area and South and West Study Areas than what was analyzed in the General Plan EIR. The Project would not incorporate any new parcels featuring Important Farmland beyond what was originally analyzed in the General Plan EIR. There is no new significant effect, and the impact is not more severe than the impact identified in the General Plan EIR. Even with the application of this mitigation measure, this impact would remain significant and unavoidable.

Mitigation Measures

Mitigation Measure 3.11-1 Agricultural Resources Preservation for the LEA Community Plan Area

The applicant of subsequent development projects in the LEA Community Plan Area shall protect one acre of existing farmland land of equal or higher quality for each acre of Prime Farmland, Unique Farmland or Farmland of Statewide Importance that would be developed as a result of the Project. The Project mitigation acreage must be located within Sacramento County. This protection may consist of the establishment of farmland conservation easement, farmland deed restriction or other appropriate farmland conservation mechanism that ensures the preservation of that land from conversion in perpetuity but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's hawk foraging habitat mitigation). In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving farmlands in proximity to other protected lands. The farmland/wildlife habitat must have adequate water supply to support agricultural use. The preservation of off-site farmland shall be done prior to the City's approval of the project's first grading permit. Grading plans shall include the acreage and type of farmland impacted. In addition, the City shall impose the following minimum conservation easement content standards:

- a) All owners of the agricultural/wildlife habitat mitigation land shall execute the document encumbering the land.
- b) The document shall be recordable and contain an accurate legal description of the agricultural/wildlife habitat mitigation land.
- c) The document shall prohibit any activity which substantially impairs or diminishes the agricultural productivity of the land. If the conservation easement is also proposed for wildlife habitat mitigation purposes, the document shall also prohibit any activity which substantially impairs or diminishes the wildlife habitat suitability of the land.

- d) The document shall protect any existing water rights necessary to maintain agricultural uses on the land covered by the document and retain such water rights for ongoing use on the agricultural/wildlife habitat mitigation land.
- e) Interests in agricultural/habitat mitigation land shall be held in trust by an entity acceptable to the City and/or the City in perpetuity. The entity shall not sell, lease, or convey any interest in agricultural/wildlife habitat mitigation land which it shall acquire without the prior written approval of the City.
- f) The applicant shall pay to the City an agricultural/wildlife habitat mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10 percent of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15 percent of the easement price paid by the applicant.
- g) The City shall be named a beneficiary under any document conveying the interest in the agricultural/wildlife habitat mitigation land to an entity acceptable to the City.
- h) If any qualifying entity owning an interest in agricultural/wildlife habitat mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City.
- i) Before committing to the preservation of any particular farmland pursuant to this measure, the Project proponent shall obtain the City's approval of the farmland proposed for preservation.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 3.11-2: Adverse Impacts to Biological Resources

Implementation of the proposed Project would allow for development in portions of the Planning Area that may contain sensitive biological resources, such as special-status and sensitive plant and wildlife species, sensitive habitats (including wetlands [waters of the State and waters of the U.S.]), and wildlife movement. The Project would not change the extent of land disturbance from what was evaluated in the General Plan EIR (no change in the City's planned development footprint). Oak trees and other protected tree species would be subject to Elk Grove Municipal Code Section 19.12 for protection and replacement of trees. Buildings in the LEA Planning Area would be constructed to minimize the potential for birds strikes. Projects would be required to implement lighting standards consistent with Elk Grove Municipal Code Chapter 23.56 and glare requirements included in Standard LU-5-4a. Impacts to biological resources were determined to be significant and unavoidable under project conditions in the General Plan EIR. Biological resource impacts in the LEA Community Plan Area were also previously addressed and mitigation measures adopted for the Southeast Policy Area Strategic Plan EIR, Laguna Ridge Specific Plan EIR, and Lent Ranch Marketplace Special Planning Area EIR. Because this issue was evaluated in the General Plan EIR and other previous EIRs and the proposed footprint of development has not changed from the General Plan EIR nor are there any new sensitive species or habitat, there would be no additional biological resources impacts as a result of implementing the Project. Therefore, this impact would remain significant and unavoidable.

Mitigation Measures

Mitigation Measures 3.11-2 Special Status Plant Preconstruction Surveys for the LEA Community Plan Area

Applicants for any projects shall retain a qualified biologist(s) to conduct a preliminary evaluation of the specific project site to determine whether freshwater emergent wetland, or irrigation/drainage ditch habitats occur within the specific project site. If any of these habitats are identified within the specific project site, surveys in and adjacent to

(within 100 feet, where appropriate) the proposed impact area, including new construction access routes, shall be conducted to determine the presence/absence of special-status plant species, including Sanford's arrowhead.

Surveys shall be conducted in accordance with CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2009). These guidelines require that rare plant surveys be conducted at the proper time of year when rare or endangered species are both evident and identifiable. Field surveys shall be scheduled to coincide with known flowering periods and/or during appropriate developmental periods that are necessary to identify the plant species of concern. Survey results shall be submitted to the City for review and approval.

If no special status plant species are found in or adjacent to (within 100 feet) proposed impact areas, no further mitigation is required.

If any special status plant species are found in or adjacent to (within 100 feet) proposed impact areas during the surveys, these plant species shall be avoided to the greatest extent feasible. Any special status plant species that are identified adjacent to the project area, but not proposed to be disturbed by the project, shall be protected by barrier fencing to ensure that construction activities and material stockpiles do not impact any special-status plant species. These avoidance areas shall be identified on site plans and/or, tentative subdivision maps.

If project-related impacts will result in the loss of occupied habitat for a special-status plant species, mitigation to ensure that the special-status plant species population is not reduced below to self-sustaining levels, avoid elimination of the plant community, or reduce the range of the plant species based on the technical analysis of the qualified biologist and applicable agency (e.g., U.S. Fish and Wildlife and California Department of Fish and Wildlife) input/guidance. Mitigation may include redesign of the subsequent project to avoid the plant species and permanent preservation of onsite plant species population, transplantation of the plant species to habitat suitable for the plant species, or offsite mitigation banks.

Plans for avoidance, minimization, and mitigation (if appropriate) shall be prepared and submitted to the City of Elk Grove at the time of application for the City's review and approval. Surveys shall occur no more than two years prior to groundbreaking of the subsequent project.

Mitigation Measures 3.11-3 Valley Elderberry Longhorn Beetle Avoidance and Minimization in the LEA Community Plan Area

Applicants shall retain a qualified biologist to survey for the presence of elderberry shrubs with stems measuring greater than 1-inch diameter at ground level. Surveys shall be conducted in accordance with the USFWS 1999 Conservation Guidelines for the Valley Elderberry Longhorn Beetle. If no elderberry shrubs with one or more stems measuring 1 inch or greater in diameter at ground level are documented, no further mitigation is required. Survey results shall be submitted to the City for review and approval. If an elderberry shrub(s) with one or more stems measuring 1 inch or greater in diameter at ground level is documented, and a 100-foot avoidance buffer can be maintained around the shrub, the following protective measures shall be implemented:

- 1) Fence and flag all areas to be avoided during construction activities. In areas where encroachment into the 100-foot buffer has been approved by the USFWS, provide a minimum setback of at least 20 feet from the dripline of each elderberry plant.
- 2) Brief contractors on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements.
- 3) Erect signs every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet and must be maintained for the duration of construction.
- 4) Instruct work crews about the status of the beetle and the need to protect its elderberry host plant.

- 5) Restore any damage done to the buffer area (area within 100 feet of elderberry plants) during construction. Provide erosion control and revegetate with appropriate native plants.
- 6) Continue to protect buffer areas after construction from adverse effects of the project. Measures such as fencing, signs, weeding, and trash removal are usually appropriate.
- 7) Do not use insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant in the buffer areas or within 100 feet of any elderberry plant with one or more stems measuring 1 inch or more in diameter at ground level.
- 8) Project applicants shall provide a written description of how the buffer areas are to be restored, protected, and maintained after construction is completed to the USFWS and the City.
- 9) Mowing of grasses/ground cover shall only occur from July through April to reduce fire hazard. No mowing shall occur within 5 feet of elderberry plant stems. Mowing shall be done in a manner that avoids damaging plants (e.g., stripping away bark through careless use of mowing/trimming equipment).

If elderberry shrubs cannot be avoided, they must be transplanted to a conservation area in accordance with the 2017 USFWS guidelines, with USFWS approval. A plant that is unlikely to survive transplantation because of poor condition or location, or a plant that would be extremely difficult to move because of access problems, may be exempted from transplantation through consultation with the USFWS. In addition to transplanting all elderberry shrubs, additional elderberry seedlings or cuttings shall be planted at a 3:1 ratio (new plantings to affected stems). Native plants shall also be planted at a 1:1 ratio (native tree/plant species to each elderberry seedling or cutting). Stock of saplings, cuttings, and seedlings shall be obtained from local sources. If the parent stock is obtained from a distance greater than 1 mile from the conservation area, the USFWS must approve the plant donor sites prior to initiation of revegetation work. Planting or seeding the conservation area with native herbaceous species is encouraged.

Mitigation Measures 3.11-4 Giant Garter Snake Avoidance and Minimization in the LEA Community Plan Area

For projects with potential to impact giant garter snake (GGS) habitat, applicants shall have a qualified biologist perform a preconstruction survey within 30 days prior to commencement of construction activities within 200 feet of all aquatic habitats potentially suitable for GGS. In order to protect snakes, de-watering of areas shall not occur prior to completion of the pre-construction surveys.

If aquatic habitat potentially suitable for giant garter snake would be filled, the aquatic habitat shall be dewatered at least 15 days before fill. Dewatering of aquatic habitat for construction purposes shall not occur between October 1 and April 15, except for areas within a cofferdam, unless authorized by USFWS. Any dewatered habitat must remain dry for at least 15 consecutive days after April 15 and before excavation or filling of the dewatered habitat.

All construction activities within 200 feet of aquatic habitat suitable for giant garter snakes shall be conducted during the snake's active season of May 1 to October 1 so that snakes can move and avoid danger, and a monitoring biologist shall be retained by the City and funded by the project applicant to routinely monitor construction activities within 200 feet of aquatic habitat. For any construction outside of the snake's active period, USFWS will be consulted to determine whether additional measures are necessary to avoid or minimize potential impacts during the inactive season and avoid take. The applicant shall implement the avoidance and minimization measures outlined in *Appendix C Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (Thamnophis gigas) Habitat* (USFWS 1997) whenever working within 200 feet of aquatic habitats potentially suitable for GGS. If a snake is encountered during construction activities, the monitoring biologist shall contact the City and will have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed.

GGS encountered during construction activities should be allowed to move away from construction activities on their own. Capture and relocation of trapped or injured individuals can only be attempted by personnel or individuals with current USFWS recovery permits pursuant to Section 10(a) 1(A) of the ESA. The biologist shall be required to report any incidental take to the USFWS immediately. The project area shall be re-inspected whenever a lapse in

construction activity of two weeks or greater has occurred. This mitigation measure does not apply to land areas where surveys within the active period of the snake have been conducted and no snakes were found.

In areas where aquatic habitats potentially suitable for giant garter snake are being retained on the site:

- ▶ A qualified biologist shall install temporary exclusion fencing around suitable upland habitat within 200 feet of aquatic habitat to prevent giant garter snakes from entering the work area during construction. The fencing shall be maintained for the duration of the construction activities;
- ▶ Ground disturbance, spoils, and equipment storage and other project activities shall not be allowed within the fenced area; and
- ▶ Water quality shall be maintained and construction runoff into wetland areas shall be limited using hay bales, filter fences, vegetative buffer strips, or other accepted equivalents. However, no plastic, monofilament, jute, or similar matting to control erosion that could entangle snakes shall be placed in the project area.

Mitigation Measures 3.11-5 Burrowing Owl Avoidance and Minimization in the LEA Community Plan Area

For projects with potential burrowing owl habitat, applicants shall retain a qualified biologist to determine whether suitable nesting habitat occurs within 500 feet of the specific project site within 30 days prior to any construction activities outside of the breeding season (September 1 through January 31). If suitable habitat exists, focused surveys must be performed by a qualified biologist in accordance with the CDFW's *Staff Report on Burrowing Owl Mitigation*, published March 7, 2012. Surveys shall be repeated if project activities are suspended or delayed more than 15 days during nesting season.

If no burrowing owls are detected, no further mitigation is required. If active burrowing owl nest sites are detected, the project applicant shall implement the avoidance, minimization, and mitigation methodologies outlined in the CDFW's *Staff Report on Burrowing Owl Mitigation* prior to initiating project-related activities that may impact burrowing owls. Burrowing owl surveys are valid for one year from the date of the survey.

Mitigation Measures 3.11-6 Migratory Bird Preconstruction Survey in the LEA Community Plan Area

If clearing and/or construction activities would occur during the nesting bird season (February 1 through September 1), preconstruction surveys to identify active non-raptor native bird nests protected under the Migratory Bird Treaty Act or California Fish and Game Code Section 3503 shall be conducted by a qualified biologist within 14 days of construction initiation on specific project sites. Focused surveys must be performed by a qualified biologist for the purpose of determining the presence/absence of active nest sites within the proposed impact area and a 500-foot buffer (if accessible). Surveys shall be repeated if construction activities are delayed or postponed for more than 30 days.

If active nest sites are identified within 500 feet of project activities, impacts on nesting birds shall be avoided by establishing appropriate buffers around active nest sites identified during focused surveys to prevent disturbance to the nest. Project activity shall not commence within the buffer areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Buffer size for common, non-raptor bird species shall be determined by a qualified biologist. Factors to be considered for determining buffer size shall include presence of natural buffers provided by vegetation or topography, nest height above ground, baseline levels of noise and human activity, species sensitivity, and proposed project activities. Generally, buffer size for these species shall be at least 20 feet. The size of the buffer may be adjusted if a qualified biologist, determines that such an adjustment shall not be likely to adversely affect the nest. Any buffer reduction for a special-status species shall require consultation with CDFW and/or the City. Periodic monitoring of the nest by a qualified biologist during project activities shall be required if the activity has potential to adversely affect the nest, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project activities, as determined by the qualified biologist.

Mitigation Measures 3.11-7 Raptor Nesting Preconstruction Survey in the LEA Community Plan Area

If clearing and/or construction activities would 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 in specific project sites. 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 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.

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 of 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) will 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 and/or the City.

Trees containing white-tailed kite or other raptor (excluding Swainson's hawk) nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September 1–January 1). Swainson's hawks are State listed as a threatened species; therefore, impacts to Swainson's hawk nest trees require regulatory authorization from the CDFW prior to removal.

Mitigation Measures 3.11-8 Swainson's Hawk Avoidance and Minimization in the LEA Community Plan Area

The City shall require future project applicants to implement the measures to mitigate the potential loss of Swainson's hawk foraging habitat. For any project 40 acres and greater the following measure shall be implemented to reduce impacts to Swainson's hawk foraging habitat:

- ▶ The project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for Swainson's hawk. The location of mitigation parcels as well as conservation instruments protecting them shall be approved by the City.
- ▶ The amount of land preserved shall be at a ratio provided in Chapter 16.130 Swainson's Hawk Mitigation Fees of the Elk Grove Municipal Code for each acre developed at the project site. In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.
- ▶ The applicant shall implement the following minimum conservation easement content standards, or such other requirements as may be updated by the City Council from time-to-time and as provide din Chapter 16.130:
 - The land to be preserved must be found to be suitable Swainson's hawk foraging habitat as determined by the City based on substantial evidence.
 - The land shall be protected through either fee title or conservation easement ("legal agreement") acceptable to the City of Elk Grove.
 - The legal agreement shall be recordable and contain an accurate legal description of the mitigation land.
 - The legal agreement shall prohibit any activity, which in the sole discretion of the City, substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.
 - If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the legal agreement shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document and retain such water rights for ongoing use on the mitigation land.
 - The applicant shall pay or cause to be paid to the City a mitigation monitoring fee to cover the costs of administering, monitoring, and enforcing the document in an amount determined by the City or a third-party receiving entity approved by the City, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council.

- Interests in mitigation land shall be held in trust by an entity acceptable to the City and/or the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land without the prior written approval of the City.
 - The City shall be named a beneficiary under any legal agreement conveying the interest in the mitigation land to an entity acceptable to the City and the City shall receive indemnification, defense and indemnity in any legal agreement.
 - If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City or to the City.
- ▶ Before committing to the preservation of any land, the project proponent shall obtain the City's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is suitable Swainson's hawk habitat as determined by the City in its sole discretion.
 - ▶ For any project less than 40 acres (smaller projects shall still mitigate pursuant to Chapter 16.130) the following measure shall be implemented to reduce impacts to Swainson's hawk foraging habitat:
 - ▶ Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first, the project applicant shall preserve at the Chapter 16.130 prescribed ratio land (or under future updates to ratios established under Chapter 16.130) of similar equally suitable habitat for each acre of habitat lost. This land shall be protected through a fee title or conservation easement acceptable to the City of Elk Grove, or
 - ▶ Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first, the project applicant shall submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio or any future updates to ratios established under Chapter 16.130), to the extent such a fee has been properly established, to the City of Elk Grove in the amount set forth in the Elk Grove Municipal Code.

Mitigation Measures 3.11-9 Western Pond Turtle Avoidance and Minimization in the LEA Community Plan Area

The City shall require future project applicants to implement the following measures to avoid the potential loss of western pond turtles:

- ▶ Projects shall be planned and designed to avoid aquatic habitats that could support western pond turtle to the extent that is technically feasible and appropriate. Avoidance shall be deemed technically feasible and appropriate if the habitat may be preserved on-site while still obtaining the project purpose and objectives and if the preserved habitat features (i.e., aquatic habitats) could reasonably be expected to continue to function as suitable habitat for western pond turtle following project implementation.
- ▶ A preconstruction survey for western pond turtle shall be conducted by a qualified biologist prior to work in suitable aquatic habitat. If no pond turtles are observed, no further mitigation is necessary.
- ▶ If pond turtles are observed, a qualified biologist, with approval from CDFW, shall relocate pond turtles from to the nearest area with suitable aquatic habitat that will not be disturbed by project related construction activities.
- ▶ Construction within 500 feet of aquatic habitat known to support western pond turtles shall be conducted outside of the nesting season (March-August) unless a nesting survey conducted by a qualified biologist determines there are no active nests or hatchlings present in the proposed construction area.

Mitigation Measures 3.11-10 Western Red Bats Avoidance and Minimization in the LEA Community Plan Area

The City shall require future project applicants to implement the following measures to avoid the potential loss of western red bats:

- ▶ A qualified biologist shall conduct surveys for roosting western red bats prior to any tree removal. If evidence of bat use is observed, the number of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study shall be required.
- ▶ If tree roosting bats are found, bats shall be excluded from the roosting site before the tree is removed. A mitigation program addressing compensation, exclusion methods, and roost removal procedures shall be developed by a qualified biologist in consultation with CDFW before implementation. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). Once it is confirmed that bats are not present in the original roost site, the tree may be removed.

Mitigation Measures 3.11-11 Wetland Avoidance and Minimization in the LEA Community Plan Area

If there is potential for wetlands to occur on a project site, project applicants shall retain a qualified wetland consultant to determine if state or federally protected wetlands or other waters are present. If potential waters of the United States or state are identified, the project applicant shall submit a delineation report to the U. S. Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB) for verification or jurisdictional determination. The verified delineation will be submitted to the City for its records. If the project site supports a lake, river, or stream, the project applicant shall complete a notification of lake and streambed alteration and submit it to CDFW. Pursuant to California Code of Regulations, a stream is defined as a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This can include human-created waterways.

Project applicants shall ensure that their specific projects would result in no net loss of state or federally protected waters through impact avoidance, impact minimization, and/or compensatory mitigation, as determined in CWA Section 404 and 401 permits and/or Waste Discharge Requirements and a California Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement. Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for each proposed project.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

8.9 CHAPTER 4: CUMULATIVE IMPACTS

Impact 4-1: Cumulative Visual Resource Impacts

As identified in Impact 3.1-1 of the Draft SEIR, the LEA Community Plan Area is in an area planned for urban development in the General Plan EIR. Development proposed as part of the Project would be similar to development analyzed in the General Plan EIR. Proposed General Plan amendments would result in improved conditions as well as features compatible with the historical and visual character of the City, which is surrounded by existing development. Development proposed in the South and West Study Areas would convert the rural visual character to an urban/suburban developed character as envisioned and analyzed in the General Plan EIR. Land use district designations would be adjusted to increase industrial development in the South and West Study Areas that would be compatible with proposed future development. Proposed changes to Grant Line Road would not impact the overall

aesthetic quality or existing visual resources in that area. There is no new significant effect, and the impact is not more severe than the impact identified in the General Plan EIR. Therefore, the Project would not result in a new or greater contribution to cumulative effects to visual resources beyond what was identified in the General Plan EIR. The Project's contribution to the significant cumulative impact would be less than cumulatively considerable, though the impact would remain cumulatively considerable and significant and unavoidable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with EGMC Chapter 19.12 and Section 23.16.080.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 4-2: Cumulative Light and Glare Impacts

General Plan EIR Impact 5.1.5 evaluated whether implementation of the General Plan, in addition to other reasonably foreseeable projects in the region, would introduce new development into undeveloped agricultural and rural areas, increasing nighttime lighting and daytime glare and contributing to regional skyglow. The General Plan EIR concluded that this would be a cumulatively considerable impact. While future development projects in the City would be required to comply with the design guidelines, EGMC Chapter 23.56 for lighting standards, and General Plan policies and standards, the adverse effects of adding new light and glare sources to areas that currently have little to no on-site lighting would substantially contribute to the cumulative impact. These impacts cannot be mitigated to less than significant, and the impact would remain cumulatively considerable and significant and unavoidable as identified in the General Plan EIR.

As identified in Impact 3.1-2 of the Draft SEIR, the proposed development within the LEA Community Plan Area would create nighttime lighting within the City similar to conditions anticipated for the planned urban land uses for the City under the General Plan. Proposed development within the South and West Study Areas would introduce nighttime lighting currently located within a rural setting. However, changes to land use designations and zoning, as a result of the Project, would allow nighttime lighting within the South and West Study Areas that would be consistent with future development and was analyzed as such in the General Plan EIR. Minimal nighttime lighting would result from the improvements proposed to Grant Line Road. Future development of sites identified by the Project would be required to comply with applicable requirements regarding light and glare. There is no new significant effect, and the impact is not more severe than the impact identified in the General Plan EIR. Therefore, the Project would not result in a new or greater contribution to cumulative effects to visual resources beyond what was identified in the General Plan EIR. The Project's contribution to the significant cumulative impact would be less than cumulatively considerable, though the impact would remain cumulatively considerable and significant and unavoidable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required for this impact.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable.

However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 4-3: Cumulative Air Quality Impacts

As identified in Impact 3.1-1 of the Draft SEIR, the LEA Community Plan Area is in an area planned for urban development. The General Plan EIR Impact 5.3.7 identified that implementation of the General Plan would exacerbate existing regional problems with criteria air pollutants and ozone precursors that would result in a significant and unavoidable cumulative impact.

As identified in Impacts 3.2-1, through 3.2-3, of the Draft SEIR the Project could result in construction and operational air pollutant emissions in exceedance of development and buildout conditions assumed in the General Plan EIR and its current land use designations. Air quality emissions are expected to be slightly greater than the General Plan because the Project would result in additional residential development and an increase in population. However, all development under the Project would be required to comply with General Plan policies and standards and SMAQMD Basic Construction Emission Control Practices. These additional emissions would still result in greater contribution to cumulative effects to air quality beyond what was identified in the General Plan EIR. As a result, the Project's contribution to the significant cumulative impact would be cumulatively considerable and significant and unavoidable.

Mitigation Measures

No additional mitigation is available to address this impact beyond implementation of Mitigation Measures 3.2-1 and 3.2-2 and compliance with General Plan policies NR-4-1, MOB-1-1, and Standard MOB-3-2a, Municipal Code Sections 16.07.200 through 16.07.500 and 23.58.120, and SMAQMD Basic Construction Emission Control Practices.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 4-6: Cumulative Greenhouse Gas Impacts

As described in Section 3.5, "Greenhouse Gas Emissions and Climate Change," the discussion of GHG emissions associated with the Project is inherently a cumulative impact analysis. As identified in Impact 3.5-1 of the Draft SEIR Project would result in a substantially more severe impact than what was addressed in the General Plan EIR, and impacts would be significant and unavoidable. GHG emissions from one project cannot, on their own, result in changes in climatic conditions; therefore, the emissions from one project must be considered in the context of their contribution to cumulative global emissions.

Implementation of the Project would result in both direct and indirect GHG emissions. Emission would be reduced during Project compliance with the 2019 CAP and associated General Plan policies consistent with local GHG emissions reduction targets that were developed in consideration of the statewide 2030 reduction target established by SB 32 and the 2017 Scoping Plan. However, since adoption of the General Plan and current CAP the state has adopted more stringent reduction targets for carbon neutrality. The regulatory landscape during the preparation General Plan EIR changed to include reduction of GHG emission 85 percent below 1990 levels by 2045 (AB 1279), and carbon neutrality by 2045 (AB 1279). The City is currently in the process of updating the existing CAP to align with

long-term GHG reduction goals set forth by AB 1279. The new CAP intends to include policies that will extend beyond 2030 to 2045.

While the City is in the process of updating their CAP, anticipated to be complete in 2024, to meet the most recent regulatory requirements development facilitated by the Project may conflict with statewide reduction goals for 2045 and 2050 until the CAP is adopted. Therefore, with the change in the regulatory landscape the Project would result in a greater contribution to cumulative effects to GHG emissions and climate change beyond what was identified in the General Plan EIR. Thus, the Project's contribution to the significant cumulative impact would be cumulatively considerable and significant and unavoidable.

Mitigation Measures

No additional mitigation is available beyond compliance with Measures BE-1, BE-4, BE-5, BE-6, BE-7, BE-8, and ACM-5 from the 2019 CAP and Municipal Code Chapter 16.07 and Section 23.58.120.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 4-7: Contribute to Cumulative Traffic Noise

Implementation of the Project would result in the exceedance of City incremental increase standards as detailed in General Plan Policy N-2-2. The Project would generate a substantial increase in traffic noise levels above those anticipated under the General Plan buildout because the Project would result in new trips on area roadways. The discussion of traffic noise impacts associated with the Project is inherently a cumulative impact analysis as it compares the Project to City General Plan trips associated with buildout of the City and surrounding areas. This could contribute to adverse health effects to humans from sleep disturbance. Therefore, the Project would in a greater contribution to traffic noise impacts beyond what was identified in the General Plan EIR. Therefore, the Project's contribution to substantial effects related to traffic noise would be cumulatively considerable and significant and unavoidable.

Mitigation Measures

No mitigation is required beyond compliance with General Plan policies N-1-1, N-1-4, N-1-5, and N-2-3, and Mitigation Measure 3.6-2, above.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 4-8: Contribute to Cumulative Construction and Development Noise and Vibration

Because construction noise and vibration are localized effects, only construction projects that occur close to one another could combine to result in a cumulative noise or vibration effect. Therefore, noise and vibration from construction projects outside of the City's Planning Area would not contribute to noise and vibration impacts in the

City. This would be a less than cumulatively considerable impact. Construction activities in the City associated with future development projects may result in increases in noise levels surrounding individual project sites and may expose noise-sensitive land uses to intermittent vibration and noise levels above the City's applicable standards. As discussed previously, this construction activity would be intermittent and highly localized in nature. This cumulative impact was identified in General Plan EIR Impact 5.10.6. As discussed under Impacts 3.6-1, 3.6-3, and 3.6-4 of the Draft SEIR, subsequent development under the Project would in similar construction and operational noise impacts as current land uses under the General Plan and policies and the City's Municipal Code would reduce the severity of noise and vibration impacts. Because General Plan Impacts 5.10.3 and 5.10.4 note that operational noise and vibration, respectively, from buildout of the General Plan would be less than significant, cumulative impacts would also be less than significant. There is no new significant effect, and the impact is not substantially more severe than the impact identified in the EIR. As a result, this impact would be less than cumulatively considerable, though the impact would remain cumulatively considerable and significant and unavoidable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with General Plan Policy N-1-8, Municipal Code Section 6.32.100, the Elk Grove Construction Specifications Manual, and Mitigation Measure 3.6-1, above.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 4-12: Cumulative Public School Impacts

General Plan EIR Impact 5.11.3.2 evaluated whether implementation of the General Plan, in combination with other development in the EGUSD service area, would result in the increase of school-aged children, which would require the construction of new public school facilities, which could have impacts on the environment. The analysis noted that given EGUSD's current shortage of classroom space and the potential for additional development to further increase demand for school space, and thus school construction, the cumulative impact would be significant.

As identified in Impact 3.8-3 of the Draft SEIR, implementation of the Project could result in an additional 763 students to be enrolled at EGUSD schools, which could require additional school facility needs beyond current General Plan buildout. The analysis noted that no additional feasible mitigation is available beyond compliance with existing laws and General Plan policies. While the EGUSD could and should implement mitigation measures to reduce physical environmental effects of new school development, the EGUSD is not subject to mitigation adopted by the City. No enforceable measures are available. Therefore, the Project's contribution would remain cumulatively considerable and significant and unavoidable as determined in the General Plan EIR.

Mitigation Measures

There are no additional feasible mitigation is available beyond compliance with existing laws and General Plan policies, and payment of EGUSD fees. While the EGUSD could and should implement measures to reduce physical environmental effects of school development, the EGUSD is not subject to mitigation adopted by the City, making mitigation imposed by the City infeasible. Under California Government Code Section 65995(h), payment of fees levied by EGUSD pursuant to California Education Code Section 17620 is considered mitigation for the increased demand for public school facilities generated by the Project. However, because the City does not have the jurisdiction to impose school fees, no additional enforceable measures are available. Therefore, this impact would remain significant and unavoidable.

Finding

The City of Elk Grove City Council finds that because EGUSD is not subject to local regulations or any General Plan policies or mitigation, there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(2) and CEQA Guidelines Section 15091(a)(2), project changes that would mitigate impacts related to public schools are within the responsibility and jurisdiction of another public agency and not the City. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations make any mitigation measures infeasible. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 4-14: Cumulative Impacts on Vehicle Miles Traveled

The discussion of VMT impacts associated with the Project in Impact 3.9-1 of the Draft SEIR is inherently a cumulative impact analysis as it compares the Project to City General Plan VMT standards associated with buildout of the City. As detailed under Impact 3.9-1 of the Draft SEIR, the addition of Project-generated total daily VMT within the City would increase and would exceed the established Citywide limit of 6,367,833 VMT similar what was identified in the General Plan EIR. Therefore, the Project would not result in a substantial contribution to cumulative VMT impacts beyond what was identified in the General Plan EIR and would continue to be cumulatively considerable and significant and unavoidable as identified in the General Plan EIR.

Mitigation Measures

Implementation of Mitigation Measure 3.13-1 from the 2021-2029 Housing Element and Safety Element Update SEIR would reduce Project VMT.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 4-17: Cumulative Water Service Impacts

General Plan EIR Impact 5.12.1.3 evaluated whether Implementation of the General Plan, in combination with other development would contribute to cumulative demand for domestic water supply. While the demand associated with the General Plan could be accommodated in the short term by the surplus identified by the SCWA, in the long term, General Plan demand would be greater than this surplus. Therefore, this impact would be cumulatively significant and the General Plan's contribution would be cumulatively considerable.

As identified in Impact 3.10-1 of the Draft SEIR, the development facilitated by the Project would result in an increase in water demand as compared to the General Plan. Similar to the General Plan the Project would result in water services south of the City in the South and West Study Areas. However, the increase in water demand in the Planning Area would be minor compared with existing and projected demand, supply, and surplus. The additional water demand from implementation of the Project would not result in a new or substantially more severe impacts regarding water supply than was addressed in the General Plan EIR. Therefore, the Project would not result in a new or greater contribution to cumulative effects related to water service beyond what was identified in the General Plan EIR. Water supply continue to be cumulatively considerable and significant and unavoidable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is available beyond compliance General Plan Policy INF-1-1 and General Plan Mitigation Measure 5.12.1.1 from the General Plan EIR, which would address potential effects from water supply from SCWA outside the City limits.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 4-18: Cumulative Wastewater Impacts

General Plan EIR Impact 5.12.2.3 evaluated whether Implementation of the General Plan, in combination with other development in the Regional San service area, would generate new wastewater flows requiring conveyance and treatment. Future development in the Regional San service area would result in an incremental cumulative demand for wastewater and related services, and the construction of new and expanded wastewater facilities would provide additional capacity to accommodate current and future demand. The construction of these facilities would result in associated environmental impacts. This impact would be cumulatively significant.

As identified in Impact 3.10-2 of the Draft SEIR, the proposed development under the Project could generate approximately 3.12 million gallons per day (mgd) of wastewater. The Sacramento Regional Wastewater Treatment Plant (SRWTP) has been master planned to accommodate additional growth, including development that is anticipated in the South and West Study Areas. The Project would not result in a new or greater contribution to cumulative effects related to wastewater beyond what was identified in the General Plan EIR. Thus, the Project's contribution to substantial effects related to wastewater would be less than cumulatively considerable, though the impact would remain cumulatively considerable and significant as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is available.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

Impact 4-20: Cumulative Groundwater Use

General Plan EIR Impact 5.9.7 evaluated whether development of the Planning Area, in combination with other development in the Central Basin, would increase demand for groundwater and could potentially interfere with recharge of the aquifer. The analysis noted that implementation of the General Plan would increase demand for water resources, a portion or all of which would be met with groundwater, at the discretion of the Sacramento County Water Agency (SCWA). Because additional groundwater could be needed to serve the Study Areas, the impact would be cumulatively significant and unavoidable.

As discussed in Impact 3.10-4 of the Draft SEIR, the additional water demand from implementation of the Project additional water demand is minor compared with existing and projected water demand and is not expected to result in the exceedance of the long-term average annual sustainable yield. The Project would also be subject applicable management actions to meet the groundwater sustainability goal of the South American Subbasin Groundwater Sustainability Plan (adopted after General Plan EIR certification). Therefore, the Project would not result in a new or greater contribution to cumulative effects related to groundwater beyond what was identified in the General Plan EIR. Thus, the Project's contribution to substantial effects related to groundwater would be less than cumulatively considerable, though the impact would remain cumulatively considerable and significant and unavoidable as identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is available.

Finding

The City of Elk Grove City Council finds that there are no additional feasible mitigation measures that will reduce the identified significant impact to a level below significant. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations make any mitigation measures infeasible, as discussed above. Therefore, this impact would remain significant and unavoidable. However, pursuant to Public Resources Code Section 21081(b), see Section 10 (Statement of Overriding Considerations) and the General Plan Update CEQA Findings and Statement of Overriding Considerations, incorporated by reference as described in Section 6, for the specific overriding economic, legal, social, and other benefits of the Project that outweigh this significant and unavoidable impact.

9 FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the State CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a Project, or the location of a Project, which would 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.” The Final SEIR identified and considered the following reasonable range of feasible alternatives to the proposed Project which would be capable, to varying degrees, of reducing identified impacts:

- ▶ Alternative 1: No Project Alternative
- ▶ Alternative 2: Lent Ranch Alternative
- ▶ Alternative 3: Reduced Project Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the proposed Project identified in the Final SEIR, as well as consideration of their ability to meet the basic objectives of the proposed Project as described in the Final SEIR.

9.1 NO PROJECT ALTERNATIVE

DESCRIPTION

Under the No Project Alternative, the City would continue to implement the adopted General Plan, including recent amendments adopted for the 2021 Housing Element and the Safety Element. No land use or zoning changes to implement the LEA Community Plan Area, South Study Area, or West Study Area would be made. Adopted General Plan Mitigation Measures MM 5.5.1a and MM 5.5.1b would not be modified under this alternative. The Form Based Code designed for the LEA Community Plan Area would not be adopted. In addition, Grant Line Road would not be realigned as envisioned in the Precise Plan. The No Project Alternative would result in the continuation of existing conditions and planned development of the City.

FINDING

No new significant environmental impacts or an increased severity of environmental impacts identified in the General Plan EIR would occur under this alternative because it would retain the current General Plan land use designations and policy provisions. Implementation of this alternative would reduce all identified significant impacts of the Project. However, the No Project Alternative would not meet the Project objectives, including developing a walkable community and updating the City’s VMT thresholds. Therefore, the City of Elk Grove City Council rejects the No Project Alternative as undesirable as it fails the Project’s underlying purpose and does not meet any of the Project objectives.

ANALYSIS

The No Project Alternative would not update the City’s General Plan or VMT Standards or meet City Council direction for the Kammerer Road corridor to become an area for economic development in the form of a 21st century employment center. This alternative would not create a physical environment that supports the growth of 21st century employment opportunities associated with the proposed LEA Community Plan; develop walkable communities with amenities that attract and retain businesses and residents; update the City’s VMT thresholds consistent with the most recent model while maintaining consistency with the policy provisions of the Mobility Chapter of the General Plan for efficient transportation systems in the City; refine the requirements for General Plan EIR Mitigation Measure MM 5.5.1a and Mitigation Measure 5.5.1b to improve its implementation; and would not establish design and implementation provisions for Segments A2 and C of the Capital SouthEast Connector.

9.2 LENT RANCH ALTERNATIVE

DESCRIPTION

Under the Lent Ranch Alternative, existing zoning and land uses within the Lent Ranch Policy Area would remain as described in the General Plan. Other aspects of the Project (LEA Community Plan Area west of the Lent Ranch Policy Area, South and West Study Areas, Precise Plan, VMT updates, and revisions to the adopted General Plan Mitigation Measure MM 5.5.1a and MM 5.5.1b) would remain the same as analyzed throughout this SEIR. The Lent Ranch Policy Area is approximately 295 acres in the eastern portion of the Project proposed LEA Community Plan Area located north of Kammerer Road and west of State Rout (SR) 99. The Lent Ranch Policy Area is covered by a Development Agreement that is valid until 2025 and the terms of the agreement would remain for this alternative. Under this alternative the Lent Ranch Policy Area would retain the General Plan use designations of Commercial, Commercial/Office, and High Density Residential and zoning designation of Special Plan Area. The remainder of the LEA Community Plan would be implemented as proposed for the Project. This alternative would result in an increase in commercial and office development and a decrease in transect based residential development as proposed by the Project. This would result in a reduction in development density as compared to the Project.

FINDING

For the reasons set forth below and more fully described in Final SEIR and in the record of proceeding, the City of Elk Grove City Council finds that Alternative 2 is undesirable as it does not provide dense cohesive development as envisioned by the LEA Community Plan to fully meet the Project objectives and City Council direction for the Kammerer Road corridor. The City of Elk Grove City Council also finds that this alternative would not avoid significant and unavoidable impacts of the Project or provide substantial environmental benefits over the Project as mitigated. Therefore, the City of Elk Grove City Council declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

ANALYSIS

The Elk Grove City Council directed City staff to study how to leverage the value of the Kammerer Road corridor to lay the foundation for economic development in the form of a 21st century employment center. Maintaining the Lent Ranch Policy Area would remove Center 3 from the LEA Community Plan Area, which would be designed to integrate with the adjacent Sky River Casino and embrace surrounding development to progress the area as an employment center under the proposed LEA Community Plan. Therefore, the removal of Center 3 would disrupt the design of the LEA Community Plan Area to meet the direction provided by City Council. Additionally, under Alternative 2 the Lent Ranch Policy Area would not be developed around transit stations or with Transit Oriented development principles. Transit Oriented development principles are related to environmental sensitivity and seek to achieve a carbon neutral development and connectivity and consideration of surrounding development. Alternative 2 would thus not result in development with distinct neighborhoods with mixed-use development patterns and multimodal connectivity, consistent with the vision of the LEA Community Plan Area. Therefore, this Alternative would not be consistent with the objectives of the Project to develop walkable communities with amenities that attract and retain businesses and residents. Additionally, the Reduced Project Alternative would not avoid significant and unavoidable impacts of the Project that includes aesthetics (visual character and light and glare), air quality (operational emissions), greenhouse gas emissions, noise (traffic noise), public services (need to additional schools), traffic (VMT impacts); and utilities and service systems (water supply and groundwater) (Draft SEIR pages 5-10 through 5-10).

9.3 REDUCED PROJECT ALTERNATIVE

DESCRIPTION

Under the Reduced Project Alternative the land uses south of Kammerer Road within the LEA Community Plan would retain their existing General Plan land use designations and zoning. The rest of the Project (South and West Study Areas, Precise Plan, VMT updates, and General Plan EIR Mitigation Measure MM 5.5.1a and MM 5.5.1b) would remain the same as analyzed throughout this SEIR. The existing area south of Kammerer Road in the LEA Community Plan Area would retain its Activity District land use as part of the South Study Area. Permitted land uses in the Activity District include Community Commercial, Regional Commercial, Light Industrial/Flex, Heavy Industrial, High Density Residential, and Public Services. This alternative would result in reduced development density as compared to the Project, which would include residential development throughout the area south of Kammerer Road.

FINDING

For the reasons set forth below and more fully described in the Final SEIR and in the record of proceeding, the City of Elk Grove City Council finds that Alternative 3 is undesirable as it does not provide the City adequate development potential to support future growth in Elk Grove. The City of Elk Grove City Council also finds that this alternative would not avoid significant and unavoidable impacts of the Project or provide substantial environmental benefits over the Project as mitigated. Therefore, the City of Elk Grove City Council declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

ANALYSIS

Alternative 3 would result in a reduction of development in Elk Grove and would not as thoroughly meet the Project objectives of creating an environment that supports employment opportunities and attracts businesses and residents. The Alternative would result in reduced development density in the LEA Community Plan Area and would not support future projected growth in the City. Moreover, the Reduced Project Alternative would not avoid significant and unavoidable impacts of the Project that includes aesthetics (visual character and light and glare), air quality (operational emissions), greenhouse gas emissions, noise (traffic noise), public services (need to additional schools), traffic (VMT impacts); and utilities and service systems (water supply and groundwater) (Draft SEIR pages 5-10 through 5-10).

10 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and State CEQA Guidelines Section 15093(a) and (b), the City of Elk Grove City Council is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable” (State CEQA Guidelines Section 15093(a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (State CEQA Guidelines Section 15093(b)).

In accordance with the requirements of CEQA and the State CEQA Guidelines, the City of Elk Grove City Council finds that the mitigation identified in the Final SEIR and the MMRP, when implemented, will avoid, or substantially lessen the significant effects identified in the Final SEIR for the Project, except for those significant unavoidable impacts for the Project identified in Section 8 of these findings.

The City of Elk Grove City Council finds that all feasible mitigation identified in the Final SEIR within the purview of the City will be implemented with implementation of the General Plan Amendments and Update of VMT Standards Project, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, or other benefits based upon the facts set forth above, the Final SEIR, and the record, as follows:

1. The Project would result in land use and zoning changes that promote development of walkable communities with amenities that attract and retain businesses and residents in the LEA Community Plan Area to plan for future growth in the City. The planned development would increase economic opportunities in the City through development of businesses and other commercial uses. Additionally, the area would increase housing opportunities in Elk Grove to support future anticipated population growth in the region. Development in the LEA Community Plan Area would be designed in a distinct development pattern that would promote walkability and transit. The Project would therefore further other General Plan goals and policies, including the reduction in VMT, promoting infill development, economic and social diversity, and sustainable and resilient development.
2. The Project would update the City of Elk Grove Transportation Analysis Guidelines and General Plan policies for consistency with the upgraded Travel Demand Model. The upgraded Travel Demand Model represents the most up to date General Plan buildout for the City and land uses and transportation projects for the region included in the Sacramento Area of Council of Government’s 2020 Metropolitan Transportation Plan.
3. The Grant Line Road Precise Roadway Study would provide a plan for the continued development of the Grant Line Road corridor. The Precise Study includes geometric layouts, potential right-of-way impacts, cost estimates, and a comparison of alternatives. The preferred geometric layouts included in the Precise Study would be utilized by the City when considering a potential future project. The Grant Line Road corridor would become a major thoroughfare in Elk Grove providing necessary access to existing and future development.
4. Revisions to General Plan EIR Mitigation Measures MM 5.5.1a and MM 5.5.1b would require subsequent development projects in the City to prepare a detailed cultural resources study of the subject property and protect cultural resources consistent with State and local regulations. Revisions would reduce the requirement for a cultural resources study based on the archaeological sensitivity of a project site. Revisions to the mitigation language would reduce time and cost for development projects that are not located in culturally sensitive areas. The mitigation provides clear and concise steps and processes for completing cultural resources analysis for subsequent development projects.

Considering the factors listed above, the City of Elk Grove City Council finds that there are specific economic, legal, social, and other considerations associated with the Project that serve to override and outweigh the Project's significant unavoidable effects and, thus, the adverse effects are considered acceptable. Therefore, the City of Elk Grove City Council hereby adopts this Statement of Overriding Considerations.

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