

## **RESOLUTION NO. 2003-37**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE CERTIFYING A FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT ON LAGUNA GATEWAY, PHASE 2, MAKING FINDINGS OF FACT RELATING TO THE FEASIBILITY OF MITIGATION MEASURES AND PROJECT ALTERNATIVES, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, Pappas Gateway, L.P. has proposed development of approximately 154,164 square feet of building space consisting of commercial uses (the "Laguna Gateway, Phase 2 Project" or "Project"); and

Whereas, the City of Elk Grove determined that the Laguna Gateway, Phase 2 project was a project requiring review pursuant to the California Environmental Quality Act CEQA, Public Resources Code 21000 et seq. and that a supplemental environmental impact report (SEIR) be prepared to evaluate the potential environmental effects of the project; and,

Whereas, a Notice of Preparation was released for public and agency review and comment on November 21, 2002; and,

Whereas, the City of Elk Grove distributed a Notice of Availability for the Laguna Gateway, Phase 2 Draft SEIR on December 23, 2002, which started the 45-day public review period that closed on February 5, 2003. The Draft SEIR was also submitted to the State Clearinghouse for state agency review; and,

Whereas, the City of Elk Grove Planning Commission held a public meeting on January 9, 2003 to receive public comments on the Draft SEIR and those comments were received and responded to in the Final SEIR; and,

Whereas, the City of Elk Grove Planning Commission considered the Final SEIR and the Project at the Planning Commission meeting on February 13, 2003 and recommended certification of the Final SEIR and approval of the Project to the City Council of the City of Elk Grove; and

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

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

1. Certification of the Final SEIR

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A. The City Council of the City of Elk Grove hereby certifies that the Final SEIR has been completed in compliance with CEQA.

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

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

## **2. Findings on Impacts**

The City Council finds:

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

B. The SEIR identifies five impacts as significant that cannot be mitigated to less-than-significant level and are thus considered significant and unavoidable. These impacts consist of traffic and air quality impacts. The City Council makes the findings with respect to these significant unavoidable impacts as set forth in Exhibit A.

## **3. Findings on Alternatives**

Three project alternatives (No Project, Development Under Current Zoning and Reduced Square Footage) were evaluated by the City of Elk Grove in the SEIR. As set forth in Exhibit A, these alternatives either do not meet the basic project objectives, or do not provide the same extent of economic and social benefit to the City as compared to the proposed project. The City Council hereby finds that the proposed project, as mitigated by adoption of mitigation measures identified in the SEIR, is feasible for implementation of the project and serves the best interests of the City of Elk Grove.

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

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

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

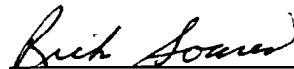
A. The City Council hereby finds that the proposed mitigation measures described in the Final SEIR and findings are feasible, and therefore will become binding upon the project applicant. The Mitigation Monitoring and Reporting Program is included as Exhibit B and will be enforced in accordance with Chapter 20.02 of the City Code, "Mitigation Monitoring and Reporting Program".

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

#### 6. Other Findings

The City Council finds that issues raised during the public comment period do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft SEIR pursuant to CEQA Guidelines Section 15088.5.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 19<sup>th</sup> day of February 2003.



RICK SOARES  
Mayor, City of Elk Grove

ATTEST:



PEGGY JACKSON  
City Clerk, City of Elk Grove

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI  
City Attorney, City of Elk Grove

**AYES:** Soares, Briggs, Cooper  
Scherman, Leary  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

# **EXHIBIT A**

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

LAGUNA GATEWAY PHASE II SEIR

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SCH# 2002112100

PREPARED BY:

CITY OF ELK GROVE  
8400 LAGUNA PALMS WAY  
ELK GROVE, CA 95758

February 2003

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## **FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS**

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### **TABLE OF CONTENTS**

	PAGE
A. Findings Associated with Significant Impacts and Mitigation Measures Identified In the SEIR	6
B. Findings Associated with Project Alternatives	16
C. Statement of Overriding Considerations	20

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## **FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS**

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### **INTRODUCTION**

The Laguna Gateway Phase II Supplemental Environmental Impact Report (SEIR) identified significant impacts associated with the proposed development. Approval of a project with significant impacts requires that findings be made by the Lead Agency pursuant to the California Environmental Quality Act (CEQA, California Public Resources Code sections 21000 et seq.), and State CEQA Guidelines (California Administrative Code, Title 14, Chapter 3) Sections 15043, 15091, and 15093. Significant impacts of the project would either: 1) be mitigated to a less than significant level pursuant to the mitigation measures identified in this SEIR; or 2) mitigation measures notwithstanding, have a residual significant impact that requires a Statement of Overriding Consideration. Specifically, CEQA Guidelines Section 15091 requires lead agencies to make one or more of the following written findings:

1. Changes or alterations have been required in, or incorporated into, the project that 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 findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, social or other considerations make infeasible the mitigation measure or project alternative identified in the final EIR.

These Findings accomplish the following: a) they address the significant environmental effects identified in the SEIR for the approved project; b) they incorporate all mitigation measures associated with these significant impacts identified in either the Draft SEIR or the Final SEIR c) they indicate whether a significant effect is avoided or reduced by the adopted mitigation measures to a less-than-significant level, or remain significant and unavoidable, either because there are not feasible mitigation measures or because, even with implementation of mitigation measures, a significant impact will occur; and, d) they address the feasibility of all project alternatives identified in the SEIR. For any effects that will remain significant and unavoidable, a "Statement of Overriding Considerations" is presented. The conclusions presented in these Findings are based on the Final SEIR (consisting of the Draft SEIR, Response to Comments, and errata to the Draft SEIR) and other evidence in the administrative record.

To the extent that these Findings conclude that various proposed mitigation measures outlined in the SEIR are feasible and have not been modified, superseded, or withdrawn, the City of Elk Grove hereby binds itself and the project to implement these measures. These Findings are not merely informational, but constitute a binding set of obligations that will come into effect when the City of Elk Grove adopts resolutions approving the proposed project (CEQA, Section 21081.6[b]). The mitigation measures identified as feasible and within the City's authority to implement for the approved project become express conditions of approval which the City binds itself to upon project approval. The City of Elk Grove, upon review of the Final SEIR, which includes the Draft SEIR and based on all the information and evidence in the administrative record, hereby makes the Findings set forth herein.

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## **FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS**

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### **CEQA PROCESS OVERVIEW**

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City of Elk Grove prepared and circulated a Notice of Preparation (NOP) and Initial Study for the Laguna Gateway Phase II SEIR for public and agency review on November 21, 2002. The comments received in response to the NOP were included as an appendix to the Draft SEIR. Comments raised in response to the NOP were considered and addressed during preparation of the SEIR.

Upon completion of the Laguna Gateway Phase II Draft Supplemental Environmental Impact Report (State Clearinghouse No. 2002112100), the City prepared and distributed a Notice of Availability on December 23, 2002 pursuant to CEQA Guidelines Section 15087. Pursuant to CEQA Guidelines, Sections 15087 and 15105, a 45-day public comment and review period was opened on December 23, 2002 and was closed on February 5, 2003. A public meeting was held at the City of Elk Grove City Hall on January 9, 2003, before the Elk Grove Planning Commission in order to obtain comments on the adequacy of the Draft SEIR. Written comment letters and oral comments were received during this public review period. No new significant environmental issues, beyond those already covered in the Draft SEIR, were raised during the comment period, and the City directed that a Final SEIR be prepared. Responses to comments received on the Draft SEIR did not involve any new significant impacts or provide significant new information that would require recirculation of the Draft SEIR pursuant to CEQA Guidelines Section 15088.5. Responses to comments were provided in the Final Supplemental Environmental Impact Report (Final SEIR), and responses were sent to public agencies that commented on the Draft SEIR.

### **DESCRIPTION OF THE RECORD**

For the purposes of CEQA and these findings, the record before the City Council includes, without limitation, the following:

- The project application;
- The Draft and Final SEIR and the appendices to the Draft SEIR;
- All notices, including the Notice of Availability, Notice of Preparation and the Notice of Determination;
- All staff reports and presentation materials related to the project;
- All studies conducted on the project or are referenced in the Draft SEIR, Final SEIR and staff reports;
- All documentary and oral evidence received and reviewed at public hearings on the project, Draft SEIR and Final SEIR;
- Any additional items not included above.

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## **FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS**

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### **DOCUMENT ORGANIZATION**

The findings are organized into the following sections:

- A. Findings Associated with Significant Impacts and Mitigation Measures Identified in the SEIR
- B. Findings Associated with Project Alternatives
- C. Statement of Overriding Considerations



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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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### A. FINDINGS ASSOCIATED WITH SIGNIFICANT IMPACTS AND MITIGATION MEASURES IDENTIFIED IN THE EIR

The City of Elk Grove (City) hereby adopts and makes the following findings relating to its approval of the Laguna Gateway Phase II Project. Having received, reviewed, and considered the entire record, both written and oral, relating to the Laguna Gateway Phase II Project and associated Supplemental Environmental Impact Report, the City makes the following findings associated with the significant impacts and mitigation measures identified in the Final EIR:

#### Transportation and Circulation

**Impact 4.1.1** Implementation of the project would result in deficient LOS operations at the Laguna Boulevard/Bruceville Road and Big Horn Boulevard/Project Driveway #2 intersections under "Existing Base" plus project conditions. This would be a **significant** impact.

#### Mitigation Measures

**MM 4.1.1a** The project applicant shall make the following improvements to the Big Horn Boulevard/Project Driveway #2 intersection:

- Install a traffic signal and interconnect the traffic signal with the existing traffic signal at the Laguna Boulevard/Big Horn Boulevard intersection.
- The westbound intersection approach shall be improved to accommodate a separate left-turn lane and a shared right-turn lane.

*Timing/Implementation:* Prior to the issuance of Certificate of Occupancy.

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

**MM 4.1.1b** The project applicant shall re-stripe the southbound approach of the Laguna Boulevard/Bruceville Road intersection to accommodate a separate right-turn lane (existing), and a shared through-right lane.

*Timing/Implementation:* Prior to the issuance of Certificate of Occupancy.

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

**Findings: Mitigation Measures Feasible and Required.** As identified in the Draft SEIR and the Laguna Gateway Phase II Traffic Impact Study prepared by Omni-Means Engineers/Planners, implementation of these mitigation measures would improve the operation of the Big Horn Boulevard/Project Driveway #2 intersection to level of service (LOS) "B" and the Laguna Boulevard/Bruceville Road intersection to LOS "D" consistent with the City of Elk Grove Draft General Plan Policy CI-10 (LOS "D" standard). Based on City staff review, these improvements have been determined to be feasible and would not result in significant effects on the environment. The City finds that implementation of the above mitigation measures is feasible and would reduce the impact to **less than significant**.

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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**Impact 4.1.2** Implementation of the project would result in deficient LOS operations of Laguna Boulevard from Bruceville Road to Laguna Springs Drive under "Existing Base" plus project conditions. This would be a **significant** impact.

Mitigation Measure

None available.

**Findings: No Feasible Mitigation Measures Available to Mitigate the Impact.** As identified on page 4.1-24 of the Draft SEIR, further widening along Laguna Boulevard (which could mitigate project traffic impacts) is considered infeasible given that there is substantial development and/or improvements that are along the existing frontage of Laguna Boulevard that would need to be removed and/or relocated in order to accommodate further widening of Laguna Boulevard segments, which are considered to be economically infeasible by the City. Given these conditions, the City finds that "Existing Base" plus project traffic impacts to Laguna Boulevard are considered **significant and unavoidable** and no feasible mitigation exists to mitigate this impact. It is hereby determined that this impact is acceptable for the reasons specified in Section C of this document.

**Impact 4.1.3** Under cumulative conditions, the project would significantly worsen the operation of the Laguna Boulevard/Big Horn Boulevard intersection (projected to operate at LOS "F") as well as result in the deficient operation of the Big Horn Boulevard / Project Driveway #2 intersection. This is considered a **cumulative significant** impact.

Mitigation Measure

**MM 4.1.1a** The project applicant shall make the following improvements to the Big Horn Boulevard/Project Driveway #2 intersection:

- Install a traffic signal and interconnect the traffic signal with the existing traffic signal at the Laguna Boulevard/Big Horn Boulevard intersection.
- The westbound intersection approach shall be improved to accommodate a separate left-turn lane and a shared right-turn lane.

*Timing/Implementation:* Prior to the issuance of Certificate of Occupancy.

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

**MM 4.1.3** The project applicant shall convert the separate right-turn lane at the eastbound intersection approach at the Laguna Boulevard and Big Horn Boulevard intersection to a shared through-right lane, and re-stripe the eastbound leg for an additional through lane.

*Timing/Implementation:* Prior to the issuance of Certificate of Occupancy.

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

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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**Findings: Mitigation Measures Feasible and Required.** As identified in the Draft SEIR and the Laguna Gateway Phase II Traffic Impact Study prepared by Omni-Means Engineers/Planners, implementation of the above mitigation measures would improve the operation of the Laguna Boulevard/Big Horn Boulevard intersection to from a V/C ratio of 0.10 to V/C ratio of 0.04, which would be consistent with the City of Elk Grove Traffic Impact Analysis Guidelines. Traffic impacts to the Big Horn Boulevard/Project Driveway #2 intersection would mitigated to a level of service (LOS) "B" consistent with the City of Elk Grove Draft General Plan Policy CI-10 (LOS "D" standard).

Based on City staff review, these improvements have been determined to be feasible and would not result in significant effects on the environment. The City finds that implementation of the above mitigation measures is feasible and would reduce the impact to **less than significant**.

**Impact 4.1.4** Under cumulative conditions, the project would significantly worsen the operation of Laguna Boulevard between Bruceville Road and Big Horn Boulevard (projected to operate at LOS "F") as well. This is considered a **cumulative significant** impact.

### Mitigation Measures

None available.

**Findings: No Feasible Mitigation Measures Available to Mitigate the Impact.** As identified on page 4.1-31 of the Draft SEIR, the proposed project increases the volume to capacity (V/C) ratio to 0.05 along Laguna Boulevard between Bruceville Road and Big Horn Boulevard over the cumulative base V/C ratio, resulting in a significant impact. As a Condition of Approval the City will require the project to participate in a future City-wide traffic improvement program that would assist in reducing general traffic impacts of the project. However, this Condition of Approval will not specifically mitigate the LOS deficiency on Laguna Boulevard. Further widening along Laguna Boulevard (which could mitigate project traffic impacts) is considered infeasible given that there is substantial development and/or improvements that are along the existing frontage of Laguna Boulevard that would need to be removed and/or relocated in order to accommodate further widening of Laguna Boulevard segments, which are considered to be economically infeasible by the City. Given these conditions, the City finds that cumulative plus project traffic impacts to Laguna Boulevard are considered **significant and unavoidable** and no feasible mitigation exists to mitigate this impact. It is hereby determined that this impact is acceptable for the reasons specified in Section C of this document.

### **Air Quality**

**Impact 4.2.1** Construction activities associated with the development of the proposed project would contribute to regional pollutants, such as ROG, NO<sub>x</sub>, and PM<sub>10</sub>. This would result in a **potentially significant** impact.

### Mitigation Measures

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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**MM 4.2.1a** Compliance with the SMAQMD's Rule 403 shall be written into all construction contracts and project improvement plans. Evidence of compliance with this measure shall be provided to the City.

*Timing/Implementation:* During all grading and construction phases of the project.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

**MM 4.2.1b** Water all construction areas at least twice daily. This requirement shall be noted in project improvement plans.

*Timing/Implementation:* During all grading and construction phases of the project.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

**MM 4.2.1c** Wash dirt off construction vehicles and equipment within the staging area prior to leaving the construction site. This requirement shall be noted in project improvement plans.

*Timing/Implementation:* During all grading and construction phases of the project.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

**MM 4.2.1d** Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer. This requirement shall be noted in project improvement plans.

*Timing/Implementation:* During all grading and construction phases of the project.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

**MM 4.2.1e** Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas and staging areas. This requirement shall be noted in project improvement plans.

*Timing/Implementation:* During all grading and construction phases of the project.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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**MM 4.2.1f** The project shall implement to following measures to reduce potential air quality impacts from diesel-powered equipment during construction activities.

- (a) **Category 1:** Reducing NO<sub>x</sub> emissions from off-road diesel powered equipment.

The prime contractor shall provide a plan for approval by the City of Elk Grove and SMAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20 percent NO<sub>x</sub> reduction and a 45 percent particulate reduction compared to the most recent CARB fleet average.

The prime contractor shall submit to the City of Elk Grove and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs; and,

- (b) **Category 2:** Controlling visible emissions from off-road diesel powered equipment.

The prime contractor shall ensure that emissions from all off-road diesel powered equipment used on the proposed project does not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and the City of Elk Grove and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a month summary of the visual results shall be submitted to the City and SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulation.

In the event construction equipment meeting the requirements set forth above is determined not to be available, the project applicant shall notify the City and SMAQMD. Upon verification that required low-emission construction equipment is not available, the City may waive this measure.

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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This requirement shall be included as a note in all project construction plans.

*Timing/Implementation:* Prior to and during construction activities.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

**MM 4.2.1g** Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas. This requirement shall be noted in project improvement plans.

*Timing/Implementation:* During all grading and construction phases of the project.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

**Findings: Mitigation Measures Feasible and Required.** As identified in the Draft SEIR, project construction activities would not exceed SMAQMD's established thresholds. Implementation of the above mitigation measures would reduce the project's air quality construction impacts for nuisance conditions to less than significant levels. The City finds that implementation of the above mitigation measures is feasible and would reduce the impact to **less than significant**.

**Impact 4.2.2** Project emissions from during the operational phase exceed SMAQMD's significance threshold. This would result in a potentially **significant** impact.

### Mitigation Measure

**MM 4.2.2** The project shall include "Emission Reduction Measures" to reduce the project's emissions by 15 percent and ensure the project's compliance with the Draft General Plan policy CAQ-22.

*Timing/Implementation:* Prior to recordation of Final Map.

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

**Findings: Mitigation Measures Feasible and Required.** The City finds that Implementation of MM 4.2.2 would assist in reducing the project's operational air quality impacts. The City finds that implementation of the above mitigation measures is feasible. However, the emission reduction measures required under Mitigation Measure MM 4.2.2 have not been identified and thus there is some uncertainty regarding whether project implementation of this mitigation measure will meet this reduction. In addition, as shown in Table 4.2-5 of the Draft SEIR, the project will contribute to increased air pollutant emissions above what would occur under existing zoning that would contribute to the current nonattainment status of the Sacramento Valley Air Basin's classification as a "severe" non-attainment area for ozone and a non-attainment area for PM<sub>10</sub>. Given these conditions, the City finds that even with the implementation of Mitigation Measure MM 4.2.2, the project's contribution to regional and local air quality impacts would be **significant and**

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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**unavoidable.** It is hereby determined that this impact is acceptable for the reasons specified in Section C of this document.

**Impact 4.2.3** Development of project in combination with cumulative projects would result in emissions that exceed SMAQMD thresholds. This would result in a **cumulative significant** impact.

### Mitigation Measures

**MM 4.2.1a** Compliance with the SMAQMD's Rule 403 shall be written into all construction contracts and project improvement plans. Evidence of compliance with this measure shall be provided to the City.

*Timing/Implementation:* During all grading and construction phases of the project.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

**MM 4.2.1b** Water all construction areas at least twice daily. This requirement shall be noted in project improvement plans.

*Timing/Implementation:* During all grading and construction phases of the project.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

**MM 4.2.1c** Wash dirt off construction vehicles and equipment within the staging area prior to leaving the construction site. This requirement shall be noted in project improvement plans.

*Timing/Implementation:* During all grading and construction phases of the project.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

**MM 4.2.1d** Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer. This requirement shall be noted in project improvement plans.

*Timing/Implementation:* During all grading and construction phases of the project.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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- MM 4.2.1e** Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas and staging areas. This requirement shall be noted in project improvement plans.

*Timing/Implementation:* During all grading and construction phases of the project.

*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

- MM 4.2.1f** The project shall implement to following measures to reduce potential air quality impacts from diesel-powered equipment during construction activities.

- (a) **Category 1: Reducing NO<sub>x</sub> emissions from off-road diesel powered equipment.**

The prime contractor shall provide a plan for approval by the City of Elk Grove and SMAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20 percent NO<sub>x</sub> reduction and a 45 percent particulate reduction compared to the most recent CARB fleet average.

The prime contractor shall submit to the City of Elk Grove and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs; and,

- (b) **Category 2: Controlling visible emissions from off-road diesel powered equipment.**

The prime contractor shall ensure that emissions from all off-road diesel powered equipment used on the proposed project does not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and the City of Elk Grove and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a month summary of the visual results shall be submitted to the City and SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each



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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulation.

In the event construction equipment meeting the requirements set forth above is determined not to be available, the project applicant shall notify the City and SMAQMD. Upon verification that required low-emission construction equipment is not available, the City may waive this measure. This requirement shall be included as a note in all project construction plans.

*Timing/Implementation:* Prior to and during construction activities.  
*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

**MM 4.2.1g** Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas. This requirement shall be noted in project improvement plans.

*Timing/Implementation:* During all grading and construction phases of the project.  
*Enforcement/Monitoring:* City of Elk Grove Development Services and SMAQMD.

**Findings: Mitigation Measures Feasible and Required.** The City finds that Implementation Project-specific mitigation measures MM 4.2.1a through MM 4.2.1g are feasible and would apply to cumulative air quality construction impacts, but would not reduce impacts to less than significant. The project will contribute to increased air pollutant emissions that would contribute to the current nonattainment status of the Sacramento Valley Air Basin's classification as a "severe" non-attainment area for ozone and a non-attainment area for PM<sub>10</sub>. Given these conditions, the City finds that even with the implementation of mitigation measures MM 4.2.1a through MM 4.2.1g, the project's contribution to cumulative air quality impacts would be **significant and unavoidable**. It is hereby determined that this impact is acceptable for the reasons specified in Section C of this document.

**Impact 4.2.4** Proposed project would exceed SMAQMD thresholds for cumulative impacts. This would result in a **significant cumulative** impact.

### Mitigation Measures

**MM 4.2.2** The project shall include "Emission Reduction Measures" to reduce the project's emissions by 15 percent and ensure the project's compliance with the Draft General Plan policy CAQ-22.

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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*Timing/Implementation:* Prior to recordation of Final Map.

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

**Findings: Mitigation Measures Feasible and Required.** The City finds that Implementation of MM 4.2.2 would assist in reducing the project's contribution to cumulative operational air quality impacts. The City finds that implementation of the above mitigation measures is feasible. As shown in Table 4.2-5 of the Draft SEIR, the project will contribute to increased air pollutant emissions above what would occur under existing zoning that would contribute to the current nonattainment status of the Sacramento Valley Air Basin's classification as a "severe" non-attainment area for ozone and a non-attainment area for PM<sub>10</sub>. Given these conditions, the City finds that even with the implementation of Mitigation Measure MM 4.2.2, the project's contribution to regional and local air quality impacts would be **significant and unavoidable**. It is hereby determined that this impact is acceptable for the reasons specified in Section C of this document.

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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### B. FINDINGS ASSOCIATED WITH PROJECT ALTERNATIVES

The CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly obtain the basic objectives of the Project..." (CEQA Guidelines 15126.6[a]). However, an EIR need not consider an alternative is remote or speculative.

For this project, three alternatives were evaluated. These alternatives are discussed in Section 6.0 of the Draft SEIR. The alternatives analyzed are as follows:

- Alternative 1 - No Project Alternative;
- Alternative 2 - Development Under Current Zoning Alternative;
- Alternative 3 – Reduced Square Footage Alternative.

#### **Alternative 1 – No Project**

CEQA Guidelines Section 15126.6(e)(1) states that a No Project Alternative shall be analyzed. The purpose of describing and analyzing a No Project Alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project.

As described on page 6-2 of the Draft SEIR, the No Project Alternative would leave the project site in its present undeveloped condition. The project traffic and air quality impacts associated with construction and operational activities identified in Section 4.0 of the Draft SEIR would not occur if the No Project Alternative were selected. The following provides a summary of the environmental impacts associated with the No Project Alternative as compared to the environmental impacts associated with the proposed project.

**Transportation and Circulation (Section 4.1 of the Draft SEIR):** There would be no increases in traffic under the No Project Alternative. Thus, project traffic impacts to intersections and roadway segments under existing and cumulative conditions (Impacts 4.1.1, 4.1.2, 4.1.3 and 4.1.4) would be avoided under this alternative.

**Air Quality (Section 4.2 of the Draft SEIR):** Since no construction would occur under the No Project Alternative, there would be no construction or operational air pollutant emissions. Thus, project air quality construction and operational air quality impacts under existing and cumulative conditions (Impacts 4.2.1, 4.2.2, 4.2.3 and 4.2.4) would be avoided under this alternative.

This alternative eliminates the environmental impacts associated with the proposed project. However, the No Project Alternative would not meet any of the project objectives.

**Findings:** The No Project Alternative is considered infeasible by the City for the following reasons:

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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1. Mitigation measures incorporated into the project, or otherwise being adopted by the City through project approval, will substantially lessen or avoid several of the environmental effects of the project thereby diminishing or obviating the perceived mitigating or impact avoiding benefits of adopting the No Project Alternative.
2. Although the No Project Alternative would avoid significant project air quality and traffic impacts, the No Project Alternative would not meet any objectives of the proposed project.
3. Technical analysis regarding regional retail spending and Elk Grove retail sales performed by Applied Development Economics for the City has shown that the Elk Grove area is expected to lose sales tax revenues from sales leakage outside of Elk Grove of approximately \$35,357,710. While the project would provide additional opportunities to assist the City in capturing this sales leakage, the No Project Alternative would not provide this benefit.
4. Based on evidence submitted as testimony by representatives from Rubicon Partners and CB Commercial (office and commercial real estate brokers) at the February 13, 2003 Elk Grove Planning Commission meeting on the project, implementation of the proposed project would provide additional commercial amenities that would further assist in the attraction of new office uses to locate on land areas designed by the City for office uses along Laguna Springs Drive and Big Horn Boulevard, generally consistent with the policies of the Economic Development Element of the Draft Elk Grove General Plan (dated January 20, 2003). The No Project Alternative would not provide any assistance in attracting office development in the project area.

### **Alternative 2 – Development Under Current Zoning Alternative**

As described on page 6-2 of the Draft SEIR, the Development Under Current Zoning Alternative would be developed under its current City of Elk Grove Draft General Plan and Zoning designations of SPA Industrial/Office Park (MP). Assuming a 0.30 floor area ratio and taking into account driveway, parking and landscaping areas, the project site could result in the development of approximately 197,760 square feet of office uses.

The following provides a summary of the Development Under Current Zoning Alternative environmental impacts as compared to the proposed project environmental impacts.

**Transportation and Circulation (Section 4.1 of the Draft SEIR):** As described in Section 4.1 (Transportation and Circulation), the proposed project would result in significant traffic impacts to the Laguna Boulevard/Bruceville Road, Big Horn Boulevard/Project Driveway #2 and Laguna Boulevard/Big Horn Boulevard intersections as well as Laguna Boulevard from Bruceville Road to Laguna Springs Drive under existing and cumulative conditions (Impacts 4.1.1, 4.1.2, 4.1.3 and 4.1.4). Using a daily trip rate of 11.33 per 1,000 square feet of general office use, this alternative would generate 2,241 daily trips. This would be result in a 70 percent reduction in projected daily traffic volumes generated at the site as compared to the proposed project. Alternative 2 would generate 53 more trips than the proposed project in the AM peak hour, but would generate 393 fewer trips than the proposed project in the

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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PM peak hour. As a result of the land use change, Alternative 2 would result in reduced traffic impacts to the Laguna Boulevard/Bruceville Road, Big Horn Boulevard/Project Driveway #2 and Laguna Boulevard/Big Horn Boulevard intersections as well as Laguna Boulevard from Bruceville Road to Laguna Springs Drive as compared to the proposed project.

**Air Quality (Section 4.2 of the Draft SEIR):** As identified in Table 6.0-1 of the Draft SEIR, Alternative 2 would result in reduced operational air quality impacts (Impacts 4.2.2 and 4.2.4) as compared to the proposed project.

**Findings:** The Development Under Current Zoning Alternative is considered infeasible by the City for the following reasons:

1. Although the Development Under Current Zoning Alternative would reduce significant project air quality and traffic impacts, the Development Under Current Zoning Alternative would not meet the following project objectives:
  - a. Provide a core employment and commercial center to the Laguna Community, which will result in an environment that makes this area more desirable for quality business park users.
  - b. Provide commercial development to support demand for such services within the Laguna Community.
  - c. Establish commercial uses that are designed for convenient pedestrian access, are constructed of quality material, and enhance the visual character of the Laguna Community.
2. Technical analysis regarding regional retail spending and Elk Grove retail sales performed by Applied Development Economics for the City has shown that the Elk Grove area is expected to lose sales tax revenues from sales leakage outside of Elk Grove of approximately \$35,357,710. While the project would provide additional opportunities to assist the City in capturing this sales leakage, the Development Under Current Zoning Alternative would not provide this benefit.
3. Based on evidence submitted as testimony by representatives from Rubicon Partners and CB Commercial (office and commercial real estate brokers) at the February 13, 2003 Elk Grove Planning Commission meeting on the project, implementation of the proposed project would provide additional commercial amenities that would further assist in the attraction of new office uses to locate on land areas designed by the City for office uses along Laguna Springs Drive and Big Horn Boulevard, generally consistent with the policies of the Economic Development Element of the Draft Elk Grove General Plan (dated January 20, 2003). The Development Under Current Zoning Alternative would not provide the desired commercial amenities for attracting future office development in the project area.

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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### ALTERNATIVE 3 – REDUCED SQUARE FOOTAGE ALTERNATIVE

As described on page 6-3 of the Draft SEIR, this alternative consists of the site being developed under the proposed project's conditions. However, the Reduced Square Footage Alternative would include a reduction of the commercial square footage by 20,000 square feet (the gas station/convenience store would remain as proposed) in order to maintain adequate LOS along Laguna Boulevard (LOS "D") under existing plus project conditions as well as improve cumulative year traffic conditions along Laguna Boulevard. Under this alternative the project would require a General Plan Amendment (GPA), Rezone, Revisions to the Laguna Gateway SPA Ordinance, which is required to support the GPA/Rezone, a Tentative Subdivision Map and a Development Plan Review.

The following provides a summary of the Reduced Square Footage Alternative environmental impacts as compared to the proposed project environmental impacts.

**Transportation and Circulation (Section 4.1 of the Draft SEIR):** As described in Section 4.1 (Transportation and Circulation), the proposed project would result in significant traffic impacts to the Laguna Boulevard/Bruceville Road, Big Horn Boulevard/Project Driveway #2 and Laguna Boulevard/Big Horn Boulevard intersections as well as Laguna Boulevard from Bruceville Road to Laguna Springs Drive under existing and cumulative conditions (Impacts 4.1.1, 4.1.2, 4.1.3 and 4.1.4). Alternative 3 would reduce significant traffic impacts on Laguna Boulevard under existing base plus project conditions and would reduce anticipated daily traffic volumes by approximately 16 percent.

**Air Quality (Section 4.2 of the Draft SEIR):** As described in Section 4.2 (Air Quality), the proposed project would result in significant operational air quality impacts. Alternative 3 would reduce traffic volumes by approximately 16 percent, which would result in reduced air quality impacts as compared to the proposed project.

**Findings:** The Reduced Square Footage Alternative is considered infeasible by the City for the following reason:

1. Technical analysis regarding regional retail spending and Elk Grove retail sales performed by Applied Development Economics for the City has shown that the Elk Grove area is expected to lose sales tax revenues from sales leakage outside of Elk Grove of approximately \$35,357,710. The Reduced Square Footage Alternative would have a reduced ability to assist the City in capturing this sales leakage as compared to the proposed project.

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## FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS

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### C. STATEMENT OF OVERRIDING CONSIDERATIONS

In determining whether to approve the project, CEQA requires the lead agency to balance the benefits of the proposed project against its unavoidable environmental effects. In regards to the Laguna Gateway Phase II Project, the Final SEIR has identified the following significant and unavoidable environmental impacts. Findings associated with the feasibility of mitigating these impacts are provided in Section A of the findings.

#### Transportation and Circulation

- Impact 4.1.2** Implementation of the project would result in deficient LOS operations of Laguna Boulevard from Bruceville Road to Laguna Springs Drive under "Existing Base" plus project conditions.
- Impact 4.1.4** Under cumulative conditions, the project would significantly worsen the operation of Laguna Boulevard between Bruceville Road and Big Horn Boulevard (projected to operate at LOS "F") as well.

#### Air Quality

- Impact 4.2.2** Project emissions from during the operational phase exceed SMAQMD's significance threshold.
- Impact 4.2.3** Development of project in combination with cumulative projects would result in emissions that exceed SMAQMD thresholds.
- Impact 4.2.4** Proposed project would exceed SMAQMD thresholds for cumulative impacts.

The City has carefully balanced the benefits of the project against any adverse impacts identified above that could not be feasibly mitigated to less than significant. The City, acting pursuant to Section 15093 of the CEQA Guidelines, hereby determines that the benefits of the project outweigh the unmitigated adverse impacts and the project should be approved. The findings associated with this determination are provided below.

#### SPECIFIC FINDINGS

**Project Benefits Outweigh Unavoidable Impacts.** The City finds that the identified significant and unavoidable impacts of the project are acceptable in light of the following:

1. Technical analysis regarding regional retail spending and Elk Grove retail sales performed by Applied Development Economics for the City has shown that the Elk Grove area is expected to lose sales tax revenues from sales leakage outside of Elk Grove of approximately \$35,357,710. The proposed project would provide additional opportunities to assist the City in capturing this sales leakage.
2. Based on evidence submitted as testimony by representatives from Rubicon Partners and CB Commercial (office and commercial real estate brokers) at the February 13, 2003 Elk

## **FINDINGS OF FACT/STATEMENT OF OVERRIDING CONSIDERATIONS**

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Grove Planning Commission meeting on the project, implementation of the proposed project would provide additional commercial amenities that would further assist in the attraction of new office uses to locate on land areas designed by the City for office uses along Laguna Springs Drive and Big Horn Boulevard, generally consistent with the policies of the Economic Development Element of the Draft Elk Grove General Plan (dated January 20, 2003).

The City finds it is imperative to carefully consider the competing goals in approving the project and the protection of the environment. The City has chosen to accept certain environmental impacts to traffic and air quality because of the identified economic and social benefits associated with items 1 and 2 above.



**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<b><u>Conditions of Approval / Mitigation Measure</u></b>		<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification (date and Signature)</u></b>
<b>A. Deletion</b>				
1.	<i>This condition was deleted by the City Council on 2/19/03 for the purposes of the EIR Resolution.</i>			
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Development Services – Planning	
3.	The applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Development Services – Planning	
4.	The Tentative Subdivision Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.	Three years, commencing with the date of City Council approval	Development Services – Planning	
<b>B. Prior to Submittal of Grading or Improvement Plan</b>				
5.	On-site source and treatment control measures are required for this project in accordance with the latest version of the Guidance Manual of On-site Storm Water Quality Control Measures. In all cases, source control measures on the	Prior to Submittal of Grading or Improvement Plan	Development Services – Public Works	

**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	improvement plans will include provision of a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each inlet. Other on-site source and treatment control measure(s) shall also be used in accordance with specific commercial and industrial activities referenced in the Guidance Manual. Prior to improvement plan submittal, the final design of the proposed on-site source and treatment controls will be approved by the City of Elk Grove Water Resources Department.			
<b>C. Prior to Issuance of Grading Permit / Improvement Plan</b>				
6.	Prior to the issuance of any grading permits, comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with the project. Until the MMRP has been recorded and the estimated MMRP fee of \$4,000 has been paid, no grading, building, sewer connection, water connection, or occupancy permit from the City will be approved.	Prior to Issuance of Grading Permit / Improvement Plan	Development Services – Planning	
7.	Record a maintenance agreement to provide for the timely maintenance of the on-site SWQ treatment controls.	Prior to Issuance of Grading Permit / Improvement Plan	Development Services – Public Works	
8.	Compliance with the SMAQMD's Rule 403 shall be written into all construction contracts and project improvement plans. Evidence of compliance with this measure shall be provided to the City. (MM 4.2.1a)	During all grading and construction phases of the	Development Services and SMAQMD	

**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
		project.		
9.	Water all construction areas at least twice daily. This requirement shall be noted in project improvement plans. (MM 4.2.1b)	During all grading and construction phases of the project.	Development Services and SMAQMD	
10.	Wash dirt off construction vehicles and equipment within the staging area prior to leaving the construction site. This requirement shall be noted in project improvement plans. (MM 4.2.1c)	During all grading and construction phases of the project.	Development Services and SMAQMD	
11.	Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer. This requirement shall be noted in project improvement plans. (MM 4.2.1d)	During all grading and construction phases of the project.	Development Services and SMAQMD	
12.	Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas and staging areas. This requirement shall be noted in project improvement plans. (MM 4.2.1e)	During all grading and construction phases of the project.	Development Services and SMAQMD	
13.	The project shall implement to following measures to reduce potential air quality impacts from diesel-powered equipment during construction activities.  (a) <b>Category 1:</b> Reducing NO <sub>x</sub> emissions from off-road	Prior to and during construction activities	Development Services and SMAQMD	

**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p><u>diesel powered equipment.</u></p> <p>The prime contractor shall provide a plan for approval by the City of Elk Grove and SMAQMD demonstrating that the heavy-duty (&gt;50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20 percent NO<sub>x</sub> reduction and a 45 percent particulate reduction compared to the most recent CARB fleet average.</p> <p>The prime contractor shall submit to the City of Elk Grove and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs; and,</p> <p>(b) <b><u>Category 2: Controlling visible emissions from off-road diesel powered equipment.</u></b></p> <p>The prime contractor shall ensure that emissions from all off-road diesel powered equipment used on the proposed project does not exceed 40 percent opacity</p>			

**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<b><u>Conditions of Approval / Mitigation Measure</u></b>	<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification (date and Signature)</u></b>
<p>for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and the City of Elk Grove and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a month summary of the visual results shall be submitted to the City and SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulation.</p> <p>In the event construction equipment meeting the requirements set forth above is determined not to be available, the project applicant shall notify the City and SMAQMD. Upon verification that required low-emission construction equipment is not available, the City may waive this measure. This requirement shall be included as a note in all project construction plans.</p> <p>(MM 4.2.1f)</p>			
<p>14. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas. This</p>	<p>During all grading and</p>	<p>Development Services and</p>	

**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	requirement shall be noted in project improvement plans. (MM 4.2.1g)	construction phases of the project	SMAQMD	
<b>D. Prior to the Recordation of the Final Map</b>				
15.	Pay the Laguna Community Facilities District the rezone avoidance tax, estimated at \$14,536.	Prior to the Recordation of the Final Map	Development Services – Public Works	
16.	Provide a scaleable aerial to demonstrate that right-of-way has been previously dedicated and improvements have been previously completed based on a 108-foot street section for Laguna Boulevard and an 84-foot street section for Big Horn Boulevard, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Public Works. If the noted dedications and improvements have not occurred, then they will be required as set forth below with the recordation of the map and prior to the first occupancy, respectively.	Prior to the Recordation of the Final Map	Development Services – Public Works	
17.	The project shall include "Emission Reduction Measures" to reduce the project's emissions by 15 percent and ensure the project's compliance with the Draft General Plan policy CAQ-22. (MM 4.2.2)	Prior to Recordation of the Final Map	Development Services	
<b>E. With the Recordation of the Final Map</b>				
18.	Grant the right of direct vehicular access along Laguna Boulevard to the City of Elk Grove except for approved	Prior to the Recordation of	Development Services – Public	

**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<b><u>Conditions of Approval / Mitigation Measure</u></b>		<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification (date and Signature)</u></b>
	driveway locations. Note: Development Services – Public Works will allow two 45' (not including median) joint access driveways to Laguna Boulevard.	the Final Map	Works	
19.	Grant the City of Elk Grove 108-feet of right-of-way on Laguna Boulevard and 84-feet of right-of-way on Big Horn Boulevard based on standard street sections in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Public Works, if those dedications were not previously completed.	With the Recordation of the Final Map	Development Services – Public Works	
20.	Dedicate a standard 12.5-foot Public Utility Easement for underground facilities and appurtenances, adjacent to public roads, private drives and/or an Irrevocable offer of Dedication.	With the Recordation of the Final Map	PG&E, SMUD	
21.	Dedicate additional right-of-way on Big Horn Boulevard and Laguna Boulevard for intersection widening per Standard Drawings 4-5 and 4-6 of the City of Elk Grove Improvement Standards and to the satisfaction of Development Services – Public Works. Note: An overlay project is scheduled for Laguna Boulevard between Bruceville Road and Highway 99. Please contact Development Services – Public Works to coordinate on-site development.	With the Recordation of the Final Map	Development Services – Public Works	
22.	Sewer easements, 20-feet wide, dedicated to CSD-1 shall be shown on the final map. All easements shall ensure continuous access for maintenance.	With the Recordation of the Final Map	CSD-1	
23.	A note shall be placed on the map requiring the dedication	With the	CSD-1	

**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	of private sewer service easements upon close of escrow as required to provide sewer service to individual parcels.	Recordation of the Final Map		
<b>F. Prior to Issuance of First Building Permit</b>				
24.	The number, size, and location of driveways are subject to approval of Development Services – Public Works, and shall be in accordance with the City of Elk Grove Improvement Standards.	Prior to Issuance of First Building Permit	Development Services – Public Works	
25.	The westerly most access driveway on Laguna Boulevard shall be restricted to right-turn-in and right-turn-out only. The easterly most access driveway shall allow right-turn-in, right-turn-out, and left-turn-in. The left-turn-in at the easterly most driveway on Laguna Boulevard will require a left-turn pocket. This left turn pocket length must accommodate 5 vehicles.	Prior to Issuance of First Building Permit	Development Services – Public Works	
26.	Per City Standard 4-10K, visibility requirements for driveways shall be in accordance with Standard Drawing 4-20 and City Standard 4-14. Increased visibility may be required for driveways serving a significant amount of truck traffic.	Prior to Issuance of First Building Permit	Development Services – Public Works	
27.	Install facilities pursuant to the Sacramento County Water Agency Code, and Sacramento County Improvement Standards, including any fee required by the Sacramento County Water Agency Code.	Prior to Issuance of First Building Permit	Development Services – Public Works	
28.	The project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency	Prior to Issuance of First Building Permit	Development Services – Public Works	



**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<b><u>Conditions of Approval / Mitigation Measure</u></b>		<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification (date and Signature)</u></b>
	Ordinance No. 18.			
29.	The applicant shall complete the abandonment of the two sewer easements.	Prior to Issuance of First Building Permit	Development Services – Public Works	
30.	The project shall conform to the specific provisions of the City of Elk Grove Water Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator.	Prior to Issuance of First Building Permit	Development Services – Public Works	
31.	<p>Fire/rescue service shall be provided to the property as follows:</p> <ul style="list-style-type: none"> <li>a. On-site fire hydrants shall be provided every 300 feet and along Laguna Boulevard and Big Horn Boulevard.</li> <li>b. Project shall have looped water mains with two points of connection around all buildings greater than 10,000 square feet.</li> <li>c. Each building shall be designed to include a fire control room with exterior access, pursuant to Attachment B.</li> <li>d. Trash enclosures shall be a minimum of 10 feet from buildings or be protected by an automatic fire extinguishing system.</li> <li>e. Provide loading docks for Major 5 and Shops which does not interfere with the fire lane.</li> <li>f. All commercial buildings exceeding 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.</li> <li>g. Permits and/or fees are required for the following reviews:</li> </ul>	Prior to Issuance of First Building Permit	Elk Grove CSD Fire Department	

**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>civil plans, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project.</p> <p>h. A permit release letter from the Elk Grove Community Services District Fire Department shall be required prior to the City Building Department issuing any construction permits.</p> <p>i. Hydrants shall be spaced a maximum of 300 feet apart. Buildings of certain types of construction, size and use may need additional fire flow or the application of mitigating efforts to meet fire flows above this minimum.</p> <p>j. All required roadways (internal to project), water mains, fire hydrants and fire flow shall be provided prior to the existence of any combustible construction or storage in this development. The roadways shall be constructed to a 20-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage.</p> <p>k. The installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, shall meet the standards of the Elk Grove CSD Fire Department and the water purveyor having jurisdiction.</p> <p>l. The installation of addresses, landscaping, pipe bollards, fuel tanks, tree wells and/or traffic islands are subject to standards outlined by the Elk Grove CSD Fire Department.</p> <p>m. Required fire alarm systems (other than on single family dwellings) shall be connected to a UL listed central station approved by the Sacramento Regional Fire/EMS Communications Center.</p>			

**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<b>G. Mitigation Measures</b>				
32.	Install public street improvements on Laguna Boulevard based on a 108-foot standard street section and on Big Horn Boulevard based on an 84-foot standard street section in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Development Services – Public Works, if those improvements were not previously completed to City standards.	Prior to the First Occupancy	Development Services – Public Works	
33.	<p>Sewer service shall be provided to the property as follows:</p> <ul style="list-style-type: none"> <li>a. Connection to the public sewer system shall be required to the satisfaction of CSD-1.</li> <li>b. Each parcel/building must have a separate connection to the public sewer system. Direct connection to the 15-inch trunk pipe will not be permitted. Sacramento County Improvement Standards apply to on-site sewer construction.</li> <li>c. Construction of public collector sewer will be required. On-site collector sewer shall be contained within dedicated CSD-1 easements. District will provide maintenance only in easements dedicated to CSD-1, or public rights-of-ways.</li> <li>d. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.</li> </ul>	Prior to the First Occupancy	CSD-1	
34.	Water service shall be provided to the property as follows:	Prior to the First	Development	

**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

<u><b>Conditions of Approval / Mitigation Measure</b></u>	<u><b>Timing/ Implementation</b></u>	<u><b>Enforcement/ Monitoring</b></u>	<u><b>Verification (date and Signature)</b></u>
<ul style="list-style-type: none"> <li>a. Water supply will be provided by the Sacramento County Water Agency.</li> <li>b. Provide public water service to each building.</li> <li>c. Destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells on the improvement plans for the project. Prior to abandoning any existing agricultural wells, applicant shall use water from agricultural wells for grading and construction.</li> <li>d. This project is required to connect to the existing Sacramento County Water Agency system at a minimum of two locations. Please coordinate with the Agency and adjacent projects to accomplish this.</li> <li>e. Provide a looped water distribution system.</li> </ul>	Occupancy	Services – Public Works	
<p>35. Traffic pre-emption devices, approved by the Elk Grove CSD Fire Department, shall be installed on all signal devices erected or modified by this development. These devices shall be installed and functioning prior to any occupancy and at no cost to the Elk Grove CSD Fire Department.</p>	Prior to the First Occupancy	Elk Grove CSD Fire Department	
<p>36. The wetlands/riparian corridors of creeks and open spaces create an unusual fire hazard and challenge to emergency responders. The following requirements apply:</p> <ul style="list-style-type: none"> <li>a. Provide non-combustible fences along all developed areas adjacent to wetlands/creeks/open spaces.</li> <li>b. Provide access to all wetland corridors via rolled curbs and gates with pipe bollards. Bike lanes adjacent to</li> </ul>	Prior to the First Occupancy	Elk Grove CSD Fire Department	

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<p>creeks shall be a minimum of 10 feet wide with a turning radius of not less than 35 feet inside and 45 feet outside. All bike paths shall be paved with 2 inches of AC over 4 inches of AB compacted to 95 percent.</p> <p>c. Provide at least 10 feet of greenbelt or other defensible space between noncombustible fences and the creek/wetland areas.</p>			
<p>37. The following design elements shall be constructed to ensure adequate fire/rescue service at the project.</p> <p>a. The proposed decorative fire lane between Major 5 and the shops shall withstand a minimum of 65,000 GVW.</p> <p>b. The area directly in front of the bollards, between Major 5 and the shops shall be painted red with "No-Parking Fire Lane".</p> <p>c. Major 5 and Shops architectural design features or any other obstructions shall not encroach into the 20-foot width of the proposed fire access.</p> <p>d. Fire apparatus approach to the proposed fire access between Major 5 and the shops shall be provided with a turning radius of not less than 38 feet inside and 58 feet outside.</p> <p>e. Proposed turf stone at Major 4 shall support 65,000 GVW's. Provide soils report, test results, and inspection report by soils engineer.</p> <p>f. Tie water supply loop behind Major 3 to stub out from Kaiser MOB.</p> <p>g. If using unlimited area rule for square footage for Majors 1 through 4, a minimum 60 feet from the property line is</p>	<p>Prior to the First Occupancy</p>	<p>Elk Grove CSD Fire Department</p>	

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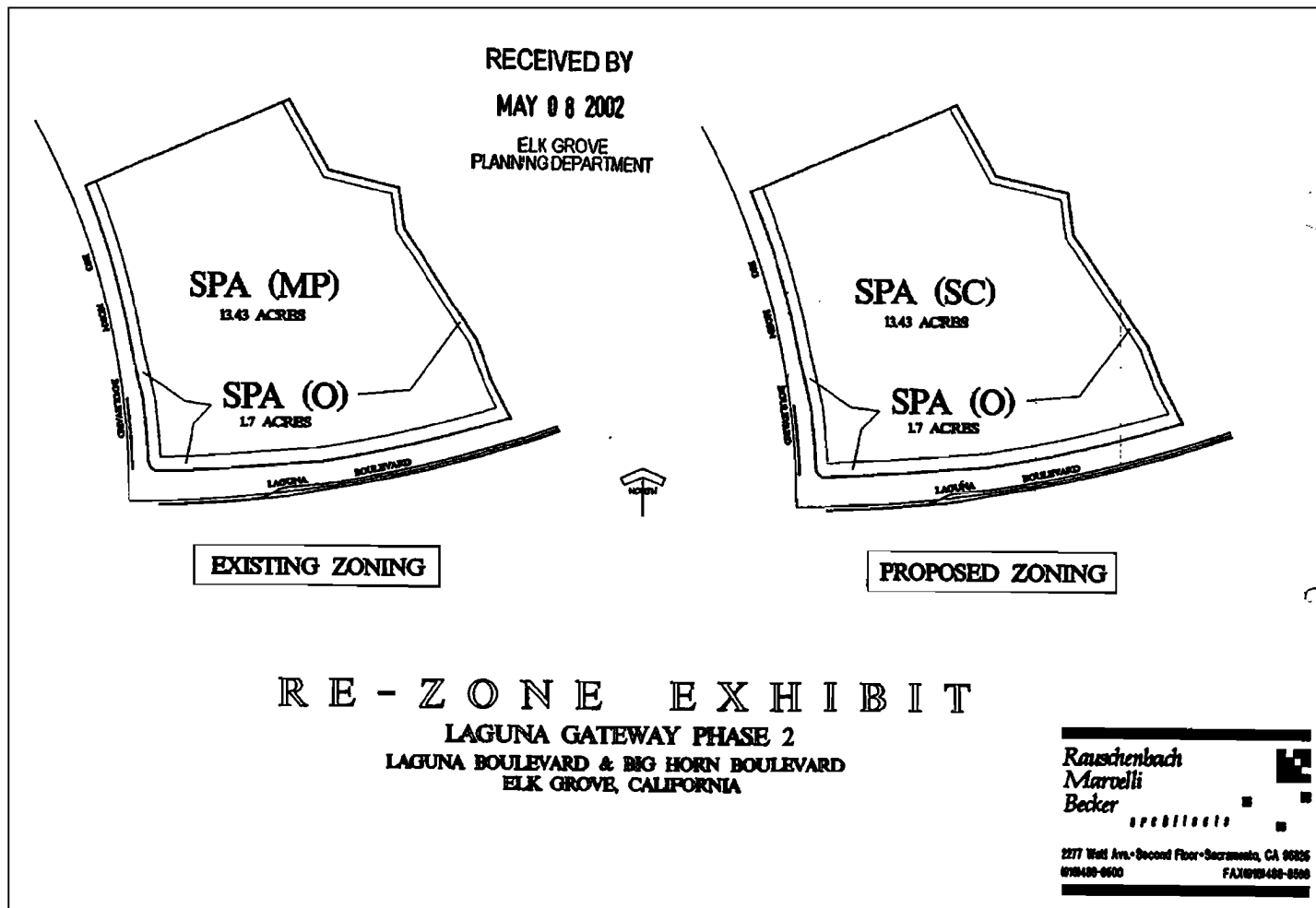
<b><u>Conditions of Approval / Mitigation Measure</u></b>		<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification (date and Signature)</u></b>
	required. Clarify intent.			
38.	The project applicant shall make the following improvements to the Big Horn Boulevard/Project Driveway #2 intersection:  a. Install a traffic signal and interconnect the traffic signal with the existing traffic signal at the Laguna Boulevard/Big Horn Boulevard intersection. b. The westbound intersection approach shall be improved to accommodate a separate left-turn lane and a shared left-right lane. (Mitigation Measure 4.1.1a)	Prior to the First Occupancy	Development Services – Public Works	
39.	The project applicant shall re-stripe the southbound approach of the Laguna Boulevard/Bruceville Road intersection to accommodate a separate right-turn lane (existing), and a shared through-right lane. (Mitigation Measure 4.1.1b)	Prior to the First Occupancy	Development Services – Public Works	
40.	The project applicant shall convert the separate right-turn lane at the eastbound intersection approach at the Laguna Boulevard and Big Horn Boulevard intersection to a shared through-right lane, and re-stripe the eastbound leg for an additional through lane. (Mitigation Measure 4.1.3)	Prior to the First Occupancy	Development Services – Public Works	
41.	The project applicant shall participate in a future City-wide traffic improvement fee program that would assist in reducing general traffic impacts of the project (see page 4.1-23 of traffic study).	Prior to the First Occupancy	Development Services – Public Works	
42.	The project signage shall comply with the retail signage	Prior to the First	Development	

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	program in the existing Laguna Gateway Special Planning Area Ordinance.	Occupancy	Services – Planning	
43.	The applicant shall install landscaping consistent with the Master Improvement Plan that is currently being developed as part of the Kaiser project to the north (for the 20-foot landscape area adjacent to the Creek Parkway from Laguna Boulevard to Bruceville Road). The MIP shall address design for grading, paving, drainage, irrigation, vertical curbing, fencing, painting/stripping, trail furniture, signage, and similar matters.	Prior to the First Occupancy	CSD	
44.	Dedicate to the Elk Grove Community Services District the mandatory 20-foot landscape area contiguous to the Creek Parkway along the entire eastern edge of the subject property.	Prior to the First Occupancy	CSD	
45.	Prior to issuance of the first certificate of occupancy for development on the east side of Big Horn Boulevard, landscaping within the 30-foot wide Community Services District (CSD) corridor on the east side of Big Horn Boulevard shall be installed to the satisfaction of the CSD.	Prior to Issuance of the First Certificate of Occupancy for Development on the East Side of Big Horn Blvd.	CSD	
46.	Applicant shall install landscaping on the north side of Laguna Blvd. within the CSD corridor to the satisfaction of the CSD.	Prior to the First Occupancy	CSD	

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Attachment A.1 - Rezone





**Exhibit B (EIR Resolution) - Conditions of Approval / Mitigation Monitoring and Reporting Program**

**Attachment A.2 – Tentative Subdivision Map**

*Deleted by the City Council on 2/19/03 for the purposes of the EIR Resolution.*

Attachment B – Fire Control Room Design Standard

