

## CEQA FINDINGS

## FINDINGS OF FACT FOR THE TRA VIGNE DEVELOPMENT PROJECT

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code, § 21000 et seq.)

### I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requires the City of Stockton (City), as the CEQA lead agency, to: 1) make written findings when it approves a project for which an environmental impact report (EIR) is prepared, and 2) make a statement of overriding considerations that the Project's benefits outweigh the significant and unavoidable impacts identified in the EIR.

This document provides findings regarding the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the Tra Vigne Development Project (Project). The statement of overriding considerations in Section VII, below, identifies economic, social, technical, and other benefits of the Project that override any significant environmental impacts that would result from the Project.

As required under CEQA, the EIR describes the Project, significant environmental impacts of the Project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment.

The EIR (which includes the Draft EIR and Final EIR which is comprised of comments to the Draft EIR, responses to comments, and revisions and corrections to the Draft EIR, and Mitigation Monitoring and Reporting Program (MMRP for the Project, examined the proposed Project and several alternatives to the Project including: (1) No Build Alternative; (2) With Bridge Alternative; (3) General Plan 2035 Alternative; (4) Reduced Project Alternative; and (5) Reduced Intensity/Density Alternative.

The Findings and Statement of Overriding Considerations are presented for adoption by the City Council, as the City's findings under CEQA and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this City Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this City Council's view, justify approval of the Project, despite the Project's significant and unavoidable environmental impacts.

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CEQA FINDINGS

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## II. GENERAL FINDINGS AND OVERVIEW

### Project Overview

The Project site comprises approximately 318.82 acres of land bounded on the north and west by Eight Mile Road and West Lane, which are existing regional arterials, on the east by the Union Pacific Railroad (UPRR), and on the south by Bear Creek and the associated Bear Creek Levee. The Project site has been designed with two sub-planning areas (Tra Vigne West and Tra Vigne East). Figure 2-8a of the Draft EIR provides a conceptual site plan that illustrates the development of Tra Vigne West and Tra Vigne East with 1,413 residential units (995 Tra Vigne West and 418 Tra Vigne East), a 15.57 existing Industrial area, a 10.5-acre commercial area, 15.07 acres of park space, and 20.36 acres of open space, mainly located along Bear Creek.

The general components of the proposed Project include:

- 1. Tra Vigne East:** The proposed Project includes a large lot tentative map that would subdivide the Tra Vigne East (Assessor's Parcel Number [APN] 120-02-15) property consistent with the proposed land uses. Tra Vigne East only proposes a large lot tentative map at this time, and it is estimated that 418 units would be developed under the proposed scenario. Within this portion of the Project site, approximately 15.57 acres of existing industrial land would be retained.
- 2. Tra Vigne West:** The proposed Project includes a large lot and small lot tentative map that would subdivide the Tra Vigne West property consistent with the proposed land uses. As shown on Figure 2-8a, the approximately 205-acre Tra Vigne West includes a detailed lot layout of 655 single family residential units. Residential lot sizes in the vesting tentative map range from 5,000 to 6,000 sf. Additionally, the Tra Vigne West site would include up to 340 High Density Residential (HDR) units on 11.7 acres to the east of the proposed commercial area. The commercial site is proposed to include a 70,000-sf grocery store, 22,000 sf of retail shops, a 3,500-sf quick service restaurant, a 3,500-sf convenience store with attached fueling facility, and a 2,500-sf wine tasting room.

The proposed Project establishes a site for a 14.7-acre K-8 school to be developed by the Lodi Unified School District (LUSD). The development of an K-8 school at this site is the discretionary decision of the LUSD, and while the proposed Project has planned for a school at this location, it will be determined by LUSD at a later date through their decision-making process. If the LUSD decides to not pursue building a school at this site, then the site would be developed for residential uses in accordance with the General Plan land use designation. Construction of homes in this location would increase the number of Low Density Residential (LDR) units by 90 units when compared to the proposed Project with the school site. The total combined units would increase from 1,413 under the proposed Project to 1,503 units under this variation.

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CEQA FINDINGS

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### PROPOSED LAND USE CHANGES AND PRE-ZONING

The Project Site is currently located in the incorporated San Joaquin County. The San Joaquin County Zoning Ordinance currently designates the Project site for General Industrial (I-G), Limited Industrial (I-L), and Agriculture-Urban Reserve (AU-20) uses. The San Joaquin County Local Agency Formation Commission (LAFCo) will require the Project site to be pre-zoned by the City of Stockton in conjunction with the proposed annexation.

The proposed Project would require a City of Stockton General Plan Amendment to the Land Use Element to change land uses on the Project site, and to the Circulation Element to remove reference to a proposed bridge that would cross Bear Creek. Changes to the Land Use Element would include:

- changing approximately 1.5 acres of LDR to Commercial (C) uses;
- changing approximately 1.03 acres of LDR to HDR uses; and
- changing 20.36 acres of LDR to Open Space/Agriculture (OSA) along Bear Creek.

Approximately 260.69 acres of LDR uses and approximately 15.57 acres of Industrial (I) uses would be maintained. Changes to the Circulation Element would include the removal of a bridge crossing over Bear Creek associated with what is shown on the Future Roadways Map as an extension of Marlette Road from the west through the Project site and ultimately traveling eastward through the Bear Creek South project to Holman Road.

The City's pre-zoning will include the following zoning designations: Residential, Low Density (RL), Residential, High Density (RH), Industrial, Limited (IL), Commercial, General (CG), and Open Space (OS). The pre-zoning would go into effect upon annexation into the City of Stockton after approval by LAFCo

### PARKS AND OPEN SPACE

Approximately 9.5 acres of traditional park space is proposed for Tra Vigne West. Two park areas are proposed within Tra Vigne West including a centrally located 5.8-acre park and a 3.7-acre park in the southwest corner of the Tra Vigne West site. Additionally, a 6.24-acre detention basin area would be located in the southwestern portion of the Project site, adjacent to the 3.7-acre park.

Tra Vigne East includes plans for an additional 5.57 acres of traditional park space. One traditional park area, totaling 5.57 acres, would be located in the southern portion of Tra Vigne East, adjacent to the Bear Creek open space area. Additionally, a 3.75-acre detention basin area would be located in the southwestern portion of the Tra Vigne East within the Project site.

In addition to dedicated parkland within the Project site, 20.36 acres of non-traditional park/open space areas (13.75 acres at Tra Vigne West, and 6.61 acres at Tra Vigne East) are planned along the Bear Creek corridor (19.53 acres) and east of the existing industrial area (0.83 acres).

### PROCEDURAL BACKGROUND

**Notice of Preparation Public Circulation:** In March 2016, the City of Stockton released a Notice of Preparation (NOP) for a previous iteration of the proposed Tra Vigne Development Project. The City

## CEQA FINDINGS

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of Stockton received three written comment letters on the NOP for the 2016 iteration of the Project. A copy of the 2016 comment letters is provided in Appendix A of the Draft EIR. The commenting agencies are provided below.

- California Natural Resources Agency, Central Valley Flood Protection Board;
- Central Valley Regional Water Quality Control Board;
- California Department of Conservation, Division of Land Resource Protection.

The City also held a public scoping meeting on March 16, 2016 for the 2016 iteration of the Project. No written or verbal comments were provided at the 2016 scoping meeting. Since the March 16, 2016 public scoping meeting, some changes to the Project design and development assumptions have occurred. Due to these changes that occurred after the NOP for the 2016 iteration of the Project was released, the City of Stockton held another public scoping meeting for the 2017 iteration of the Tra Vigne Development Project and released the 2017 NOP for another 30-day public review period. The second public scoping meeting was held on July 26, 2017. Verbal comments were provided by Roy Harper at the 2017 scoping meeting. The City of Stockton received 8 written comment letters on the NOP for the proposed Project during the 2017 review period. Additionally, one electronic comment letter on the NOP was received anonymously without a signature or name on July 17, 2017. A copy of the letters is provided in Appendix A of the Draft EIR. The commenting agencies are provided below.

- California Natural Resources Agency, Central Valley Flood Protection Board;
- Central Valley Regional Water Quality Control Board;
- Governor's Office of Planning and Research, State Clearinghouse and Planning Unit;
- Native American Heritage Commission;
- San Joaquin Council of Governments;
- San Joaquin County Department of Public Works;
- U.S. Army Corps of Engineers (USACE), Sacramento District;
- Waterloo Morada Fire District.

**Notice of Availability and Draft EIR:** The City of Stockton published a public Notice of Availability (NOA) for the Draft EIR on April 12, 2018, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2016022061) the County Clerk, and a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The public review period was from April 12, 2018 through May 29, 2018 (45 days).

The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and feasible mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies impact categories determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

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CEQA FINDINGS

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**Final EIR:** The City of Stockton received five (5) comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the comments received during the public review period. This Final EIR also responds to all comments received after the public review period for the Draft EIR had ended. The Final EIR also contains minor edits to the Draft EIR, which are included in Section 3.0, Errata. This Final EIR and the Draft EIR, as amended herein, constitute the EIR.

The City has determined that the responses to comments and minor edits to the Draft EIR do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Each response is provided in the Final EIR.

#### RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

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

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the Project (e.g., NOA).
- The Draft EIR and Final EIR, including comment letters, and technical materials cited in the documents.
- All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants in relation to the EIR.
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code § 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Stockton at 345 N. El Dorado Street, Stockton, CA 95202.

#### FINDINGS REQUIRED UNDER CEQA

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Further, the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” (*Id.*) Section 21002 also provides that “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

## CEQA FINDINGS

The mandate and principles established by the Legislature in Public Resources Code § 21002 are implemented, in part, through the requirement in Public Resources Code § 21081 that agencies must adopt findings before approving projects for which an EIR is required.

CEQA Guidelines § 15091 provides the following direction regarding findings:

- (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.

(See also Public Resources Code, § 21081, subd. (a)(1)-(3).)

As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15126.6(f)(1) [determining the feasibility of alternatives].) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a “reduced herd” alternative to a proposed dairy as infeasible because the alternative failed to meet the “fundamental objective” of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened with mitigation measures, a public agency may nevertheless approve the project if the

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CEQA FINDINGS

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agency first adopts a statement of overriding considerations setting forth the specific reasons that the project's benefits outweigh its significant unavoidable adverse environmental effects. (Pub. Resources Code, §§ 21001, 21002.1(c), 21081(b).)

CEQA Guidelines § 15093 provides the following direction regarding a statement of overriding considerations:

- (a) CEQA requires the decision-making agency 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, including region-wide or statewide environmental 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 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 § 15091.

#### MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program has been prepared for the Project and has been adopted concurrently with these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1).) The City will use the Mitigation Monitoring Program to track compliance with Project mitigation measures.

#### CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

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

#### SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these

## CEQA FINDINGS

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Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

### III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

#### A. AESTHETICS AND VISUAL RESOURCES

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##### 1. IMPACT 3.1-1: PROJECT IMPLEMENTATION WOULD RESULT IN SUBSTANTIAL ADVERSE EFFECTS ON SCENIC VISTAS AND RESOURCES OR SUBSTANTIAL DEGRADATION OF VISUAL CHARACTER.

(a) Potential Impact. The potential for the Project to result in adverse effects on scenic vistas and resources or substantially degrade the visual character of the region is discussed on pages 3.1-8 through 3.1-10 of the Draft EIR.

(b) Mitigation Measures. No feasible mitigation measures were identified.

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

(1) Remaining Impacts. The Project would result in the conversion of the land from primarily agricultural uses, which would contribute to changes in the regional landscape and visual character of the area. In order to reduce visual impacts, development within the Project site is required to be consistent with the General Plan and the Stockton Municipal Code, which includes design standards in order to ensure quality and cohesive design of the Project site. These standards include specifications for building height, massing, and orientation; exterior lighting standards and specifications; and landscaping standards. Implementation of the design standards would ensure quality design throughout the Project site, and result in a project that would be internally cohesive while maintaining aesthetics similar to the existing and future surrounding uses. However, regardless of the quality of design implemented on the Project site, Project implementation would permanently remove the existing agricultural land on the Project site, and convert the site to urbanized uses which would substantially degrade the visual character of the area which is primarily agricultural. There is no additional feasible mitigation available that would reduce this impact to a less than significant level and therefore impacts would be significant and unavoidable.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to the visual character of the region, as more fully stated in the Statement of Overriding Considerations in Section VII, below.



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CEQA FINDINGS

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2. IMPACT 4.2: THE PROPOSED PROJECT WOULD RESULT IN CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION.

- (a) Potential Impact. The potential for the Project to result in impacts to the visual character of the region is discussed on pages 4.0-6 through 4.0-7 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. Implementation of the proposed Project would convert the Project site from its existing agricultural character to a commercial and residential uses with various buildings, landscaping, parks, and parking areas. In order to reduce visual impacts, the City's design review process would ensure development that is consistent with the City's vision for the community's identity. Additionally, compliance with Stockton's Zoning District Development Standards for height and bulk, and landscaping requirements found in Chapters 16.56 and 16.72 of the Municipal Code, would reduce visual impacts to the greatest extent feasible.

Under cumulative conditions, buildout of the General Plan for Stockton and the surrounding jurisdictions could result in changes to the visual character and quality of the City of Stockton through development of undeveloped areas and/or changes to the character of existing communities. Development of the proposed Project, in addition to other future projects in the area, would change the existing visual and scenic qualities of the City. The City's General Plan Draft EIR notes that buildout of the General Plan, including the proposed Project site, would result in significant and unavoidable impacts to the existing visual character or quality of the area. There are no mitigation measures that could reduce this impact except a cessation of all future development, which is not a feasible option. As such, this is a cumulatively considerable contribution and a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to the visual character of the region, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## CEQA FINDINGS

### B. AGRICULTURAL RESOURCES

1. IMPACT 3.2-1: THE PROPOSED PROJECT WOULD RESULT IN THE CONVERSION OF FARMLANDS, INCLUDING PRIME FARMLAND AND FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USES.

- (a) Potential Impact. The potential for the Project to result in the conversion of Farmlands, including Prime Farmland and Farmland of Statewide Importance, to nonagricultural uses is discussed on pages 3.2-13 and 3.2-14 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1.

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

- (1) Effects of Mitigation and Remaining Impacts. Development of the proposed Project would result in the permanent conversion of 78.0 acres of Prime Farmland and 215.57 acres of Farmland of Statewide Importance, as shown on Figure 3.2-1 of the Draft EIR, to non-agricultural use. The loss of Important Farmland as classified under the FMMP is considered a potentially significant environmental impact.

The City of Stockton is a signatory to the San Joaquin County Multi-Species Habitat and Open Space Plan. Under the Plan, Agricultural land conversion will pay a fee of \$19,400 (San Joaquin Council of Governments [SJCOG] San Joaquin County Multi-Species Habitat Conservation and Open Space Plan [SJMSCP] Habitat Fees, 2018) per acre. The Project would pay the established Multi-Species Habitat Conservation and Open Space of \$19,400 per acre. SJCOG would then use these funds to purchase conservation easements on agricultural and habitat lands that are placed over agricultural land, such as alfalfa and row crops in the Project vicinity. While the proposed Project will contribute fees toward the purchase of conservation easements on agricultural lands through the SJMSCP (as required by Mitigation Measure 3.2-1), those fees and conservation easements would not result in the creation of sufficient new farmland to offset the loss that would occur with Project implementation. As such, the loss of Important Statewide Farmland would be a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to farmlands, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## CEQA FINDINGS

2. IMPACT 4.4: THE PROPOSED PROJECT WOULD RESULT IN CUMULATIVE IMPACTS ON AGRICULTURAL AND FOREST RESOURCES.

- (a) Potential Impact. The potential for the Project to result in cumulative impacts on agricultural and forest resources is discussed on pages 4.0-12 and 4.0-13 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. Development of the proposed Project would result in permanent conversion of 78.0 acres of Prime Farmland and 215.57 acres of Farmland of Statewide Importance, as shown on the map prepared under the Farmland Mapping and Monitoring Program (FMMP), to nonagricultural uses. By comparison, the City General Plan Draft EIR notes that buildout of the General Plan would result in the conversion of an estimated 35,520 acres of important farmland to urban and other uses. The loss of Important Farmland as classified under the FMMP is considered a potentially significant environmental impact.

As noted above, the City of Stockton is a signatory to the San Joaquin County Multi-Species Habitat and Open Space Plan. Under the Plan, Agricultural land conversion will pay a fee of \$19,400 (SJCOG SJMSCP Habitat Fees, 2018) per acre. The Project would pay the established Multi-Species Habitat Conservation and Open Space of \$19,400 per acre. SJCOG would then use these funds to purchase conservation easements on agricultural and habitat lands that are placed over agricultural land, such as alfalfa and row crops in the Project vicinity. While the proposed Project will contribute fees toward the purchase of conservation easements on agricultural lands through the SJMSCP (as required by Mitigation Measure 3.2-1), those fees and conservation easements would not result in the creation of sufficient new farmland to offset the loss that would occur with Project implementation. While the proposed Project will contribute fees toward the purchase of conservation easements on agricultural lands through the SJMSCP (as required by Mitigation Measure 3.2-1), those fees and conservation easements would not result in the creation of new farmland to offset the loss that would occur with Project implementation. As such, the loss of Important Farmland would be a cumulatively considerable contribution and a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts on agricultural land and uses, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## CEQA FINDINGS

### C. AIR QUALITY

1. **IMPACT 3.3-1: PROJECT OPERATION WOULD CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF AN APPLICABLE AIR QUALITY PLAN.**
  - (a) **Potential Impact.** The potential for the Project to cause conflict with or obstruct implementation of an applicable air quality plan is discussed on page 3.3-18 of the Draft EIR.
  - (b) **Mitigation Measures.** No feasible mitigation measures were identified.
  - (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
    - (1) **Remaining Impacts.** The San Joaquin Valley Air Pollution Control District (SJVAPCD) is tasked with implementing programs and regulations required by the Federal Clean Air Act (FCAA) and the California Clean Air Act (CCAA). In that capacity, the SJVAPCD has prepared plans to attain Federal and State ambient air quality standards. To achieve attainment with the standards, the SJVAPCD has established thresholds of significance for criteria pollutant emissions in their *SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts* (2015). Projects with emissions below the thresholds of significance for criteria pollutants would be determined to “Not conflict or obstruct implementation of the District’s air quality plan”. As shown on Draft EIR Table .3.8, the Project’s annual operational emissions of ROG, Nox, and PM10 exceed the SJVAPCD thresholds of significance. As such the Project would result in a significant and unavoidable impact related to conflict with SJVAPCD air quality plan.
    - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
2. **IMPACT 3.3-2: PROJECT OPERATION WOULD CAUSE A VIOLATION OF AN AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION.**
  - (a) **Potential Impact.** The potential for the Project to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation is discussed on pages 3.3-19 through 3.3-22 of the Draft EIR.
  - (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-1 through 3.3-6.

## CEQA FINDINGS

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

- (1) Effects of Mitigation and Remaining Impacts. The proposed Project would be a direct and indirect source of air pollution, in that it would generate and attract vehicle trips in the region (mobile source emissions) and it would increase area source emissions and energy consumption. The mobile source emissions would be entirely from vehicles, while the area source emissions would be primarily from the use of natural gas fuel combustion, landscape fuel combustion, consumer products, and architectural coatings. The SJVAPCD has established thresholds of significance to which proposed Project emissions are compared to determine the level of significance. The SJVAPCD has established operations- related emissions thresholds of significance as follows: 10 tons per year of nitrogen oxides (NO<sub>x</sub>), 10 tons per year of reactive organic gases (ROG), 15 tons per year of respirable particulate matter (PM<sub>10</sub>), and 15 tons per year of fine particulate matter (PM<sub>2.5</sub>). If the proposed Project's emissions will exceed the SJVAPCD's threshold of significance for operational-generated emissions, the proposed Project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions to the extent feasible. As shown on Table 3.3-8 of the Draft EIR, Annual emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> exceed the SJVAPCD thresholds of significance even after reductions estimated from implementation of the mitigation assumptions are applied.

The proposed Project is subject to the SJVAPCD Rule 9510 (Indirect Source Rule, or ISR), which could result in substantial mitigation of emissions beyond what is reflected in the modeling outputs. The reductions are accomplished by the incorporation of mitigation measures into projects and/or by the payment of an Indirect Source Rule fee for any required reductions that have not been accomplished through Project mitigation commitments. The actual calculations will be accomplished by the SJVAPCD and Project applicants as the Project (or portions of the Project) are brought forward for approval under Rule 9510. However, even with the application of the ISR and the mitigation measures included in Chapter 3.3 of the Draft EIR, emissions levels may remain above the defined thresholds of significance for the Project as a whole.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. IMPACT 4.5: THE PROPOSED PROJECT WOULD RESULT IN CUMULATIVE IMPACTS ON THE REGION'S AIR QUALITY.

- (a) Potential Impact. The potential for the Project to have a cumulative impact on the region's air quality is discussed on pages 4.0-16 through 4.0-17 of the Draft EIR.

## CEQA FINDINGS

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-1 through 3.3-6.

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

- (1) Effects of Mitigation and Remaining Impacts. Under buildout conditions in the San Joaquin County, the SJVAB would continue to experience increases in criteria pollutants and efforts to improve air quality throughout the basin would be hindered. San Joaquin County has a state designation of nonattainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> and is either unclassified or attainment for all other criteria pollutants. The County has a national designation of nonattainment for ozone and PM<sub>2.5</sub>. Table 3.3-2 in Section 3.3 of the Draft EIR presents the State and Federal attainment status for San Joaquin County.

The proposed Project would result in increased emissions primarily from vehicle miles travelled associated with Project implementation. The SJVAPCD has established operations-related emissions thresholds of significance and it was determined that annual emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> exceed the SJVAPCD thresholds of significance. It was found that even with mitigation incorporated into the model, the proposed Project would exceed the SJVAPCD thresholds of significance for ROG, NO<sub>x</sub>, and PM<sub>10</sub> during operation.

The proposed Project is subject to the SJVAPCD Rule 9510 (Indirect Source Rule), which could result in substantial mitigation of NO<sub>x</sub> and associated ROG emissions. The reductions are accomplished by the incorporation of mitigation measures into projects and/or by the payment of an Indirect Source Rule fee for any required reductions that have not been accomplished through Project mitigation commitments.

The substantial reductions in NO<sub>x</sub> (and associated ROG) and PM<sub>10</sub> emissions accomplished by the application of the ISR represent the best achievable mitigation for indirect sources. However, even with the application of these measures, emissions levels cannot be feasibly mitigated further and would remain above the defined thresholds of significance. As such, implementation of the proposed Project would have a cumulatively considerable contribution and significant and unavoidable impact from air emissions.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to the region's air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## D. GREENHOUSE GASES AND CLIMATE CHANGE

1. IMPACT 3.7-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO GENERATE GREENHOUSE GAS EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

- (a) Potential Impact. The potential for the Project to generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment is discussed on pages 3.7-31 through 3.7-35 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-1 through 3.3-6.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. Short-term construction emissions of GHG associated with development of the Project are estimated to be approximately 7,760 MTCO<sub>2</sub>e. This represents a low of approximately 4.5 metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>e) and a high of 1,823 MTCO<sub>2</sub>e emitted during each of the construction years (2019 through 2024). These construction GHG emissions are a one-time release and are comparatively much lower than emissions associated with operational phases of a Project. Given the short-term nature of these construction emissions, the proposed Project construction emissions would not generate a significant contribution to global climate change.

Additionally, the annual GHG emissions associated with buildout of the proposed Project would be approximately 26,798 MTCO<sub>2</sub>e with mitigation incorporated and 30,029 MTCO<sub>2</sub>e without mitigation. The mitigation results in a decrease of approximately 3,231 MTCO<sub>2</sub>e. Further, a comparison of the 2005 versus 2020 business-as-usual (BAU) scenario was completed. This analysis was prepared to illustrate compliance with the Stockton Climate Action Plan (CAP) Mitigation Reduction Measure (DRP-1) which requires a 29% reduction for discretionary projects. The proposed Project would result in approximately a 34.8 percent reduction in annual BAU GHG emissions from the 2005 baseline level by 2020 with mitigation incorporated ( $[(26,797.6450 \text{ MTCO}_2\text{e} - 41,101.1054 \text{ MTCO}_2\text{e}) / 41,101.11 \text{ MTCO}_2\text{e} \times 100\% = -34.8\%]$ ). The reduction in GHG emissions would be attributable to the traffic, area, and water model inputs as well as the advancement of vehicle and equipment efficiency, and more stringent standards and regulations as time progresses, such as State regulation emission reductions (e.g., Pavley, Low Carbon Fuel Standard, and Renewable Portfolio Standard).

The proposed Project is consistent with the City of Stockton Climate Action Plan, alongside an associated CEQA environmental review document, the *Draft*

## CEQA FINDINGS

*Subsequent Environmental Impact Report for the City of Stockton Climate Action Plan and Related Actions* (2014). The proposed Project complies with the GHG Reduction Measures provided in City of Stockton CAP, and specifically complies with the Development Review Process GHG Reduction Measure (DRP-1) which requires a 29% reduction from the 2020 BAU. In addition, the proposed project is consistent with the development and growth assumptions that SJCOG used in developing the Regional Transportation Plan/Sustainably Communities Strategy (RTP/SCS). The California Air Resources Board (CARB) has found that the implementation of the RTP/SCS would allow SJCOG to achieve the CARB reduction targets for 2020 and 2035. The proposed Project does not obstruct the RTP/SCS and is consistent with that plan. While the implementation of mitigation measures and compliance with the Stockton CAP GHG reduction measures would reduce greenhouse gas emissions to the extent feasible, there would still be a net increase in global GHG emissions. As such, implementation of the proposed Project would have significant and unavoidable impact from GHG emissions.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to GHG emissions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
2. **IMPACT 4.9: THE PROPOSED PROJECT MAY RESULT IN CUMULATIVE IMPACTS RELATED TO CLIMATE CHANGE FROM INCREASED PROJECT-RELATED GREENHOUSE GAS EMISSIONS.**
- (b) **Potential Impact.** The potential for the Project to have a cumulative impact on climate change from increased Project-related GHG emissions is discussed on pages 4.0-29 and 4.0-30 of the Draft EIR.
  - (b) **Mitigation Measures.** No feasible mitigation measures were identified.
  - (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
    - (1) **Remaining Impacts.** The City adopted a Climate Action Plan in 2014. The proposed Project is consistent with the adopted Stockton CAP. Section 15183.5 of the CEQA Guidelines allows for the tiering and streamlining of GHG emissions analysis, allowing lead agencies to analyze and mitigate the significant effects of GHG emissions if a qualified GHG reduction plan or Climate Action Plan is made available. In addition to being consistent with the Stockton CAP, the proposed Project is consistent with the SJCOG RTP/SCS in that it uses the same land use assumptions used by SJCOG in that document. The CARB has indicated that implementation of the RTP/SCS would enable SJCOG to achieve the GHG reduction targets for 2020 and 2035. Cumulative development within the City of Stockton would be evaluated for their consistency with the Stockton CAP and SJCOG RTP/SCS, which would include adherence to the GHG reduction measures that have been established. The



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CEQA FINDINGS

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proposed Project, and all cumulative projects would have the benefits of the States GHG reduction measures that broadly affect the State (i.e. Pavley, Low Carbon Fuels, CalGreen, low Global Warming Potentially (LGWP) refrigerant standards, etc.). The proposed project is consistent with local plans that are specifically designed to contribute to a reduction in GHG emissions. However, even with consistency with the Stockton CAP, the SJCOG RTP/SCS, and all state regulations, there would be a net increase in GHG emissions. As such, implementation of the proposed Project would have a cumulatively considerable contribution and significant and unavoidable impact from GHG emissions.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts related to GHG emissions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

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## D. PUBLIC SERVICES AND RECREATION

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1. IMPACT 3.12-3: THE PROPOSED PROJECT WOULD REQUIRE THE CONSTRUCTION OF SCHOOL FACILITIES WHICH MAY CAUSE SUBSTANTIAL ADVERSE PHYSICAL ENVIRONMENTAL IMPACTS.

- (b) Potential Impact. The potential for the Project to require the construction of school facilities which may cause substantial adverse physical environmental impacts is discussed on pages 3.12-23 through 3.12-25 of the Draft EIR.

- (b) Mitigation Measures. No feasible mitigation measures were identified.

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

- (1) Remaining Impacts. The proposed Project is located within the service boundaries of the LUSD. The proposed Project includes residential units that would directly increase the student population in the area. The Project may indirectly increase the number of persons in the area as a result of employment potential; however, it is not possible to determine at this time whether employment opportunities would be utilized by the existing population with existing students in the schools or if employees would be recruited from outside the region, bringing new students to Stockton. The proposed Project would generate a maximum of 786 students without the school site, and a maximum of 739 students with the school site. The development of a K-8 school within the Project site is the discretionary decision of the LUSD, and while the proposed Project has planned for a school at this location, it will be determined by the LUSD at a later date through their decision-making process. If the K-8 school is not built on-site, the students generated as a result of the Project would attend an existing elementary school which has excess capacity within the City of Stockton.

## CEQA FINDINGS

The proposed project anticipates the construction of a new school facility, which would have physical environmental impacts. The location of the new school facility is contained within the boundary of the project site and the environmental impacts of the new facility are analyzed throughout Chapter 3.0 of the Draft EIR. It has been determined that construction of the proposed project, including the construction of the school facility, would have significant and unavoidable environmental impacts under certain environmental topics including: aesthetics, agricultural resources, and air quality. For all other environmental topics, the potential impact is either less than significant or it can be mitigated to a less than significant level. Construction of the school facility is a contributing factor to the environmental impacts on aesthetics, agricultural resources, and air quality, which have been determined to be significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with construction of school facilities which may cause substantial adverse physical environmental impacts, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
2. IMPACT 3.12-5: THE PROPOSED PROJECT WOULD REQUIRE THE CONSTRUCTION OF PARK AND RECREATIONAL FACILITIES WHICH MAY CAUSE SUBSTANTIAL ADVERSE PHYSICAL ENVIRONMENTAL IMPACTS.
- (c) Potential Impact. The potential for the Project to require the construction of park and recreational facilities which may cause substantial adverse physical environmental impacts is discussed on pages 3.12-34 through 3.12-36 of the Draft EIR.
  - (b) Mitigation Measures. No feasible mitigation measures were identified.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
    - (1) Remaining Impacts. The Project directly increases the number of persons in the area as a result of employment potential, and residential uses. The proposed Project has the potential to directly add up to 4,765 people within the Project site. Although there are no future parks shown on the City's General Plan within the Project site, the Project would reserve 15.07 acres of traditional parkland. In addition to dedicated parkland within the Project site, 20.36 acres of non-traditional park/open space areas (13.75 acres at Tra Vigne West, and 6.61 acres at Tra Vigne East) are planned along the Bear Creek corridor (19.53 acres) and east of the existing industrial area (0.83 acres). Under standards adopted as part of the Stockton Municipal Code, the proposed Project would be required to dedicate 13.4 acres of parkland with the school site, and 14.3 acres of parkland without the school site. As noted above, the Project would reserve 15.07 acres of traditional park space, and 20.36 acre of non-traditional park space (which includes 19.53 acres of open space

## CEQA FINDINGS

along the north Bear Creek levee). Therefore, the proposed Project meets the parkland requirement set forth in Section 16.72.060(C) of the Municipal Code.

The environmental effects of construction of the Project's proposed parks and recreation components is addressed through the environmental analysis of the proposed Project in the relevant sections of the Draft EIR (aesthetics, air quality, agriculture, biological resources, cultural resources, geology/soils, hazards, hydrology/water quality, land use, noise, transportation, utilities, etc.). For all other environmental topics, the potential impact is either less than significant or it can be mitigated to a less than significant level. Construction of the new park facilities is a contributing factor to the environmental impacts on aesthetics, agricultural resources, and air quality, which have been determined to be significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with construction of park and recreational facilities, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## F. TRANSPORTATION AND CIRCULATION

1. IMPACT 3.13-2: UNDER EPAP PLUS PROJECT CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE EIGHT MILE ROAD & SR 99 EAST FRONTAGE ROAD INTERSECTION.

- (a) Potential Impact. The potential for the Project to have a significant impact at the Eight Mile Road & SR 99 East Frontage Road intersection under Existing Plus Approved Projects (EPAP) Plus Project Conditions is discussed on pages 3.13-56 and 3.13-57 of the Draft EIR.

- (b) Mitigation Measures. No feasible mitigation measures were identified.

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

- (1) Remaining Impacts. Under EPAP Plus Project conditions, the Eight Mile Road & SR 99 East Frontage Road intersection would operate at LOS F with 237.9 seconds of delay during the a.m. peak hour, and LOS F with 742.0 seconds of delay during the p.m. peak hour. LOS F is considered unacceptable. Interim improvements that could improve operations at this intersection include:

- Change the lanes on the northbound approach. Change the approach lanes from a northbound combined through/left-turn lane and an exclusive northbound-to-eastbound right-turn lane, to an exclusive northbound-to-westbound left-turn lane and a northbound combined through/right-turn lane; and

## CEQA FINDINGS

- Set the north-south signal phasing to be split phasing.

These improvements are the same as those recommended for EPAP No Project conditions, meaning the improvements are warranted with or without the proposed Project. With these improvements this intersection would operate at LOS C with 30.2 seconds of delay during the a.m. peak hour and LOS C with 33.7 seconds of delay during the p.m. peak hour. The proposed Project's contribution to this impact is 10.7%. This intersection is not within the City of Stockton, and the City has no jurisdictional authority to make improvements at this intersection. This intersection is located within Morada, which is considered an independent "Urban Community" by the County of San Joaquin. The interim improvements are not recommended for the following reasons:

- The intersection location is not controlled by the City or applicant, which makes any future approvals uncertain;
- The intersection warrants improvements without the project, meaning the need is based on regional traffic demands;
- Caltrans is in the early stages of designing a full interchange improvement to accommodate the regional traffic demand at this intersection;
- Any interim improvement would be demolished once the full interchange improvement is completed, meaning that the funds would be wasted in the long-term.

Given that Caltrans is developing a long-term solution to this traffic impact, it is recommended that the City forego an interim improvement at this location. The Project applicant would pay traffic impact fees (PFF fees) that would contribute a fair share toward the ultimate interchange improvements. As such, there will be a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Project impacts to the Eight Mile Road & SR 99 East Frontage Road intersection under EPAP Plus Project Conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

**2. IMPACT 3.13-3: UNDER EPAP PLUS PROJECT CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT ON THE ROADWAY SEGMENT OF EIGHT MILE ROAD FROM LOWER SACRAMENTO ROAD TO WEST LANE.**

- (a) Potential Impact. The potential for the Project to impact the roadway segment of Eight Mile Road from Lower Sacramento Road to West Lane under EPAP Plus Project Conditions is discussed on pages 3.13-58 and 3.13-59 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.

## CEQA FINDINGS

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

- (1) Remaining Impacts. Under EPAP Plus Project conditions, the Eight Mile Road from Lower Sacramento Road to West Lane roadway segment would operate at LOS F. LOS F is considered unacceptable. Improvements that would be needed along this segment include: widening of the roadway segment of Eight Mile Road from Lower Sacramento Road to West Lane from two-lanes wide to four lanes wide. This improvement is warranted under Existing conditions and under EPAP No Project conditions, meaning it is warranted with or without the proposed Project.

This roadway segment is located within San Joaquin County. The improvement is not under the City's jurisdiction and would require land acquisition within San Joaquin County. This improvement is included in the SJCOG RTP (SJ11-3047) given that it is a regional facility; however, it is not programed for funding at this time. Additionally, this improvement is not funded/programed by the San Joaquin County. The proposed Project's contribution to this impact would be 9.3%, and the Project applicant would pay traffic impact fees (PFF fees) that would contribute a fair share toward the improvement.

The right-of-way is not controlled by the City or applicant and the feasibility of such improvements would be in question. Also, the improvements are regionally serving and are warranted with or without the project. The City will require the developer to pay traffic impact fees that will contribute a fair share toward the improvement; however, it will not require the individual project to design and build a regional improvement that is currently warranted under existing conditions. The City will continue to work with SJCOG to move this improvement from Tier 2 in the 2014 RTP to a Tier 1 with funding to ensure that the impact fees (PFF fees) paid by the project go towards the long-term solution at this location. As such, this will be a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to impacts to the roadway segment of Eight Mile Road from Lower Sacramento Road to West Lane under EPAP Plus Project Conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. IMPACT 3.13-4: UNDER EPAP PLUS PROJECT CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT ON THE ROADWAY SEGMENT OF MORADA LANE EAST OF WEST LANE.

- (a) Potential Impact. The potential for the Project to impact the roadway segment of Morada Lane east of West Lane under EPAP Plus Project Conditions is discussed on pages 3.13-59 through 3.13-61 of the Draft EIR.

## CEQA FINDINGS

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-2.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Mitigation and Remaining Impacts. Under EPAP Plus Project conditions, the Morada Lane East of West Lane roadway segment would operate at LOS E. LOS E is considered unacceptable. Widening the roadway segment of Morada Lane east of West Lane from two-lanes to four lanes would improve LOS conditions at this roadway segment. The widening of this segment would be required over approximately 4,700 feet to fully mitigate the unacceptable LOS E. This improvement is not included in the City of Stockton PFF and, as such, is not currently planned or funded by the City. This improvement is included in the SJCOG RTIF capital project list; however, no specific data for widening of this roadway segment is provided in the RTIF, and no funding is currently programmed in order to construct this improvement. The County does not have any future plans to widen this segment of the roadway.<sup>1</sup> This roadway segment is, however, in an area which fronts a pending development project (the Bear Creek South Project) and the ultimate buildout of this roadway is anticipated to be associated with that project given that it would be the frontage roadway. The widening of Morada Lane is warranted for EPAP No Project conditions, meaning it is warranted with or without the proposed project. The proposed Project's contribution to the impacts on the roadway segment of Morada Lane east of West Lane is 10.5%.

Morada Lane east of the Union Pacific Railroad (UPRR) tracks is already wider than two lanes under existing conditions, therefore, the EIR roadway segment of Morada Lane east of West Lane applies to the portion of Morada Lane between West Lane and the UPRR tracks. For the following reasons, the flow of traffic along Morada Lane between West Lane and the UPRR tracks is subject to a low level of constraints or "friction" in both the eastbound and westbound directions:

- The eastbound flow of traffic on Morada Lane between West Lane and the UPRR tracks is not constrained by any stop signs or intersection signals lights. In addition, this portion of Morada Lane is subject to relatively few points of conflicting traffic flow; there are three unsignalized intersections and only two driveways approaching Morada Lane from the south. Except for when a train is using the tracks, the eastbound flow of traffic does not stop at any point along this roadway segment.

<sup>1</sup> Personal communication with David Mendoza, San Joaquin County Engineering Services Manager. November 20, 2017.

## CEQA FINDINGS

- There is no land use development along the north side of this portion of Morada Lane and, therefore, no driveways adjacent to the westbound flow of traffic. Exclusive westbound-to-southbound left-turn lanes are present at all three intersections along this roadway segment. As a result, the westbound flow of traffic is subject to no constraints, except for the western terminus of the roadway segment: the signalized intersection of Morada Lane & West Lane.

An interim solution to the full widening of Morada Lane from two lanes to four lanes would be to add an exclusive westbound-to-northbound right-turn lane at the intersection of Morada Lane & West Lane. The turn lane would be approximately 500 feet long, including the taper. This measure would improve the capacity of the westbound approach by:

- Providing a separate lane for the 30 to 35 percent of vehicles making a right-turn; and
- Allowing the combined left/through/right-turn lane to be changed to a combined through/left-turn lane, which would allow this lane to serve more vehicles making left-turns and through movements.

Adding the exclusive westbound-to-northbound right-turn lane would be an effective way to improve traffic flow and reduce congestion along this portion of Morada Lane, and would be an effective interim measure to mitigate the proposed Project's 10.5% contribution to traffic on this roadway segment.

Mitigation Measure 3.13-2 would improve traffic congestion along Morada Lane and at the Morada Lane/West Lane intersection by adding a right turn lane designed to accept decelerating traffic that will ultimately turn right at the intersection. This improvement would increase the storage capacity to the 4700-foot roadway segment. This additional turn lane and storage capacity would improve overall operations of the roadway segment and intersection by providing a separate lane for the 30 to 35 percent of vehicles making a right-turn. However, it is only an interim solution and this roadway will ultimately require widening from two lanes to four lanes. Until the full buildout of the roadway occurs, the impact would be significant and unavoidable. It is not known when the full buildout of this segment of Morada Lane will occur. The proposed project will pay their fair share of the improvements through the appropriate impact fees (PFF fees). Once the final widening occurs the impact would be reduced to a less than significant level. In the interim, the impact would remain significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact to the roadway segment of Morada Lane east of West Lane under EPAP Plus Project Conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## CEQA FINDINGS

4. **IMPACT 3.13-45: UNDER CUMULATIVE PLUS PROJECT CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE WEST LANE & ARMSTRONG ROAD INTERSECTION.**

- (a) **Potential Impact.** The potential for the Project to cause impacts to the West Lane & Armstrong Road intersection under Cumulative Plus Project Conditions is discussed on pages 3.13-122 and 3.13-123 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-5.
- (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
  - (1) **Mitigation and Remaining Impacts.** Under Cumulative Plus Project conditions, the West Lane & Armstrong Road intersection would operate at LOS E with 71.0 seconds of delay during the a.m. peak hour, and LOS F with 150.8 seconds of delay during the p.m. peak hour. LOS F is considered unacceptable.

Mitigation Measure 3.13-5 contains improvements which are also recommended for Cumulative No Project, meaning the measures are warranted with or without the proposed Project. The proposed Project's contribution to this impact is 0.0%. With Mitigation Measure 3.13-5, this intersection would operate at LOS C with 32.2 seconds of delay during the a.m. peak hour and LOS D with 50.5 seconds of delay during the p.m. peak hour. These LOS are considered to be acceptable.

This intersection is located within San Joaquin County. The land surrounding this intersection is designated for General Agricultural uses by the San Joaquin County General Plan (2017). Additionally, expansion of this area would not be consistent with the adopted SJCOG RTP/SCS (adopted in 2014). As such, urban growth within the vicinity of this intersection would not occur in the future.

This improvement would cost approximately \$432,500. This intersection is not within the City of Stockton. Therefore, implementing this mitigation measure would require approval by the County of San Joaquin. If the mitigation measure is approved by the County and constructed, the unacceptable LOS would be improved to an acceptable LOS, and the impact would be reduced to a less-than-significant level. If the improvements are not approved by the County, the LOS would remain unacceptable and the cumulative impact would be significant and unavoidable.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the West Lane & Armstrong Road intersection under Cumulative Plus Project Conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.



## CEQA FINDINGS

5. IMPACT 4.20: UNDER CUMULATIVE PLUS PROJECT CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE WEST LANE & ARMSTRONG ROAD INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact the West Lane & Armstrong Road intersection under Cumulative Plus Project Conditions is discussed on page 4.0-71 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
  - (1) Remaining Impacts. As noted above, under Cumulative Plus Project conditions, the West Lane & Armstrong Road intersection would operate at LOS E with 71.0 seconds of delay during the a.m. peak hour, and LOS F with 150.8 seconds of delay during the p.m. peak hour. LOS F is considered unacceptable.

Implementation of Mitigation Measure 3.13-5 in Section 3.13 would result in LOS C with 32.2 seconds of delay during the a.m. peak hour and LOS D with 50.5 seconds of delay during the p.m. peak hour. These LOS are considered to be acceptable. However, this intersection is located within San Joaquin County. The land surrounding this intersection is designated for General Agricultural uses by the San Joaquin County General Plan (2017). Additionally, expansion of this area would not be consistent with the adopted SJCOG RTP/SCS (adopted in 2014). As such, urban growth within the vicinity of this intersection would not occur in the future.

This improvement would cost approximately \$432,500. This intersection is not within the City of Stockton. Therefore, implementing this mitigation measure would require approval by the County of San Joaquin. If the mitigation measure is approved by the County and constructed, the unacceptable LOS would be improved to an acceptable LOS, and the impact would be reduced to a less-than-significant level. If the improvements are not approved by the County, the LOS would remain unacceptable and the impact would be significant and unavoidable. This conclusion is consistent with the City's General Plan Draft EIR, which notes that buildout of the General Plan, including the proposed Project site, would result in significant and unavoidable impacts related to substantial increases in vehicular traffic.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the West Lane & Armstrong Road intersection under Cumulative Plus Project Conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## CEQA FINDINGS

### IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

#### A. AESTHETICS AND VISUAL RESOURCES

##### 1. IMPACT 3.1-3: PROJECT IMPLEMENTATION MAY RESULT IN LIGHT AND GLARE IMPACTS.

- (a) Potential Impact. The potential for the Project to result in light and glare impacts is discussed on pages 3.1-14 and 3.1-15 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.1-1.
- (c) Findings. Implementation of the proposed Project would introduce new sources of light and glare into the Project area. New sources of glare would occur primarily from outdoor residential lighting, the windshields of vehicles travelling to and from the Project site, and from vehicles parked at the site. There is also the potential for reflective building materials and windows to result in increases in daytime glare.

A detailed lighting plan has not been prepared for the Project, but for the purposes of this analysis, it has been conservatively assumed that nighttime street lighting, exterior residential, outdoor park/recreational, and safety lighting will be installed throughout areas of the Project site. It is assumed that security lighting will be installed within the various parking areas throughout the general commercial area and the potential school site area.

Section 16.32.070, Light and Glare, of the Stockton Municipal Code states that light or glare from mechanical or chemical processes or from reflective materials used or stored on a site shall be shielded or modified to prevent emission of light or glare beyond the property line, or upward into the sky. Additionally, Section 16.32.070 of the Municipal Code contains standards and provisions related to exterior lighting for both commercial and residential development. The primary purpose of this Section is to regulate exterior lighting to balance the safety and security needs for lighting with the City's desire to prevent emissions of light or glare beyond the property line, or upward into the sky.

The Stockton General Plan EIR determined the impact of new sources of light and glare can be minimized by incorporating design features and operating requirements into new developments that limit light and glare. Policy CD-6.6 requires proper lighting in park facilities and fields without undue nuisance lighting and glare to prevent spillage on adjoining residential areas. Policy NCR-2.18 requires that residential areas and roadways be designed to prevent artificial lighting from reflecting into adjacent natural or open space areas. The City of Stockton Municipal Code has requirements for lighting and glare to reduce the impacts of glare and light trespass.

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CEQA FINDINGS

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The proposed Project lighting would be installed as per the City of Stockton standards and specifications, and would be required to incorporate design features to minimize the effects of light and glare. However, without a detailed lighting plan, the addition of nighttime lighting is a potentially significant impact. Implementation of Mitigation Measure 3.1-1 would reduce impacts associated with nighttime lighting and light spillage onto adjacent properties to a less than significant level by requiring the preparation of a lighting plan for non-residential portions of the project designed to minimize light spillage onto adjacent properties to the greatest extent feasible.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.1-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects from light or glare will be mitigated to a less than significant level.

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**B. AIR QUALITY**

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1. **IMPACT 3.3-3: PROJECT CONSTRUCTION HAS THE POTENTIAL TO CAUSE A VIOLATION OF AN AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION.**
  - (a) **Potential Impact.** The potential for the Project to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation is discussed on pages 3.3-27 through 3.3-30 of the Draft EIR.
  - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-7.
  - (c) **Findings.** Construction activities will consist of multiple phases over several years. These construction activities can be described as site improvements (grading, underground infrastructure, and topside improvements) and vertical construction (building construction and architectural coatings). For purposes of this analysis, it is assumed that Project build-out would occur from 2019 through early 2024. Actual construction emissions will be dependent on market conditions and may be spread out over an extended period. A schedule that goes beyond 2024 would further reduce the potential to exceed the applicable criteria pollutant thresholds (given that they are measured in terms of tons per year).

The SJVAPCD has established construction-related emissions thresholds of significance as follows: 10 tons per year of NO<sub>x</sub>, 10 tons per year of ROG, or 15 tons per year of PM<sub>10</sub> or PM<sub>2.5</sub>. Annual emissions will not exceed the SJVAPCD thresholds of significance in any given year. However, regardless of emission quantities, the SJVAPCD requires construction-related mitigation in accordance with their rules and regulations.

## CEQA FINDINGS

Implementation of Mitigation Measure 3.3-7 would reduce this impact to a less than significant level by requiring compliance with all applicable SJVAPCD rules and regulations.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.3-7 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation will be mitigated to a less than significant level.

### C. BIOLOGICAL RESOURCES

#### 1. IMPACT 3.4-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS REPTILE AND AMPHIBIAN SPECIES.

- (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status reptile and amphibian species is discussed on pages 3.4-26 through 3.4-28 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-1.
- (c) Findings. There are four special-status amphibian/reptile species that are documented within a 10-mile radius of the Project site including: California tiger salamander (*Ambystoma californiense* [*A. tigrinum* c.]), foothill yellow-legged frog (*Rana boylei*), giant garter snake (*Thamnophis couchi gigas*), and western pond turtle (*Clemmys marmorata*). All of the four special-status amphibian/reptile species are covered by the SJMSCP.

Bear Creek and irrigation ditches provides potential aquatic habitat for several species, including those discussed above. Filling the irrigation ditches and the land immediately adjacent to the irrigation ditches would present a potential impact to this habitat; however, no special-status reptiles or amphibians were observed within the Project site or offsite improvement corridors during field surveys and none are expected to be affected by the proposed Project. Bear Creek is planned to be preserved in open space uses; however, there will be an outfall structure installed at the southwestern corner of the Project site in association with the storm drainage system. Special status reptile or amphibian species that could be affected by the proposed Project, including any impacts to Bear Creek in association with the outfall structure, will be mitigated through the participation in the SJMSCP. Implementation of Mitigation Measure 3.4-1 would reduce this impact to a less than significant level by requiring the Project proponent to seek

## CEQA FINDINGS

coverage under the SJMSCP to mitigate for habitat impacts to covered special status species.

In accordance with Public Resources Code, § 21081, and pursuant to CEQA Guidelines § 15065(b)(2), Mitigation Measure 3.4-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on special-status reptile and amphibian species will be mitigated to a less than significant level.

2. **IMPACT 3.4-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES.**

- (a) **Potential Impact.** The potential for the Project to have direct or indirect effects on special-status bird species is discussed on pages 3.4-31 through 3.4-33 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-2.
- (c) **Findings.** Special-status birds that are documented within a ten-mile radius of the Project site include: White-tailed kite (*Elanus leucurus*), Swainson's hawk (*Buteo swainsoni*), California black rail (*Laterallus jamaicensis coturniculus*), Western burrowing owl (*Athene cunicularia hypogea*), Least Bell's vireo (*Vireo bellii pusillus*), song sparrow ("Modesto" population) (*Melospiza melodi*), and Tricolored blackbird (*Agelaius tricolor*). The Project site may provide suitable foraging habitat for a variety of potentially occurring special-status birds, including those listed above. There are few potential nest trees within the Project site that are suitable for nesting raptors and other protected migratory birds. Given the size of the Project site, the presence of nesting habitat (large trees), as well as the presence of foraging habitat (large open fields), it is likely one or more pairs of raptors, plus a variety of songbirds, nest on the site each year.

Colonial nesters, nesting songbirds, raptors, and other birds are covered by the SJMSCP, which serves as a special-purpose permit for the incidental take of species that are protected. Coverage requires compensation for habitat impacts on covered species through payment of development fees for conversion of open space lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. In addition, coverage includes incidental take avoidance and minimization measures for species that could be affected as a result of the proposed Project. Coverage under the SJMSCP would fully mitigate all habitat impacts on these birds. Incidental take, avoidance, and minimization measures are designed to fully mitigate direct and indirect impacts to the individuals and their activities. Implementation of Mitigation Measure 3.4-2 would reduce this impact to a less than significant level by requiring pre-construction surveys for nesting

## CEQA FINDINGS

birds if construction would occur during the avian breeding season (March 1 to August 31).

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status bird species will be mitigated to a less than significant level.

### 3. IMPACT 3.4-7: ADVERSE EFFECTS ON RIPARIAN HABITAT OR SENSITIVE NATURAL COMMUNITY.

- (a) Potential Impact. The potential for the Project to have adverse effects on riparian habitat or a sensitive natural community is discussed on pages 3.4-46 and 3.4-47 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-3.
- (c) Findings. The CNDDDB record search revealed documented occurrences of two sensitive habitats within 10 miles of the Project site including: Valley Oak Woodland and Coastal and Valley Freshwater March. Neither of these sensitive natural communities occurs on the Project site. The strip of herbaceous riparian habitat along the Bear Creek edge will remain in open space to preserve the biological functions of the area, with the exception of the acreage affected by the storm drainage outfall construction.

The storm drain outfall would be constructed along the north bank of the Bear Creek levee. The section of Bear Creek at the outfall is bounded by levees on both sides, providing a clear separation between the herbaceous riparian area and adjacent farmlands. The water side of the levees is vegetated with a discontinuous band of herbaceous riparian plants. The exact design and placement of the storm drain outfall has not been identified on the Project site; however, it is anticipated that 0.14 acres of impacts to riparian habitat along Bear Creek would occur. The storm drainage outfall will be located in an area with low vegetation density and no tree coverage to minimize impacts. Implementation of Mitigation Measure 3.4-3 would reduce this impact to a less than significant level by requiring compensation or replacement for any disturbance to riparian habitat along Bear Creek in association with the storm drainage outfall.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council,

## CEQA FINDINGS

this City Council finds that the potential to have adverse effects on riparian habitat or a sensitive natural community will be mitigated to a less than significant level.

4. **IMPACT 3.4-10: CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE.**

- (a) **Potential Impact.** The potential for the Project to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, is discussed on pages 3.4-54 through 3.4-56 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-4 through 3.4-7.
- (c) **Findings.** The Stockton Municipal Code provides an application process that is required in order to remove heritage trees. The Municipal Code establishes that any heritage tree that is removed or effectively removed shall be replaced on a three (3) for one (1) basis at the discretion of the Director. The size of the replacement trees shall be determined by the Director based on the size of the tree that was removed, but shall be at least 15-gallon container stock. If possible, the replacement trees shall be planted on the same parcel as the tree that was removed. In those cases where it is not possible to replace the tree on the same parcel, the replacement tree(s) shall be planted in a City park or other location determined by the Director. (Ord. 015-09 C.S., eff. 12-3-09).

The proposed Project would involve extensive grading and disturbance of the Project site as construction proceeds, and proposed land uses would involve removal of most or all of the existing vegetation. There are three Heritage Oak trees located in the southern portion of the Project site near the Bear Creek levee. It is anticipated that all three trees would be removed; however, it may be possible to avoid one or more of these trees during the more refined engineering phase of the Project. If any Heritage Oak trees were able to be avoided, their root systems would still be subject to potential impact as the result of development activity in the vicinity. Implementation of Mitigation Measures 3.4-4 through 3.4-7 would reduce this impact to a less than significant level. Mitigation Measure 3.4-4 requires the Project proponent to avoid removal of the three onsite Heritage Oak trees if possible. Mitigation Measure 3.4-5 requires planting of replacement oak trees if the three Heritage Oak trees cannot be avoided. Mitigation Measure 3.4-6 requires special grading measures near the Heritage Oak trees in order to preserve the existing grade to the drip line. Mitigation Measure 3.4-7 requires future development to avoid removal of non-Heritage Oak trees within the site, if possible.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-4 through 3.4-7 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council,

## CEQA FINDINGS

this City Council finds that the potential to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, will be mitigated to a less than significant level.

### D. CULTURAL AND TRIBAL RESOURCES

1. **IMPACT 3.5-1: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5.**

- (a) **Potential Impact.** The potential for the Project to cause a substantial adverse change to a significant historical resource is discussed on pages 3.5-11 and 3.5-12 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.
- (c) **Findings.** The Project site is located in an area known to have historical resources. The field surveys did not reveal a significant intact historical resource or site on the Project site. However, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown historical resource. Implementation of Mitigation Measure 3.5-1 would reduce this impact to a less than significant level by requiring a trained archaeologist to monitor all excavation work within 200 feet of Bear Creek. Additionally, a Native American inspector would be present during ground disturbance activities.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change to a significant historical resource will be mitigated to a less than significant level.

2. **IMPACT 3.5-2: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT ARCHAEOLOGICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5.**

- (a) **Potential Impact.** The potential for the Project to have an impact on significant archaeological resources is discussed on page 3.5-14 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.
- (c) **Findings.** The Project site is located in an area known to have cultural resources. The field surveys did not reveal a significant intact archeological resource or site on the



## CEQA FINDINGS

Project site. However, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural resource or human remains. Implementation of the previously described Mitigation Measure 3.5-1 requires specific standards in the event of the discovery of a previously unknown resource and would ensure that this potential impact is less than significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause an adverse impact on archaeological resources will be mitigated to a less than significant level.

**3. IMPACT 3.5-3: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE.**

- (a) Potential Impact. The potential for the Project to have an impact on significant paleontological resources is discussed on pages 3.5-16 and 3.5-17 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-2.
- (c) Findings. The field surveys did not reveal any surface evidence of paleontological resources on the Project site. The Project site is not expected to contain subsurface paleontological resources, although it is possible. Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. Implementation of the Mitigation Measure 3.5-2 would ensure steps would be taken to reduce impacts to paleontological resources in the event that they are discovered during construction. This mitigation measure would reduce this impact to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause an adverse impact on paleontological resources will be mitigated to a less than significant level.

**4. IMPACT 3.5-4: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES.**

- (a) Potential Impact. The potential for the Project to have an impact on human remains is discussed on pages 3.5-18 and 3.5-19 of the Draft EIR.

## CEQA FINDINGS

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation measure 3.5-3.

(c) Findings. Research indicates that humans have occupied San Joaquin County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

Under CEQA, human remains are protected under the definition of archaeological materials as being “any evidence of human activity.” Additionally, PRC Section 5097 has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during Project implementation.

Human remains were found during site grading activities, but nothing else was found during the extensive trenching of the Project site. Implementation of Mitigation Measure 3.5-3 would ensure that all construction activities that inadvertently discover human remains implement State-required consultation methods to determine the disposition and historical significance of any discovered human remains. This mitigation measure would reduce this impact to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause an adverse impact on human remains will be mitigated to a less than significant level.

### 5. IMPACT 3.5-5: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PUBLIC RESOURCES CODE §21074.

(a) Potential Impact. The potential for the Project to have an impact on tribal cultural resources is discussed on page 3.5-21 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1 and 3.5-3.

(c) Findings. The field surveys did not reveal any surface evidence of tribal cultural resources on the Project site. The Project site is not expected to contain tribal cultural resources, although it is possible. In accordance with AB 52, the City of Stockton contacted the Wilton Rancheria Tribe and provided information regarding the proposed Project. The City requested that the tribes supply any information they might have concerning prehistoric sites or traditional use areas within the project site. On July 26, 2017, the Wilton Rancheria Tribe responded to the City’s consultation letter and stated

that they have a cultural interest and authority in the proposed Project area. The letter did not indicate whether or not any known cultural resources are located near the Project site. However, the letter did indicate that a Native American Inspector should be present during ground disturbance.

Damage to or destruction of a tribal cultural resource would be considered a potentially significant impact under local, state, or federal criteria. Implementation of Mitigation Measures 3.5-1 and 3.5-3 would ensure that all construction activities that inadvertently discover human remains implement State-required consultation methods to determine the disposition and historical significance of any discovered human remains. This mitigation measure would reduce this impact to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-1 and 3.5-3 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause an adverse impact on human remains will be mitigated to a less than significant level.

## E. HAZARDS AND HAZARDOUS MATERIALS

### 1. IMPACT 3.8-1: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.

- (a) Potential Impact. The potential for the Project to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.8-12 through 3.7-14 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1, 3.8-2, and 3.8-3.
- (c) Findings. Construction activities would occur in phases through the development of the proposed Project. Construction equipment and materials would likely require the use of petroleum-based products (oil, gasoline, diesel fuel), and a variety of chemicals including paints, cleaners, and solvents. The use of these materials at a construction site will pose a reasonable risk of release into the environment if not properly handled, stored, and transported. A release into the environment could pose significant impacts to the health and welfare of people and/or wildlife, and could result in contamination of water (groundwater or surface water), habitat, and countless important resources.

Like most agricultural and farming operations in the Central Valley, agricultural practices on the Project site have used agricultural chemicals including pesticides and herbicides

## CEQA FINDINGS

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as a standard practice. Although no contaminated soils have been identified, residual concentrations of pesticides may be present in soil as a result of historic agricultural application and storage. Continuous spraying of crops over many years can potentially result in a residual buildup of pesticides in farm soils. Of highest concern relative to agrichemicals are chlorinated herbicides, organophosphate pesticides, and organochlorine pesticides, such as such as Mecoprop (MCP), Dinoseb, chlordane, dichloro-diphenyltrichloroethane (DDT), and dichloro-diphenyl-dichloroethylene (DDE). This is a potentially significant impact.

The only structures located on the Project site include two industrial warehouses in the north-central portion of the site. The warehouses would remain as part of the Project and, thus, would not be removed prior to construction. Therefore, evaluation for asbestos and lead containing materials would not be required.

Mitigation Measure 3.8-1 requires a Soils Management Plan (SMP) to be submitted and approved by the San Joaquin County Department of Environmental Health prior to the issuance of a grading permit. The SMP will establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction.

The operational phase of the Project will occur after construction is completed and business operators/employees, and residents move in to occupy the structures and facilities on a day-to-day basis.

The proposed Project includes commercial facilities and residential structures. Each of these uses will likely use a variety of hazardous materials commonly found in urban areas including: paints, cleaners, and cleaning solvents. If handled appropriately, these materials do not pose a significant risk. These facilities will store and use these materials. There will be a risk of release of these materials into the environment if they are not stored and handled in accordance with best management practices approved by San Joaquin County Environmental Health Division and the Stockton Fire Department. Mitigation Measure 3.8-2 requires the applicant to submit a Hazardous Materials Business Plan (HMBP) to the San Joaquin County Environmental Health Division (CUPA) for review and approval, which will ensure that the proposed Project would have a less than significant impact relative to this issue because it will help ensure that such materials are safely handled and stored. Additionally, Mitigation Measure 3.8-3 requires evenly distributed soil samples to be conducted throughout the proposed Project property for analysis of pesticides and heavy metals. The samples will be submitted for laboratory analysis of pesticides and heavy metals per DTSC and EPA protocols. The results of the soil sampling will be submitted to the City of Stockton. If elevated levels of pesticides or heavy metals are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan will be prepared and implemented prior to the commencement of grading activities.

## CEQA FINDINGS

Implementation of the mitigation measures in Section 3.8 will ensure that these potential impacts are reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.8-1, 3.8-2, and 3.8-3 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be mitigated to a less than significant level.

## F. NOISE

1. **IMPACT 3.11-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN A SIGNIFICANT TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY EXISTING WITHOUT THE PROJECT DURING CONSTRUCTION ACTIVITIES.**

- (a) **Potential Impact.** The potential for the Project to increase noise levels associated with construction activities is discussed on pages 3.11-25 through 3.12-27 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.11-1.
- (c) **Findings.** During the construction of the Project including roads, water and sewer lines and related infrastructure, noise from construction activities would add to the noise environment in the Project vicinity. Activities involved in construction would generate maximum noise levels ranging from 76 to 90 dB at a distance of 50 feet. Construction activities would be temporary in nature and are anticipated to occur during normal daytime working hours. Noise would also be generated during the construction phase by increased truck traffic on area roadways associated with transport of heavy materials and equipment to and from construction sites. This noise increase would be of short duration, and would likely occur primarily during daytime hours.

Implementation of Mitigation Measure 3.11-1 requires the Project proponent or construction contractor to implement various construction-related noise reducing measures.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.11-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to increase noise levels associated with construction activities will be mitigated to a less than significant level.

## CEQA FINDINGS

**2. IMPACT 3.11-4: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN A SIGNIFICANT SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS AT NEW SENSITIVE RECEPTORS AS A RESULT OF EXCESSIVE TRAFFIC NOISE.**

- (a) **Potential Impact.** The potential for the Project to expose new sensitive receptors to excessive traffic noise is discussed on pages 3.11-32 through 3.11-34 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.11-2 and 3.11-3.
- (c) **Findings.** The FHWA traffic noise prediction model was used to predict Cumulative + Project traffic noise levels at the proposed residential land uses associated with the Project. Table 3.11-17 shows the predicted traffic noise levels at the proposed residential uses adjacent to the major Project-area arterial roadways. Table 3.11-17 also indicates the property line noise barrier heights required to achieve compliance with an exterior noise level standard of 60 dB  $L_{dn}$ . Table 3.11-17 data indicate that noise barriers 10-feet in height along Eight Mile Road and West Lane, which are adjacent to proposed residential uses, would be sufficient to achieve compliance with the City of Stockton 60 dB  $L_{dn}$  exterior noise level standard for the proposed residential uses

Modern construction typically provides a 25-dB exterior-to-interior noise level reduction with windows closed. Therefore, sensitive receptors exposed to exterior noise of 70 dB  $L_{dn}$ , or less, will typically comply with the City of Stockton 45 dB  $L_{dn}$  interior noise level standard. Additional noise reduction measures, such as acoustically rated windows, are generally required for exterior noise levels exceeding 70 dB  $L_{dn}$ .

It should be noted that exterior noise levels are typically 2 to 3 dB higher at second floor locations. Additionally, noise barriers do not reduce exterior noise levels at second floor locations. The proposed residential uses are predicted to be exposed to unmitigated first floor exterior transportation noise levels of approximately 71 dB  $L_{dn}$ . Therefore, second floor facades are predicted to be exposed to exterior noise levels of up to 74 dB  $L_{dn}$ .

Based upon a 25-dB exterior-to-interior noise level reduction, interior noise levels at second floors are predicted to be 49 dB  $L_{dn}$ . These interior noise levels would exceed with the City's 45 dB  $L_{dn}$  interior noise level standard. Therefore, additional interior noise control measures would be required. This analysis assumes that mechanical ventilation will be provided to allow residents to keep doors and windows closed, as desired for acoustical isolation.

Mitigation Measure 3.11-2 requires a minimum 11-foot sound wall and/or landscaped berm to be constructed along Eight Mile Road and a 10-foot sound wall and/or landscaped berm to be constructed along West Lane adjacent to proposed residential uses in order to achieve the City's exterior noise standards. Mitigation Measure 3.11-3

## CEQA FINDINGS

requires, among other improvements, that the first row of second floor facades facing Eight Mile Road and West Lane include windows having a Sound Transmission Class (STC) 35, or higher rating.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.11-2 and 3.11-3 are appropriate changes or alterations that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to expose new sensitive receptors to excessive traffic noise will be mitigated to a less than significant level.

3. **IMPACT 3.11-6: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN A SIGNIFICANT SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS AT NEW SENSITIVE RECEPTORS AS A RESULT OF EXCESSIVE RAILROAD NOISE.**

- (b) **Potential Impact.** The potential for the Project to expose new sensitive receptors to excessive railroad noise is discussed on pages 3.11-39 through 3.11-41 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.11-4 and 3.11-5.
- (c) **Findings.** Proposed residential land uses located adjacent to the UPRR line are predicted to be impacted by railroad noise. UPRR train activity is predicted to exceed the City of Stockton lower level 60 dB  $L_{dn}$  and upper level 65 dB  $L_{dn}$  exterior noise level standard applicable to residential uses and is, therefore, considered significant according to the Project's Significance Criteria. A barrier analysis was conducted to determine the appropriate barrier heights and setbacks required to reduce railroad noise levels within compliance with the City of Stockton exterior noise level criteria (see Table 3.11-22). Based upon Table 3.11-22, it is not practical to achieve the lower limit noise level standard of 60 dB  $L_{dn}$  with setbacks of up to 200 feet. With a setback of 200 feet, the upper limit of 65 dB  $L_{dn}$  can be achieved with a 12-foot tall wall/barrier (relative to the building pad elevation). With a setback of 300 feet, the lower limit of 60 dB  $L_{dn}$  can be achieved with a 12-foot tall wall/barrier (relative to the building pad elevation). Additionally, with a setback of 300 feet, the upper limit of 65 dB  $L_{dn}$  can be achieved with a 10-foot tall wall/barrier (relative to the building pad elevation).

Modern construction typically provides a 25 dB exterior-to-interior noise level reduction with windows closed. Therefore, sensitive receptors exposed to exterior noise of 70 dB  $L_{dn}$ , or less, will typically comply with the City of Stockton 45 dB  $L_{dn}$  interior noise level standard. Additional noise reduction measures, such as acoustically rated windows are generally required for exterior noise levels exceeding 70 dB  $L_{dn}$ .

It should be noted that exterior noise levels are typically 2 to 3 dB higher at second floor locations. Additionally, noise barriers do not reduce exterior noise levels at second floor

## CEQA FINDINGS

locations. The proposed residential uses adjacent to the UPRR tracks will have mitigation at first floor rooms to achieve a minimum exterior noise level of 65 dB  $L_{dn}$ . Therefore, first floor receivers will comply with the interior noise levels of 45 dB  $L_{dn}$ . Depending on setbacks, the second floor facades are predicted to be exposed to exterior noise levels of up to ranging from 83 dB  $L_{dn}$  to 73 dB  $L_{dn}$ .

Based upon a 25 dB exterior-to-interior noise level reduction, interior noise levels at second floors are predicted to range between 58 dB  $L_{dn}$  and 48 dB  $L_{dn}$ . These interior noise levels would exceed the City's 45 dB  $L_{dn}$  interior noise level standard. Therefore, additional interior noise control measures would be required. This analysis assumes that mechanical ventilation will be provided to allow residents to keep doors and windows closed, as desired for acoustical isolation.

Mitigation Measure 3.11-4 requires setbacks and barriers to be included along the UPRR track in order to achieve a minimum exterior noise level of 65 dB  $L_{dn}$  at the backyards of the first row of residences facing the UPRR track. Mitigation Measure 3.11-5 requires, among other requirements, a detailed analysis of interior mitigation measures for the first row of residences facing the UPRR track when building plans are available.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.11-4 and 3.11-5 are appropriate changes or alterations that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to expose new sensitive receptors to excessive railroad noise will be mitigated to a less than significant level.

4. IMPACT 3.11-7: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS AT NEW SENSITIVE RECEPTORS AS A RESULT OF EXISTING INDUSTRIAL NOISE LEVELS.
  - (c) Potential Impact. The potential for the Project to expose new sensitive receptors to excessive industrial noise is discussed on pages 3.11-43 and 3.11-44 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.11-6.
  - (c) Findings. Pacific Bell and Bragg Investment Company are located within the boundaries of the site at the north-central portion of the site. To quantify existing industrial noise levels in the vicinity of the Project site, j.c. brennan & associates, Inc. staff conducted short-term noise level measurements at three locations on the adjacent industrial land uses. Noise levels were generally in the range of 60 dB  $L_{eq}$  at a distance of 100 feet. Noise sources associated with operations included heavy equipment moving about the site and idling equipment. Operations occur primarily during the daytime. However, the noise levels exceed the daytime noise level standards of 55 dBA  $L_{eq}$ .



## CEQA FINDINGS

Mitigation Measure 3.11-6 requires that the residential uses maintain a 100-foot setback from the industrial property lines, and a barrier 8-feet in height be constructed to reduce noise levels to less than 55 dBA  $L_{eq}$ , and break line-of-sight to the noise sources.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.11-6 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to expose new sensitive receptors to excessive industrial noise will be mitigated to a less than significant level.

5. IMPACT 3.11-8: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS AT NEW SENSITIVE RECEPTORS AS A RESULT OF PROPOSED COMMERCIAL DEVELOPMENT NOISE.

- (d) Potential Impact. The potential for the Project to expose new sensitive receptors to excessive noise from the proposed commercial development is discussed on pages 3.11-45 through 3.11-47 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.11-7, 3.11-8, and 3.11-9.
- (c) Findings. Commercial land use activities can produce noise which may affect adjacent sensitive land uses. These noise sources can be continuous and may contain tonal components which may be annoying to individuals who live in the nearby vicinity. In addition, noise generation from fixed noise sources may vary based upon climatic conditions, time of day and existing ambient noise levels. The Project includes commercial land uses in the northwest quadrant of the Project site. The primary noise sources generally include truck deliveries, loading dock operations, trash pickup, parking lot use, and heating, air conditioning and ventilation (HVAC) equipment.

The proposed commercial land use is adjacent to the proposed residential uses. Loading dock noise levels generally range between 50 dBA  $L_{eq}$  and 60 dBA  $L_{eq}$ , at a distance of 100 feet. The primary noise sources include truck arrivals and departures, and unloading of products.

HVAC equipment can also be a primary noise source associated with commercial or retail uses. These types of equipment are often mounted on roof tops, located on the ground or located within mechanical rooms. The noise sources can take the form of fans, pumps, air compressors, chillers or cooling towers. Noise levels from these types of equipment can vary significantly. Noise levels from these types of sources generally range between 45 dB to 70 dB at a distance of 50 feet and could exceed the daytime

## CEQA FINDINGS

noise level criterion of 55 dB L<sub>eq</sub>. However, numerous noise control strategies can be utilized to mitigate noise levels to less than significant levels.

Mitigation Measure 3.11-7 requires the planned retail, commercial, light industrial and/or office uses within the commercial development area to comply with the requirements of Chapter 16 of the City of Stockton Development Code. Mitigation Measure 3.11-8 requires barriers to be considered as a means of reducing overall noise levels where commercial retail land uses are adjacent to residential areas or separated local streets. Mitigation Measure 3.11-9 requires a detailed noise analysis to be completed to ensure the noise level criteria are met once a tentative map for the commercial development area is available.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.11-7, 3.11-8, and 3.11-9 are appropriate changes or alterations that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to expose new sensitive receptors to excessive noise from the proposed commercial development will be mitigated to a less than significant level.

### G. TRANSPORTATION AND CIRCULATION

1. IMPACT 3.13-1: UNDER EPAP PLUS PROJECT CONDITIONS, THE PROPOSED PROJECT MAY RESULT IN A SIGNIFICANT IMPACT AT THE EIGHT MILE ROAD & LOWER SACRAMENTO ROAD INTERSECTION.
  - (a) Potential Impact. The potential for the proposed Project to result in a significant impact at the Eight Mile Road & Lower Sacramento Road intersection is discussed on pages 3.13-55 and 3.13-56 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-1.
  - (c) Findings. Under EPAP Plus Project conditions, the Eight Mile Road & Lower Sacramento Road intersection would operate at LOS D with 53.9 seconds of delay during the a.m. peak hour, and LOS E with 57.7 seconds of delay during the p.m. peak hour. LOS E is considered unacceptable. Improvements that would be needed at this intersection include: setting the northbound-to-eastbound right-turn lane to “overlap” phasing, and prohibiting westbound-to-eastbound U-turns. With these improvements, this intersection would operate at LOS D with 39.2 seconds of delay during the a.m. peak hour and LOS D with 44.9 seconds of delay during the p.m. peak hour. This LOS is considered acceptable. This improvement is included in the Stockton PFF with a 2021-2022 completion year. The improvement is also in the SJCOG RTP (RTIF 917, ID 27). The proposed project’s contribution to the impact would be 16.5%.

## CEQA FINDINGS

Mitigation Measure 3.13-1 requires the Project applicant to construct improvements to the Eight Mile Road & Lower Sacramento Road intersection.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.13-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for proposed Project to result in a significant impact at the Eight Mile Road & Lower Sacramento Road intersection will be mitigated to a less than significant level.

2. IMPACT 3.13-8: IMPACTS RELATED TO AN INCREASE IN THE DEMAND FOR PARK-AND-RIDE FACILITIES.

- (a) Potential Impact. The potential for the proposed Project to result in an increase in demand for park-and-ride facilities is discussed on pages 3.13-63 and 3.13-6 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-3.
- (c) Findings. Implementation of the proposed Project would result in an increase in demand for park-and-ride facilities. The SCJOG assessed both the demand for, and availability of, park-and-ride facilities in the document *Final Report – Park-and-Ride Lot Master Plan* (San Joaquin Council of Governments, 2007). In the document's forecast of future demand for park-and-ride facilities, it notes, "The assessment of future demand indicated a rate of increase of roughly one additional park-and ride space for every 110 new housing units. This ratio provides a useful indicator of how many new spaces should be provided for a new development . . ." The SJCOG report also notes the availability of transit service is an important factor in demand for park-and-ride facilities.

The proposed Project would result in up to 1,503 dwelling units. Based on the SJCOG ratio of one additional park-and-ride space for every 110 new housing units, this would result in demand for up to 14 additional park-and-ride spaces. Mitigation Measure 3.13-3 requires the Project applicant to construct park-and-ride facilities near West Lan and Eight Mile Road.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.13-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the proposed Project to result in an increase in demand for park-and-ride facilities will be mitigated to a less than significant level.

## CEQA FINDINGS

### 3. IMPACT 3.13-44: UNDER CUMULATIVE PLUS PROJECT CONDITIONS, THE PROPOSED PROJECT MAY RESULT IN A SIGNIFICANT IMPACT AT THE EIGHT MILE ROAD & LOWER SACRAMENTO ROAD INTERSECTION.

- (a) Potential Impact. The potential for proposed Project to result in a significant impact at the Eight Mile Road & Lower Sacramento Road intersection under the Cumulative Plus Project Conditions is discussed on pages 3.13-120 through 3.13-122 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Implementation of Mitigation Measure 3.13-4.
- (c) Findings. Under Cumulative Plus Project conditions, the Eight Mile Road & Lower Sacramento Road intersection would operate at LOS D with 36.0 seconds of delay during the a.m. peak hour, and LOS F with 90.8 seconds of delay during the p.m. peak hour. LOS F is considered unacceptable. As noted in the Level of Service Significance Threshold section of the Draft EIR:

*“For City intersections with a LOS ‘E’ or ‘F’ conditions without the project, a transportation impact for a project is considered significant if the addition of project traffic causes an increase of greater than 5 seconds in the average delay for the intersection.”*

During the p.m. peak hour, project traffic would cause vehicle delay to increase from 82.4 second per vehicle to 90.8 seconds per vehicle. This would be an increase of 8.4 seconds per vehicle ( $90.8 - 82.4 = 8.4$ ). Mitigation Measure 3.13-4 requires the Project applicant to pay the pro-rata fair share fee towards the following improvement to the Eight Mile Road & Lower Sacramento Road intersection: Split the westbound combined through/right-turn lane into an exclusive westbound through lane, and an exclusive westbound-to-northbound right-turn lane.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.13-4 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for proposed Project to result in a significant impact at the Eight Mile Road & Lower Sacramento Road intersection under the Cumulative Plus Project Conditions will be mitigated to a less than significant level.

## H. UTILITIES AND SERVICE SYSTEMS

1. IMPACT 3.14-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT AND/OR COLLECTION PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IS DOES NOT HAVE ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS.
  - (a) Potential Impact. The potential for the Project to result in a determination by the wastewater treatment and/or collection provider which serves or may serve the Project that is does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments is discussed on pages 3.14-11 through 3.14-13 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-1.
  - (c) Findings. The City's *2035 Wastewater Master Plan* includes projected wastewater generation factors for residential and commercial land uses. The *Water Master Plan Update* also provides overall projected water demand for the City of Stockton Municipal Utilities District (COSMUD) service area. Based on the data provided, it was determined that the City will have additional water flows totaling approximately 110,000 acre feet/year for the entire City of Stockton Municipal Utilities Department service area, or 98.14 million gallons per day (MGD), when full build-out of the 2035 General Plan Area occurs (City of Stockton, 2007). As noted previously, the Stockton RWCF uses approximately 80% of its existing permitted capacity. Future capacity improvements are planned as part of the City's ongoing commitment to provide adequate wastewater capacity for all users within its service area.

According to the City's *2035 Wastewater Master Plan*, the proposed Project's residential uses are estimated to generate a maximum (95<sup>th</sup> percentile rate) rate of 112.0 gallons per capita (gpd)/capita (City of Stockton, 2008). Based on U.S. Census data factors (3.17 persons per household), the Project site would have a maximum of approximately 4,765 persons, at full Project build-out, resulting in approximately (4,765 x 112) 533,680 gpd that would be generated by Project residential uses. The proposed Project also includes 10.5 acres of commercial space. According to the City's *2035 Wastewater Master Plan*, commercial land uses generate approximately 1,100 gpd/acre. Using this rate, the proposed commercial uses would generate approximately 11,550 gpd. Combined, the proposed Project would be expected to generate a maximum of approximately 545,230 gpd at full build-out. Industrial uses were not calculated as part of the projection, since the industrial uses already exist, and would only be annexed by the proposed Project.

In conclusion, the proposed Project would increase the amount of wastewater requiring treatment by 545,320 gpd (or 0.55 MGD). The wastewater would be treated at the RWCF. As noted previously, the Stockton RWCF uses approximately 80% of its existing

## CEQA FINDINGS

permitted capacity, and the City will have additional wastewater flows totaling approximately 98.14 MGD for the entire City of Stockton Municipal Utilities Department service area when full build-out of the 2035 General Plan Area occurs. The addition of 0.55 MGD of wastewater requiring treatment as a result of the proposed Project accounts for 0.56 percent of the predicted wastewater treatment when full build-out of the 2035 General Plan Area occurs. Additionally, the proposed Project would result in a reduction in units compared to what is allowed by the existing General Plan land uses. As such, the proposed Project would result in a reduction in wastewater treatment demand from what was analyzed in the City's General Plan EIR.

Occupancy of the proposed Project would be prohibited without sewer allocation. An issuance of sewer allocation from the City's available capacity would ensure that there would be a final determination by the wastewater treatment and/or collection provider that there is adequate capacity to serve the proposed Project's projected demand in addition to the provider's existing commitments. Additionally, any planned expansion to the RWCF with a subsequent allocation of capacity to the proposed Project would ensure that there would not be a determination by the wastewater treatment and/or collection provider that there is inadequate capacity to serve the proposed Project's projected demand in addition to the provider's existing commitments. Implementation of Mitigation Measure 3.14-1 requires the Project proponent to secure adequate wastewater treatment capacity/allocation which would reduce this potential impact to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.14-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in a determination by the wastewater treatment and/or collection provider which serves or may serve the Project that it does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments will be mitigated to a less than significant level.

2. **IMPACT 3.14-6: THE PROPOSED PROJECT HAS THE POTENTIAL TO REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORM WATER DRAINAGE FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.**
  - (a) **Potential Impact.** The potential for the Project to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects is discussed on pages 3.14-50 and 3.14-51 of the Draft EIR.
  - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-2.

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CEQA FINDINGS

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- (c) Findings. Development of the proposed Project would include construction of a new storm drainage system, including a drainage collection system, and two detention basins (one in the southwestern corner of Tra Vigne West, and one at the southwestern corner of Tra Vigne East). It is anticipated that a pump station that would discharge to Bear Creek would be installed at the Tra Vigne West detention basin. Proposed storm drain lines would range from 12 inches to 60 inches in diameter. Collection lines would flow generally west and south to the proposed detention basins located in the southwest corners of Tra Vigne East and Tra Vigne West.

Areas of proposed development within the Project site will be required to meet the "volume reduction" requirements of the City's most recent stormwater NPDES permit. Units of development would incorporate design features that would divert storm water to the groundwater system and/or detain runoff before it reaches the collection system. These design features would include measures also described as Low Impact Development (LID) and Volume Reduction Measures, such as grassy swales, porous pavement, rain barrels, and rain gardens, among others. Compliance with the City's stormwater standards will require that storm drainage from new development be reduced below "existing runoff" rates.

The proposed Project includes development of a new storm drainage system to serve the proposed uses as described above. The potential environmental effects resulting from construction of the storm drainage system are analyzed throughout this Draft EIR, and in some cases, there are potentially significant impacts associated with construction of this infrastructure. Where impacts are identified for each environmental topic, mitigation measures are developed to avoid, minimize, or compensate for the impact to the extent practicable. All mitigation measures presented throughout this EIR will be implemented to reduce impacts to the extent practicable. There will not be any significant impacts beyond what is disclosed in the other chapters of this document. In addition to the other mitigation measures presented throughout this document, the following mitigation measure is intended to ensure that the drainage system is designed and constructed to meet the City's performance standards.

Measure 3.14-2 requires the Project applicant to submit an engineered storm drainage plan that demonstrates attainment of pre-Project runoff requirements and describes the volume reduction measures and treatment controls used to reach attainment consistent with the City of Stockton requirements.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.14-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects will be mitigated to a less than significant level.

## CEQA FINDINGS

### V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

**Aesthetics and Visual Resources:** The following specific impact was found to be less than significant: 3.1-2.

**Agricultural Resources:** The following specific impacts were found to be less than significant: 3.2-2 and 3.2-3.

**Air Quality:** The following specific impacts were found to be less than significant: 3.3-4, 3.3-5, and 3.3-6.

**Biological Resources:** The following specific impacts were found to be less than significant: 3.4-1, 3.4-4, 3.4-5, 3.4-6, 3.4-8, and 3.4-9.

**Geology and Soils:** The following specific impacts were found to be less than significant: 3.6-1, 3.6-2, 3.6-3, and 3.6-4.

**Greenhouse Gases and Climate Change:** The following specific impacts were found to be less than significant: 3.7-1, 3.7-3, and 3.7-4.

**Hazards and Hazardous Materials:** The following specific impacts were found to be less than significant: 3.8-2, 3.8-3, 3.8-4, 3.8-5, 3.8-6, and 3.8-7.

**Hydrology and Water Quality:** The following specific impacts were found to be less than significant: 3.9-1, 3.9-2, 3.9-3, 3.9-4, 3.9-5, 3.9-6, and 3.9-7.

**Land Use and Population:** The following specific impacts were found to be less than significant: 3.10-1, 3.10-2, 3.10-3, 3.10-4, and 3.10-5.

**Noise:** The following specific impacts were found to be less than significant: 3.11-1, 3.11-3, and 3.11-5.

**Public Services and Recreation:** The following specific impacts were found to be less than significant: 3.12-1, 3.12-2, 3.12-4, and 3.12-6.

**Transportation and Circulation:** The following specific impacts were found to be less than significant: 3.13-5, 3.13-6, 3.13-7, 3.13-46, 3.13-47, and 3.13-48.

**Utilities:** The following specific impacts were found to be less than significant: 3.14-1, 3.14-3, 3.14-4, 3.14-5 and 3.14-7.



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CEQA FINDINGS

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The Project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

**Aesthetics and Visual Resources:** The following specific impacts were found to be less than cumulatively considerable: 4.1 and 4.3.

**Biological Resources:** The following specific impact was found to be less than cumulatively considerable: 4.6.

**Cultural and Tribal Resources:** The following specific impact was found to be less than cumulatively considerable: 4.7.

**Geology and Soils:** The following specific impact was found to be less than cumulatively considerable: 4.8.

**Hazards and Hazardous Materials:** The following specific impact was found to be less than cumulatively considerable: 4.10.

**Hydrology and Water Quality:** The following specific impacts were found to be less than cumulatively considerable: 4.11, 4.12, 4.13, and 4.14.

**Land Use and Population:** The following specific impacts were found to be less than cumulatively considerable: 4.15 and 4.16.

**Noise:** The following specific impact was found to be less than cumulatively considerable: 4.17.

**Public Services and Recreation:** The following specific impact was found to be less than cumulatively considerable: 4.18.

**Transportation and Circulation:** The following specific impacts were found to be less than cumulatively considerable: 4.19, 4.21, 4.22, and 4.23.

**Utilities:** The following specific impacts were found to be less than cumulatively considerable: 4.24, 4.25, 4.26, and 4.27.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the Project;
- The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact; or
- The EIR determined that the impact is beneficial (would be reduced) for the Project.

## CEQA FINDINGS

### VI. PROJECT ALTERNATIVES

#### A. IDENTIFICATION OF PROJECT OBJECTIVES

An EIR is required to identify a range of reasonable alternatives to the project. The “range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects.” (CEQA Guidelines Section 15126.6(c).) “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).” (CEQA Guidelines Section 15126.6(f)(1).)

The quantifiable objectives of the proposed Project include Annexation of 318.82 acres of land into the Stockton city limits, and the subsequent development of land, which will include: General Commercial, Low Density Residential housing, High Density Residential Housing, and Open Space Parkland.

The Tra Vigne Development Project identifies the following objectives:

- Commercial: Establish a commercial site that strategically maximizes the high visual exposure of Eight Mile Road and West Lane to capitalize on commuter traffic, while also catering to the neighborhood needs of the residents within the development.
- Low Density Residential: Provide low density residential housing in accordance with the General Plan land use map, while ensuring that there is flexibility in the lot and housing size to accommodate real market demands throughout the housing cycle. Ensure that all housing is designed with architectural form that is visually attractive.
- High Density Residential: Provide high density residential housing in accordance with the General Plan land use map in order to provide a mix of housing types and accommodate real market demands throughout the housing cycle. Ensure that all housing is designed with architectural form that is visually attractive.
- School: Provide a site that could accommodate a K-8 school in the event that the School District desires to build a school within the Project site. Alternatively, if the School District chooses not to build a school within the Project site, ensure that there is a design alternative that would accommodate low density residential housing consistent with the form and design of the residential units planned throughout the balance of the Project site.
- Industrial: Retain the existing industrial uses within the Project site.
- Phasing: Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet city standards.

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## B. ALTERNATIVES NOT SELECTED FOR FURTHER CONSIDERATION

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A NOP was circulated to the public to solicit recommendations for a reasonable range of alternatives to the proposed project. Additionally, a public scoping meeting was held during the public review period to solicit recommendations for a reasonable range of alternatives to the proposed project. No specific alternatives were recommended by commenting agencies or the general public during the NOP public review process.

The City of Stockton considered alternative locations early in the public scoping process. The City's key considerations in identifying an alternative location were as follows:

- Is there an alternative location where significant effects of the project would be avoided or substantially lessened?
- Is there a site available within the City's Sphere of Influence with the appropriate size and characteristics such that it would meet the basic project objectives?

The availability of an alternative site that would support the amount and types of development sought by the Project was considered (i.e., a site in the range of 160 to 320 acres or larger and located in the north Stockton area). Acquisition of an alternative site of comparable size is not considered feasible. The Project developer has obtained control of the proposed Project site and has prepared the proposed Project specific to the proposed location.

North Stockton is surrounded by undeveloped lands that would otherwise be suitable for development. All of these lands are, however, subject to constraints that would prevent development by the Project developers. Lands west of the City and west of San Joaquin River are located in the Delta Primary Zone; these lands are under state resource protection and are not available for urban development. The Shima Tract and Atlas Tract areas are located west of the City limits, but outside of the Primary Zone. Sphere of influence on these properties has been controlled by development interests that have received urban development approvals from the City of Stockton.

Lands north of the existing City limits that are potentially available for development include lands within the City's General Plan 2035 area. The lands that are within the City's existing planning area are approved for development or controlled by development interests, and being processed for urban development approval. These projects include the Bear Creek West and Bear Creek South projects. Land within the General Plan 2035 area and north of Eight Mile Road that could support development of the project are also controlled by development interests and are not presently available. Lands north of Eight Mile Road are typically less contiguous to the City and would not result in a compact urban form.

Lands to the east of the existing City limits include the Morada rural community, the Origone Ranch project, and extensive areas between the Calaveras River and Farmington Road that are in rural uses. The Morada community and rural areas south of the Calaveras River are extensively subdivided into rural residential and small-scale agricultural uses. Neither of these areas is in close proximity to the City boundary or is large enough to support a development the size of the proposed Project. The Origone Ranch site consists of over 400 acres; however, this site is controlled by development

## CEQA FINDINGS

interests, is actively being processed, and is not available as an alternative location for development of the proposed Project.

In addition, as discussed in *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 (*Goleta II*), where a project is consistent with an approved general plan, no off-site alternative need be analyzed in the EIR. The EIR “is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy.” (*Goleta II*, supra, 52 Cal.3d at p. 573.) In approving a general plan, the local agency has already identified and analyzed suitable alternative sites for particular types of development and has selected a feasible land use plan. “Informed and enlightened regional planning does not demand a project EIR dedicated to defining alternative sites without regard to feasibility. Such ad hoc reconsideration of basic planning policy is not only unnecessary, but would be in contravention of the legislative goal of long-term, comprehensive planning.” (*Goleta II*, supra, 52 Cal.3d at pp. 572-573.) Here, the proposed Project is generally consistent with the types of uses considered in the 2035 Stockton General Plan and associated EIR. For example, the 2035 Stockton General Plan designated the Project site for commercial, low density residential, high density residential, industrial, and open space uses. Implementation of the proposed Project would result in commercial, low density residential, high density residential, industrial, and open space uses. Therefore, although a General Plan Amendment is proposed as part of the Project, the proposed Project uses are generally consistent with the types of uses considered in the 2035 Stockton General Plan and associated EIR. Thus, in addition to the reasons discussed above, an off-site alternative need not be further discussed in the Draft EIR.

In addition to the Alternative Location, the City contemplated including a previously proposed project that included the development of the project site under a different land use mix. This potential alternative was eliminated from consideration based on several facts: 1) the previous project was denied by the Planning Commission under its previous application 2) the previous application would have resulted in considerably more development due to its higher density/intensity, 3) the previous application resulted in two bridges across Bear Creek resulting in considerable long-term operations and maintenance costs for the City. For these reasons, the City of Stockton determined that the previous development proposed is not a feasible alternative.

### C. ALTERNATIVES ANALYSIS IN EIR

The alternatives analysis provides a summary of the relative impact levels of significance associated with each alternative for each of the environmental issue areas analyzed in the Draft EIR. The environmental analysis for each of the alternatives is included at the project-level within each impact statement following the analysis for the proposed Project within Sections 3.1 through 3.14. The environmental analysis for each of the alternatives was completed at an equal level to the proposed Project. The cumulative analysis for each alternative is included in Chapter 4.0.

#### 1. NO BUILD ALTERNATIVE:

The **No Build Alternative** is discussed on page 5.0-4 the Draft EIR. Under this alternative, development of the Project site would not occur, and the Project site would remain in its current

existing agricultural condition. It is noted that the No Build Alternative would fail to meet any of the project objectives identified by the City of Stockton.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to aesthetics and visual resources, agricultural resources, air quality, biological resources, cultural and tribal resources, geology and soils, greenhouse gases and climate change, hazards and hazardous materials, hydrology and water quality, land use and population, noise, transportation and circulation, and utilities.

While the City recognizes the environmental benefits of the No Build Alternative, this alternative would not achieve any of the Project objectives. Specifically, this alternative would not: establish a commercial site; provide low or high density residential housing opportunities in Stockton; provide a site that could accommodate a K-8 school; or establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet city standards. This alternative is also potentially economically unfeasible because the alternative would not provide local jobs, or revenue generation for the City of Stockton. This alternative would not realize the project benefits of increased retail opportunities, additional employment opportunities, or new tax revenue. Property taxes and sales taxes would not be generated by this alternative as residential and commercial development would not occur. It is not a reasonable expectation for the property owner(s) to keep the Project site in the existing condition for the foreseeable future because of previous investments. For these reasons, this alternative is rejected.

## 2. WITH BRIDGE ALTERNATIVE:

The **With Bridge Alternative** is discussed on pages 5.0-4 and 5.0-5 of the Draft EIR. Under this alternative, the Project site would be developed with similar land use designations and circulation facilities as the proposed Project. However, unlike the proposed Project, this alternative would include construction of the bridge crossing over Bear Creek associated with what is shown on the Future Roadways Map as an extension of Marlette Road from the west through the Project site and ultimately traveling eastward through the Bear Creek South project to Holman Road.

This alternative would result in the same number of HDR units as the proposed Project (340 units), and would reduce the number of LDR units from 1,073 under the proposed Project to 1,066 units, for a total of 1,406 units. This would result in a reduction of seven units when compared to the proposed Project. Additionally, this alternative would dedicate an equal amount of commercial and non-traditional park areas as the proposed Project, and would increase the amount of traditional park area from 15.07 acres under the proposed Project to 15.37 acres. The anticipated commercial uses and utility improvements under the With Bridge Alternative would be similar to the proposed Project.

This alternative also establishes a site for a 14.7-acre K-8 school to be developed by the LUSD at their discretion. If the LUSD decides to not pursue building a school at this site then the site would be developed for residential in accordance with the General Plan land use designation which would

## CEQA FINDINGS

result in the construction an additional 90 units in place of the school. Under this variation, the total residential units would increase from 1,406 to 1,496 units. The balance of the Project site would be developed as proposed under the Proposed Project.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to six areas: air quality, greenhouse gases and climate change, land use and population, public services and recreation, transportation and circulation and utilities. It is noted that this alternative would increase (or slightly increase) impacts to five areas: aesthetics and visual resources, agricultural resources, biological resources, hydrology and water quality, and noise compared to the proposed Project.

On balance, the alternative is less desirable than the Project and does not lessen the overall environmental impacts nor provide the same level of benefits as the proposed Project. While this alternative would slightly reduce the Project's impacts to the six areas listed above, the remainder of the environmental impacts of this alternative would be very similar to or even increased by this alternative. This alternative would not likely avoid any of the significant and unavoidable impacts of the Project.

While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. Because all of the residences would have equal lot sizes, this alternative would not provide as many housing opportunities for the City of Stockton as compared to the Project. Unlike the proposed Project, this alternative would include a bridge across the Bear Creek corridor. Construction of the bridge would change the visual quality of the Bear Creek corridor by introducing an elevated bridge structure into the existing natural open space environment. This would result in greater impacts to the visual character of the Bear Creek corridor area as compared to the proposed Project. Construction of the bridge would also provide additional potential for water quality concerns during construction activities.

This alternative is also potentially economically unfeasible due to the high cost and increased construction schedule required to construct the Bear Creek bridge crossing. The associated permitting, engineering, materials, and labor would increase costs significantly. Due to the time required to obtain the proper permits, as well as the engineering and construction of the bridge, the construction schedule would also be lengthened. Increased costs and a delay in construction could result from this alternative when compared to the Project. For these reasons, this alternative is rejected.

### 3. GENERAL PLAN 2035 ALTERNATIVE:

The **General Plan 2035 Alternative** is discussed on page 5.0-5 of the Draft EIR. Under the General Plan 2035 Alternative, the Project site would be developed with the same land use designations and circulation facilities as described in the City's General Plan 2035. This alternative would not require a General Plan amendment. The balance of the Project site would be developed as proposed under the proposed Project. Under this alternative, the high density residential area would be decreased from 11.7 acres under the proposed Project to 10.67 acres. Additionally, the commercial area would

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CEQA FINDINGS

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be decreased from 10.5 acres under the proposed Project to 9.0 acres. This alternative would not include dedication of a K-8 school site. This alternative would include construction of the bridge crossing over Bear Creek, which is currently reflected in the Circulation Element of the General Plan 2035. The bridge crossing would change the trip distribution when compared to the proposed Project by providing an alternative access way to the south.

Based on the existing land use designations, the Project site would support approximately 15.7 acres of industrial use (406,937 sf – 0.6 FAR), approximately 9.0 acres of commercial use (117,612 sf – 0.3 FAR), 1,730 (6.1 units per gross acre) to 2,467 (8.7 units per gross acre) low density residential units, and 248 (23.2 units per gross acre) to 309 (29.0 units per gross acre) high density residential units. This alternative would result in 1,978 to 2,776 residential units (low and high density), which is 475 to 1,273 (without school site) to 565 to 1,363 (with school site) more units than under the proposed Project. These are considered maximum development assumptions and would likely be less due to the need for parks, roadways, detention basins, etc.

Findings: There are no environmental benefits of this alternative over the proposed Project.

The General Plan 2035 Alternative would result in equal impacts to cultural and tribal resources, geology and soils, and hazards and hazardous materials as the proposed Project. All other impacts would be greater than the Project.

On balance, the alternative is less desirable than the Project and does not lessen the overall environmental impacts nor provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives as this alternative would not include a school site. This alternative would provide fewer HDR units and more LDR units, which would result in a less diverse housing stock compared to the Project. Because this alternative would provide opportunities for increased development on the existing industrial site, potential land use conflicts may occur between the residential uses and industrial uses under this alternative. Additionally, because this alternative would not dedicate a K-8 school site, the LUSD would be required to find an alternate site.

Similar to the With Bridge Alternative, this alternative is also potentially economically unfeasible due to the high cost and increased construction schedule required to construct the Bear Creek bridge crossing. The associated permitting, engineering, materials, and labor would increase costs significantly. Due to the time required to obtain the proper permits, as well as the engineering and construction of the bridge, the construction schedule would also be lengthened. Increased costs and a delay in construction could result from this alternative when compared to the Project. For these reasons, this alternative is rejected.

Further, this alternative would provide less economic growth and development consistent with the policies of the City's General Plan. In conclusion, this alternative would not provide the number of new commercial opportunities, local jobs, or tax

## CEQA FINDINGS

revenue generation for the City of Stockton. For these reasons, this alternative is rejected.

### 4. REDUCED PROJECT ALTERNATIVE:

The **Reduced Project Alternative** is discussed on page 5.0-6 of the Draft EIR. Under the Reduced Project Alternative, the Project site would be developed with the same components as the proposed Project, but the area utilized for the development would be reduced by approximately 33 percent. The total Project site would be reduced by approximately 100.1 acres, which includes elimination of the existing 15.57-acre industrial area from the Project site. This approximately 200.15-acre alternative would result in up to 715 LDR units (with school) to 805 LDR units (without school) and up to 226 HDR units (with or without school), for a total of 941 units (with school) to 1,031 units (without school). This would result in a reduction of 472 (with or without school) units when compared to the proposed Project. The 10.5-acre commercial area in the northwest portion of the Project site would be eliminated. This would eliminate a 70,000-sf grocery store, 22,000 sf of retail shops, a 3,500-sf quick service restaurant, a 3,500-sf convenience store with attached fueling facility, and a 2,500-sf wine tasting room. This alternative would still establish a site for a 14.7-acre K-8 school to be developed by the LUSD. However, if the LUSD decides against the K-8 school siting, the area will instead include the development of single family residential units.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to aesthetics and visual resources, agricultural resources, air quality, biological resources, geology and soils, greenhouse gases and climate change, hazards and hazardous materials, hydrology and water quality, land use and population, public services and recreation, transportation and circulation, and utilities.

On balance, the alternative is less desirable than the Project and does not provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. Although this alternative would include a mix of residential uses and public facilities, this alternative would not take advantage of the area's high level of accessibility. Because the area utilized for the development would be reduced by approximately 33 percent, potential land use conflicts may occur between the urban uses and maintained agricultural uses under this alternative. This alternative would not capitalize upon the visibility and access provided by Eight Mile Road and West Lane as compared to the Project.

Because the commercial component would be eliminated under this alternative, on-site residences would have to travel further distances for gas, groceries, restaurants, and other retail services that would be provided by the proposed Project. This could increase auto-dependency for the on-site residences. Additionally, because this alternative would eliminate the proposed commercial component of the Project, the tax revenue and job generation associated with the commercial uses would be eliminated. It is worth noting, however, that this alternative would still generate jobs associated with the planning, engineering, and construction of the alternative.



Further, this alternative would provide less economic growth and development consistent with the policies of the City's General Plan. On balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the Project. In conclusion, this alternative would not provide the number of new residential and commercial opportunities, local jobs, or tax revenue generation for the City of Stockton (reduced by one-half). For these reasons, this alternative is rejected.

5. REDUCED INTENSITY/DENSITY ALTERNATIVE:

The **Reduced Intensity/Density Alternative** is discussed on page 5.0-6 of the Draft EIR. Under the Reduced Intensity/Density Alternative, the Project site would be developed with a reduction in the overall Project intensity/density while maintaining the approximate overall Project footprint. For the purposes of discussion, this option considers a 20 percent reduction in the intensity/density of the Project while maintaining the approximately 318.82-acre Project footprint. Typical residential lots would increase from 5,000 to 6,000 sf to 6,000 to 7,400 sf. This alternative would result in up to 858 LDR units (with school) to 930 LDR units (without school) and up to 272 HDR units (with or without school), for a total of 1,130 units (with school) to 1,202 units (without school). This would result in a reduction of 283 (with school) to 301 (without school) units when compared to the proposed Project. The 10.5-acre commercial area in the northwest portion of the Project site would be eliminated. This would eliminate a 70,000-sf grocery store, 22,000 sf of retail shops, a 3,500-sf quick service restaurant, a 3,500-sf convenience store with attached fueling facility, and a 2,500-sf wine tasting room. This alternative would still establish a site for a 14.7-acre K-8 school to be developed by the LUSD. However, if the LUSD decides against the K-8 school siting, the area will instead include the development of single family residential units.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to aesthetics and visual resources, agricultural resources, air quality, biological resources, geology and soils, greenhouse gases and climate change, hazards and hazardous materials, hydrology and water quality, land use and population, public services and recreation, transportation and circulation, and utilities.

On balance, the alternative is less desirable than the Project and does not provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. Although this alternative would include a mix of residential uses and public facilities, this alternative would not take advantage of the area's high level of accessibility. This alternative would utilize an equal amount of land for fewer units than the Project. As such, this alternative would not take maximize the development potential of this uniquely-located and sized site.

Because the commercial component would be eliminated under this alternative, on-site residences would have to travel further distances for gas, groceries, restaurants, and other retail services that would be provided by the proposed Project. This could increase

## CEQA FINDINGS

auto-dependency for the on-site residences. Additionally, because this alternative would eliminate the proposed commercial component of the Project, the tax revenue and job generation associated with the commercial uses would be eliminated. It is worth noting, however, that this alternative would still generate jobs associated with the planning, engineering, and construction of the alternative.

Additionally, future housing demand in the City will increase for a variety of income types, which this alternative would not provide. The increase in lot sizes would likely make the single-family homes less affordable.

Because this alternative would eliminate the proposed commercial component of the Project, the tax revenue and job generation associated with the commercial uses would be eliminated. It is worth noting, however, that this alternative would still generate jobs associated with the planning, engineering, and construction of the alternative.

Further, this alternative would provide less economic growth and development consistent with the policies of the City's General Plan. On balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the Project. In conclusion, this alternative would not provide the number of new residential opportunities, local jobs, or tax revenue generation for the City of Stockton. For these reasons, this alternative is rejected.

### 6. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As shown on Table 5.0-2 of the Draft EIR (beginning on page 5.0-8), a comparison of alternatives is presented. The No Build Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Build Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. The No Build Alternative would reduce impacts in 106 areas, increase impacts in zero areas, and would have equal impacts to the project in six areas. The With Bridge Alternative would reduce impacts in 27 areas, increase impacts in 20 areas, and would have equal impacts to the project in 66 areas. The General Plan 2035 Alternative would reduce impacts in zero areas, increase impacts in 51 areas, and would have equal impacts to the project in 61 areas. The Reduced Project Alternative would reduce impacts in 60 areas, increase impacts in three areas, and would have equal impacts to the project in 49 areas. The Reduced Intensity/Density Alternative would reduce impacts in 39 areas, increase impacts in three areas, and would have equal impacts to the project in 70 areas. In conclusion, the Reduced Project Alternative ranks higher than the proposed Project and the other alternatives, and is the Environmentally Superior Alternative.

It should be noted that the Reduced Project Alternative does not meet all of the Project objectives. This alternative would not retain the existing industrial uses within the Project site, and would not establish a commercial site that maximizes the high visual exposure of Eight Mile Road and West Lane to capitalize on commuter traffic, while also catering to the neighborhood needs of the residents within the development.

While the City recognizes the environmental benefits of the Reduced Project Alternative, this alternative would not provide as many opportunities for new local job generating uses, or the amount of residential uses that are identified in the Project objectives under full buildout of the Project site. Thus, the alternatives do not achieve all of the Project objectives.

For the reasons provided above, this alternative is rejected.

## VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE TRA VIGNE DEVELOPMENT PROJECT FINDINGS

As described in detail in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the Project:

- Impact 3.1-1: Project implementation would result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character.
- Impact 3.2-1: The proposed Project would result in the conversion of Farmlands, including Prime Farmland and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses.
- Impact 3.3-1: Project operation would conflict with or obstruct implementation of an applicable air quality plan.
- Impact 3.3-2: Project operation would cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation.
- Impact 3.7-2: The proposed Project has the potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Impact 3.12-3: The proposed Project would require the construction of school facilities which may cause substantial adverse physical environmental impacts.
- Impact 3.12-5: The proposed Project would require the construction of park and recreational facilities which may cause substantial adverse physical environmental impacts.
- Impact 3.13-2: Under EPAP Plus Project conditions, the proposed Project would result in a significant impact at the Eight Mile Road & SR 99 East Frontage Road intersection.
- Impact 3.13-3: Under EPAP Plus Project conditions, the proposed Project would result in a significant impact on the roadway segment of Eight Mile Road from Lower Sacramento Road to West Lane.
- Impact 3.13-4: Under EPAP Plus Project conditions, the proposed Project would result in a significant impact on the roadway segment of Morada Lane East of West Lane.
- Impact 3.13-45: Under Cumulative Plus Project conditions, the proposed Project would result in a significant impact at the West Lane & Armstrong Road intersection.

## CEQA FINDINGS

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- Impact 4.2: The proposed Project would result in cumulative degradation of the existing visual character of the region.
- Impact 4.4: The proposed Project would result in cumulative impacts on agricultural and forest resources.
- Impact 4.5: The proposed Project would result in cumulative impacts on the region's air quality.
- Impact 4.9: The proposed Project may result in cumulative impacts related to climate change from increased Project-related greenhouse gas emissions.
- Impact 4.20: Under Cumulative Plus Project conditions, the proposed Project would result in a significant impact at the West Lane & Armstrong Road intersection.

The adverse effects listed above, and described in detail in Section III, are substantive issues of concern to the City. However, the City of Stockton has a General Plan that provides for an array of land uses throughout the City that are intended to accommodate the City's needs for growth over the foreseeable future. The proposed Project site has been designated with land uses that are intended to generate jobs and tax revenue for the City, while providing recreational facilities, retail opportunities, and housing opportunities. The proposed Project would provide an increase in local jobs that could be served by the citizens of Stockton, which could reduce the number of citizens commuting to areas outside of the City. Implementation of the proposed Project would provide job growth to the area. It is anticipated that local employment would be increased to provide administrative, management, visitor-serving areas, and retail services. The proposed Project is expected to require both full-time and part-time employees. Additionally, development of the Project would provide short-term employment opportunities within the construction, engineering, and design field, among others. The actual number of jobs would vary by the actual businesses and types of businesses that locate within the Project site.

The Project would also provide nearby housing opportunities for current and future residents. Implementation of the Project would increase the housing supply in the northern portion of the City, which could spur development, economic growth, and tax generation within the area. Additionally, the proposed Project would generate tax revenue that the City would not otherwise benefit from if the Project was not developed. The job creating uses, additional housing opportunities, and tax benefits discussed above would ultimately improve the overall quality of life in the City of Stockton.

Based on the entire record and the EIR, the economic and social benefits of the Project in Stockton outweigh and override any significant unavoidable environmental effects that would result from future Project implementation as more fully described in Section III, Findings and Recommendations Regarding Significant and Unavoidable Impacts. The City Council has determined that any environmental detriment caused by the proposed Project has been minimized to the extent feasible through the mitigation measures identified herein, and, where mitigation is not feasible, has been outweighed and counterbalanced by the significant social, environmental, and land use benefits to be generated within the region.

## VIII. OTHER CEQA CONSIDERATIONS

### A. Significant Irreversible Environmental Changes

Section 15126.2(c) of the CEQA Guidelines provide an EIR is required to address any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the project and would continue throughout its operational lifetime. The development of the project would require a commitment of resources that would include (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the project site.

Implementation of the proposed Project would result in the conversion of 283.68 acres of land currently used for agricultural uses for the development of residential and commercial uses. The existing 15.57 acres of industrial uses would remain as part of the Project, and 14.5 acres of open space uses would be provided along Bear Creek. Development of the proposed Project would constitute a long-term commitment to these uses. It is unlikely that circumstances would arise that would justify the return of the land to its existing condition as agricultural or vacant rural land. A variety of resources, including land, energy, water, construction materials, and human resources would be irretrievably committed for the initial construction, infrastructure installation and connection to existing utilities, and its continued operations and maintenance. Construction of the proposed Project would require the commitment of a variety of other non-renewable or slowly renewable natural resources such as lumber and other forest products, sand and gravel, asphalt, petrochemicals, and metals.

Additionally, a variety of resources would be committed to the ongoing operation and life of the proposed Project. The introduction of residential and commercial uses to the Project site will result in an increase in area traffic over existing conditions. Fossil fuels are the principal source of energy and the proposed Project will increase consumption of available supplies, including gasoline and diesel. These energy resource demands relate to initial Project construction, Project operation and site maintenance and the transport of people and goods to and from the Project site.

Project construction and operation would require the irretrievable commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resources and the Project Site for future generations or for other uses. However, the consumption of such resources would not be considered substantial and would be consistent with regional and local growth forecasts and development goals for the area. The loss of such resources would not be highly accelerated when compared to existing conditions and such resources would not be used in a wasteful manner. Therefore, although irreversible environmental changes would result from the Project, such changes are concluded to be less than significant.

## CEQA FINDINGS

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### B. CEQA Considerations

1. The City of Stockton is the “Lead Agency” for the project, evaluated the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.

2. The EIR evaluated the following potential project and cumulative environmental impacts: Aesthetics and Visual Resources; Agricultural Resources; Air Quality; Biological Resources; Cultural and Tribal Resources; Geology and Soils; Greenhouse Gases and Climate Change; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Population; Noise; Public Services and Recreation; Transportation and Circulation; and Utilities. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of the project and the alternatives were identified in the EIR.

3. The City finds that the EIR provides objective information to assist the decision- makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

4. Textual refinements and errata were compiled and presented to the decision- makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process.

5. The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned response to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

6. The Final EIR documents changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant

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CEQA FINDINGS

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impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

Specifically, the City finds that:

- a. The Responses To Comments contained in the Final EIR fully considered and responded to comments claiming that the project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
- b. The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
- c. None of the information submitted after publication of the Final EIR, including testimony at and documents submitted for the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.

7. The mitigation measures identified for the project were included in the Draft and Final EIRs. As revised, the final mitigation measures for the project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the project. The City finds that the impacts of the project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.

8. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City as adopted by the City serves that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the project and has been designed to ensure compliance with such measures during implementation of the project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.

9. In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the project.

## CEQA FINDINGS

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10. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the City Clerk.

11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the project.

13. The EIR is a Project EIR for purposes of environmental analysis of the project. A Project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City and other regulatory jurisdictions.

14. The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, constitute substantial evidence that would require recirculation of the Final EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the Final EIR prior to its certification, and that the Final EIR need not be recirculated prior to its certification.