EXHIBIT 2

FINDING OF FACT / STATEMENT OF OVERRIDING CONSIDERATION

FOR THE

LEBARON RANCH
(SCH # 2023070657)

MARCH 2025

Prepared for:

City of Stockton
345 N. El Dorado Street
Stockton, CA 95202

Prepared by:

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A Land Use Planning, Design, and Environmental Firm

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FINDINGS FOR THE LEBARON RANCH

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) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR. (Pub. Resources Code, § 21081.)

This document explains the City's findings regarding the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the LeBaron Ranch (Project or Project) and the City decision-makers' ultimate determinations of the feasibility of the project alternatives considered in the EIR. The statement of overriding considerations in Section VII, below, identifies the economic, social, technical, and other benefits of the Project that the City decision-makers have determined should override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse 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 Final EIR (which includes the Draft EIR, comments, responses to comments, and revisions to the Draft EIR) for the Project, examined the environmental impacts of the proposed Project and three alternatives to the Project including: (1) No Project (No Build) Alternative; (2) Reduced Density Alternative; and (3) Agriculture Protection 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, substantial evidence, and conclusions of this City Council regarding the Project's environmental impacts, mitigation measures, and alternatives to the Project, as well as the overriding considerations, which in this City Council's view, justify approval of the Project, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

Project Overview

The LeBaron Ranch Project site (proposed Project site) is located in the northern portion of the City of Stockton Metropolitan Area, within the unincorporated area of San Joaquin County. The Project site is adjacent to the City of Stockton's northern city limits, within the City of Stockton (City) Sphere of Influence (SOI) (as defined in the Envision Stockton 2040 General Plan), and within the City of Stockton Urban Services Boundary.

The proposed Project is primarily a residential development anticipated to provide up to 1,411 units (assuming school site is developed with single-family residential units). Total parkland and open space areas total 30.7 acres. Part of the open space acreage will come from a series of streets with an enhanced right of way to accommodate a pedestrian "wellness walk." Other uses to support and compliment the proposed residential development include underground wet and dry utility infrastructure, roadways, curb/gutters/sidewalks, bicycle/pedestrian facilities, street lighting, and street signage.

The proposed Project includes a vesting tentative map that would subdivide the Development Area consistent with the proposed land uses. The Development Area would have 1,217 single family residential units with lot sizes that would range from 3,375 to 6,000 sf. Additionally, the Development Area would include 194 high density residential units on 9.5 acres to the west of the proposed single family residential area, for a total residential unit count of 1,411 units.

The proposed Project establishes a site for a 12.0-acre K-8 school to be developed by Lodi Unified School District (LUSD). The development of a 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 with 79 single family residential units. Construction of homes in this location would increase the number of units by 79 units when compared to the proposed Project with the school site. The total combined units would increase from 1,332 under the proposed Project to 1,411 units under this variation (i.e., no school).

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. Changes to the General Plan Land Use Map are largely a reorganization of the precise locations for each land use within the boundary of the Project site as opposed to land use changes. Additionally, the proposed Project includes a request for pre-zoning of the Development Area and Non-development Area, as described below. The pre-zoning would go into effect upon annexation into the City of Stockton. The pre-zoning request is for an RL District, RM District, RH District and PF District.

The principal purpose of the proposed Project is the annexation of the Project site into the City of Stockton, and approval and subsequent development of the Development Area for residential and park uses.

The LeBaron Ranch Development Project identifies the following project objectives as part of the stated purpose:

- Provide residential housing opportunities, with an array of lot sizes and housing types, that are visually attractive and accommodate the future housing demand in Stockton.
- Establish a mixture of Low-, Medium-, and High-Density Residential project types that collectively provide for local and regional housing and that take advantage of the area's high level of accessibility. Ensure that all housing is designed with architectural form that is visually attractive.
- Provide infrastructure, public facilities, and park space that meets City standards, in a centralized setting that is integrated with existing and planned facilities and connections and increases recreation opportunities for existing and future residents of the City.
- Provide a site that could accommodate a K-8 school if the Lodi Unified School District desires to build a school within the Project site. Alternatively, if the Lodi Unified School District chooses not to build a school within the Project site, ensure that the design alternative would accommodate single-family residential housing consistent with the form and design of surrounding single-family residential units planned within the Project site.
- To incorporate Woodbridge Irrigation District facilities into the Project design, that maintains their purpose while avoiding any conflicts with future residents.
- Continue open space improvements along Eight Mile Road, like the Destinations Master Plan Project to the west of the Project Site. This includes preservation of a drainage facility and access to an off-street pedestrian path.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements that are required to meet City standards, both onsite and offsite. Internal Phases will basically commence from the eastern portion of the Development Area and move west, allowing infrastructure to be advanced to an upcoming phase.

Refer to EIR Chapter 2.0, Project Description, for a more complete description of the details of the proposed Project.

PROCEDURAL BACKGROUND

Notice of Preparation Public Circulation: The City of Stockton circulated a Notice of Preparation (NOP) of an EIR for the proposed Project on July 31, 2023, to the State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, Organizations, and Interested Persons. A public scoping meeting was held via Microsoft Teams on August 22, 2023 to present the Project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. There were seven participants in attendance at the scoping meeting. This included the City staff, city consultants, and applicant team. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and comments received on the NOP by

interested parties are presented in Appendix A of the Draft EIR. The commenters are provided below.

- California Department of Conservation;
- California Department of Fish and Wildlife;
- Central Valley Regional Water Quality Control Board;
- Melvin Corren;
- Native American Heritage Commission;
- Pacific Gas and Electric Company;
- San Joaquin Council of Government, Inc.; and
- San Joaquin County.

Notice of Availability and Draft EIR: The City published a public Notice of Availability (NOA) for the Draft EIR on August 16, 2024 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2023070657) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The 45-day public review period for the Draft EIR began on August 16, 2024 and ended on September 30, 2024 at 5:00 p.m.

The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and 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 issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts of the Proposed Project. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

Final EIR: The City of Stockton received six comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the comments received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Revisions.

The comments received did not provide evidence of any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

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.

- MMRP
- All applications for approvals and development entitlements submitted to the City
- 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.
- All matters of common knowledge to the Planning Commission and City Council, including, but not limited to:
  (i) The city's General Plan and other applicable policies;
  (ii) The city's Zoning Ordinance and other applicable ordinances;
  (iii) Information regarding the city's fiscal status;
  (iv) Applicable city policies and regulations; and
  (v) Federal, state, and local laws and regulations.

- Those categories of materials identified in Public Resources Code § 21167.6(e).

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, 345 N. El Dorado Street, Stockton, CA 95202 or online at:

https://www.stocktonca.gov/business/planning___engineering/other_projects_environmental.php#collapse1930b0

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."

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 FINDINGS

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 Irritated 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, a public agency may nevertheless approve the project if the 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 final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to § 15091.

In accordance with Public Resources Code § 21081 and CEQA Guidelines §§ 15091 and 15093, the City has made one or more of the above specific written findings regarding significant impacts associated with the proposed Project. Those findings are presented below, along with the rationale behind each of the findings. -

MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program has been prepared for the Project and, if the Project is approved, will be 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 Final EIR was presented to this City Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final 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 Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment of the City.

SEVERABILITY

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

1. IMPACT 3.1-1: PROJECT IMPLEMENTATION MAY 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 substantial adverse effects on scenic vistas and resources or substantial degradation of visual character is discussed on pages 3.1-8 through 3.1-10 of the Draft EIR and determined to be significant.

(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. Although the Project site is not designated as a scenic vista by the General Plan, the site does contain some of the scenic views discussed in the General Plan, such as agricultural fields. Public views of the above-referenced scenic resources are primarily available to motorists traveling along Eight Mile Road, Lower Sacramento Road, and West Lane. In addition, these public views of agricultural fields are characteristic of San Joaquin County, and the exist throughout the region.

The proposed Project would result in the conversion of land within the Development Area from agricultural uses, which would contribute to changes in the regional landscape and visual character of the area. The Project does not propose changes to existing uses or structures within the Non-development Area, including agricultural land, residential and commercial use structures, and a church. In order to reduce visual impacts, development within the Project site is required to be consistent with the General Plan and the Stockton Development Code, which includes development and design standards to ensure quality and cohesive design of the Project site. These standards include specifications for building height, massing, and orientation; exterior lighting; landscaping; and architectural design and compatibility. 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 surrounding uses. Additionally, it is noted that the Applicant is seeking a Planned Unit Residential (PURD) Permit to

introduce design deviations to the standards to allow for an alternative range of lot sizes. The planned development permit may adjust or modify, where necessary and justifiable, all applicable development standards (e.g., building envelope, off-street parking, street layout, etc.) contained within this Development Code. Due to the nature of the proposed development and its currently undeveloped agricultural characteristics, the resulting contrast in visual character renders further mitigation measures infeasible, as it would be impossible at this stage to further reduce impacts related to changes or perceived degradation to the visual character of the Project site and vicinity.

Nevertheless, the loss of the visual appearance of the existing agricultural land on the site would alter the visual character of the Project site in perpetuity. Compliance with the requirements within the General Plan and Zoning Code would reduce visual impacts to the greatest extent feasible; however, the proposed Project would permanently convert the agricultural uses to urbanized uses. This is considered a significant and unavoidable impact. The City determines that due to specific considerations, there are no additional feasible mitigations or alternatives available that would reduce this impact to a less than significant level.

(2) In accordance with CEQA Guidelines Section 15091(a), changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. As the Applicant is seeking a PURD Permit in order to introduce design deviations and an alternative range of lot sizes, this permitted flexibility will allow adjustments to be made for aesthetically appropriate design, in accordance with the Development Code. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) 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 scenic vistas and resources or substantial degradation of visual character, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 4.2: CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION.

(a) Potential Impact. The potential for the Project to have a cumulative impact on the existing visual character of the region is discussed on page 4.0-4 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 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. It is noted that although the Project site is largely undeveloped and currently occupied by agricultural uses, the General Plan designates the site for Low Density Residential, Medium Density Residential, High Density Residential, Institutional, and Parks and Recreation uses. Additionally, the surrounding areas to the east, south, and west are designated for urban uses (including mainly Low Density Residential, High Density Residential, and Commercial uses) by the General Plan. As such, the General Plan and associated EIR anticipated development of the Project area for similar uses as proposed by the Project.

Development within the City would be required to be consistent with the General Plan policies and City Municipal Code, both of which cover aesthetics and visual characteristics. Further, the Municipal Code contains development standards that address the visual character of a development project, such as building height, massing, setbacks, lighting, and landscaping. Although implementation of these requirements would reduce the impacts associated with development, the impacts would remain significant and unavoidable. Due to the nature of the proposed development and its currently undeveloped agricultural characteristics, the resulting contrast in visual character renders further mitigation measures infeasible, as it would be impossible at this stage to further reduce impacts related to changes or perceived degradation to the visual character of the Project site and vicinity. The City determines that due to specific considerations, there are no additional feasible mitigations or alternatives available that would reduce this impact to a less than significant level. As such, this is a cumulatively considerable contribution and a significant and unavoidable impact.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) 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 existing visual character of the region, as

more fully stated in the Statement of Overriding Considerations in Section VII, below.

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, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural 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.

   Mitigation Measure 3.2-1: *Prior to the conversion of Important Farmland on the Project site, the Project applicant shall participate in the City's Agricultural Lands Mitigation Program, under which developers of the property shall contribute agricultural mitigation land or shall pay the Agricultural Land Mitigation Fee to the City. Participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) that results in agricultural land mitigation may also be considered as the functional equivalent of mitigation for the loss of Important Farmland.*

   (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 23.12 acres of Prime Farmland, 217.79 acres of Farmland of Statewide Importance, and 7.51 acres of Farmland of Local Importance, as shown in Table 3.2-5 and Figure 3.2-1, to non-agricultural use. The loss of Important Farmland as classified under the Farmland Mapping and Monitoring Program (FMMP) is considered a potentially significant environmental impact. Additionally, the Project site meets the Cortese-Knox-Hertzberg definition for prime agricultural land. This is the definition used by LAFCo in their consideration of the proposed annexation. As noted previously, compliance with LAFCo policies is discussed in Section 3.10, Land Use and Population, of this Draft EIR.

   The City's Agricultural Land Mitigation Program requires that projects provide "agricultural mitigation land" on a 1:1 basis for each acre of land converted or pay the established Agricultural Land Mitigation Fee. As of September 2023, the

Agricultural Mitigation Fee is $19,561 (SJCOG-SJMSCP Habitat Fees, 2023) per acre. The Project applicant would be required to participate in the City's Agricultural Lands Mitigation Program and contribute agricultural mitigation land or pay the established Agricultural Land Mitigation Fee, as required by Mitigation Measure 3.2-1. 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. As such, the Project fees paid to SJCOG as administrator of the SJMSCP before issuance of a building permit, would result in the preservation of agricultural lands in perpetuity. The purchase of conservation easements and/or deed restrictions through the City's Agricultural Land Mitigation Program and the SJMSCP allows the agricultural landowner to retain ownership of the land and continue agricultural operations and preserves such lands in perpetuity. Additionally, while the Project does not propose development within the Non-development Area of the Project site, this area would be annexed into the City of Stockton and would be zoned RL, RM, and PF. It is noted that the City's General Plan anticipates that agricultural lands within the Project site, including the Non-development Area, would be developed with urban uses. If, at some point in the future, the existing agricultural land within the Non-development Area converts to a non-agricultural use in alignment with the General Plan buildout, the project applicant at such a time would be required to comply with the City's Agricultural Land Mitigation Program to mitigate impacts to Important Farmland.

The Envision Stockton 2040 General Plan EIR anticipated development of the Project site as part of the overall evaluation of the buildout of the City. The General Plan EIR addressed the conversion and loss of Important Farmland that would result from the build out of the General Plan (General Plan Draft EIR, pp. 4.2-10 through 4.2-12). The General Plan EIR determined that impacts would be significant and unavoidable. According to the General Plan EIR, although the General Plan includes policies and actions that would reduce and partially offset the conversion of farmland, it designates approximately 16,160 acres of farmlands of concern under CEQA for non-agricultural uses. Because these farmland areas are located near existing urbanized areas, they may not be viable for agricultural operations due to conflicts with nearby urbanized areas. The only way to mitigate this impact would be to prohibit any development on farmland of concern.

While the proposed Project would contribute fees toward the purchase of conservation easements on agricultural lands through the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (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. Implementation of the Project would result in a net loss of farmland, even with implementation of mitigation. The City determines that due to specific considerations, there are no additional feasible mitigations or alternatives available that would reduce this impact to a less than significant level. As such,

consistent with the conclusion of the General Plan EIR, the loss of Important Farmland would be a significant and unavoidable impact relative to this topic.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) 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 Important Farmlands, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 4.4: CUMULATIVE IMPACT ON AGRICULTURAL RESOURCES.

(a) Potential Impact. The potential for the Project to have a cumulative impact on agricultural resources is discussed on pages 4.0-5 and 4.0-6 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 3.2-1.

Mitigation Measure 3.2-1: *Prior to the conversion of Important Farmland on the Project site, the Project applicant shall participate in the City's Agricultural Lands Mitigation Program, under which developers of the property shall contribute agricultural mitigation land or shall pay the Agricultural Land Mitigation Fee to the City. Participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) that results in agricultural land mitigation may also be considered as the functional equivalent of mitigation for the loss of Important Farmland.*

(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. Mitigation of agricultural land conversion losses would be provided through the county-wide SJMSCP and its local adoption by the City of Stockton. The SJMSCP requires the payment of a per-acre fee for loss of wildlife habitat, which in San Joaquin County is largely integral with agricultural use. The City's Agricultural Land Mitigation Program requires that future development pay the agricultural mitigation fee to mitigate the conversion of agricultural land to urban use. The San Joaquin Council of Governments (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.

The purchase of conservation easements and/or deed restrictions through the City's Agricultural Land Mitigation Program and the SJMSCP allows the agricultural landowner to retain ownership of the land and continue agricultural operations and preserves such lands in perpetuity.

While the proposed Project would contribute fees toward the purchase of conservation easements on agricultural lands, 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. The City determines that due to specific considerations, there are no additional feasible mitigations or alternatives available that would reduce this impact to a less than significant level. As such, the loss of Important Farmland would be a cumulatively considerable contribution and a significant and unavoidable impact.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) 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 agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

C. AIR QUALITY

1. IMPACT 3.3-1: PROJECT OPERATION HAS THE POTENTIAL TO RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS IN NON-ATTAINMENT, OR CONFLICT OR OBSTRUCT IMPLEMENTATION OF THE DISTRICT'S AIR QUALITY PLAN.

(a) Potential Impact. The potential for the Project to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, or conflict or obstruct implementation of the District's air quality plan is discussed on pages 3.3-29 through 3.3-36 of the Draft EIR and determined to be significant.

(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 3.3-5.

Mitigation Measure 3.3-1: *The Project applicant(s) shall comply with SJVAPCD Rule 4101, which prohibits emissions of visible air contaminants to the atmosphere and applies to any source operation that emits or may emit air contaminants. Specifically, the project applicant(s), during Project operation, shall not discharge*

into the atmosphere any air contaminant, other than uncombined water vapor, for a period or periods aggregating more that (3) minutes in any one (1) hour which is: a) As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines; b) Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in Section 5.1 of this rule.

Mitigation Measure 3.3-2: *The Project applicant(s) shall comply with SJVAPCD Rule 4601, during Project construction and operation, which limits VOC emissions from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements. Specific VOC limits for architectural coatings are provided within the Air District's website, located at: https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations/*

Mitigation Measure 3.3-3: *The Project applicant(s) shall utilize low-VOC paints, equivalent to 10 g/L of ROG, if commercially available.*

Mitigation Measure 3.3-4: *The City shall educate the Project applicant(s) on the benefits of a VERA, and recommend consulting with the SJVAPCD during the Indirect Source Review process to see if such "voluntary agreement" can be reached.*

Mitigation Measure 3.3-5: *The Project applicant(s) shall consider the Air District's Clean Green Yard Machines (CGYM) program, which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: https://ww2.valleyair.org/grants/zero-emission-landscaping-equipment-voucher-program/.*

(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 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). The SJVAPCD has established their thresholds of significance by which the Project emissions are compared against to determine the level of significance. The SJVAPCD has established operations related emissions thresholds of significance as follows: 100 tons per year of carbon monoxide (CO, 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), 27 tons per year of sulfur oxides (SO_x), 15 tons per year particulate matter of 10 microns or less in size (PM_{10}), and 15 tons per year particulate matter of 2.5 microns or less in size ($PM_{2.5}$). 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 in Table 3.3-9 in Section 3.3 of the Draft EIR, the unmitigated operational emissions would exceed the SJVACPD operational thresholds of significance for ROG. Based on this, mitigation measures are required to be implemented to reduce ROG emissions. With implementation of the available feasible mitigation measures (Mitigation Measures 3.3-1 through 3.3-5), the proposed Project's emissions would be reduced as shown in Table 3.3-10. As shown in Table 3.3-10, the Project's ROG emissions could be reduced from approximately 14.3 to 13.0 tons per year, with the implementation of Mitigation Measures 3.3-1 through 3.3-3. However, this would not be sufficient to ensure a reduction of ROGs to below the applicable Air District criteria pollutant threshold of 10 tons per year. The City determines that due to specific considerations, there are no additional feasible mitigations or alternatives available that would reduce this impact to a less than significant level. Therefore, this impact would be considered significant and unavoidable

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) 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 4.5: CUMULATIVE IMPACT 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 4.0-6 and 4.0-7 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 3.3-3.

Mitigation Measure 3.3-1: *The project shall comply with SJVAPCD Rule 4101, which prohibits emissions of visible air contaminants to the atmosphere and applies to any source operation that emits or may emit air contaminants.*

Mitigation Measure 3.3-2: *The project shall comply with SJVAPCD Rule 4601, which limits project has agreed to abide by more stringent VOC emissions requirements. Emissions of volatile organic compounds from architectural coatings by specifying*

storage, clean up and labeling requirements. (The project has agreed to abide by more stringent VOC emissions requirements.)

Mitigation Measure 3.3-3*: The project shall utilize low-VOC paints, equivalent to 10 g/L of ROG, if commercially available.*

(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 San Joaquin Valley Air Basin (SJVAB) would continue to experience increases in criteria pollutants and efforts to improve air quality throughout the basin would be hindered. As described in Section 3.3, San Joaquin County has a state designation of Nonattainment for ozone, PM_{10} and $PM_{2.5}$. Table 3.3-2 in Section 3.3 presents the State and federal attainment status for San Joaquin County.

As discussed under Impact 3.3-1 in Section 3.3, operational emissions would exceed the SJVACPD thresholds of significance for ROG. The Project's operational ROG emissions are primarily from the Project's mobile vehicle emissions. However, a substantial portion of the ROG emissions are also from area sources, which include off-gassing from architectural coatings, off-gassing from consumer products, and the usage of landscape equipment. The only feasible mitigation to reduce the Project's operational emissions are to reduce the ROG content off-gassed from architectural coatings (by using architectural coatings that have fewer ROG emissions) and by utilizing landscaping equipment with fewer or no ROG emissions. There is no feasible mitigation to reduce mobile vehicle ROG emissions, or to reduce the amount of ROG off-gassing from consumer products, as these are not activities that the Project applicant would have the ability to feasibly influence.

With implementation of the available feasible mitigation measures (Mitigation Measures 3.3-1 through 3.3-3), the proposed Project's emissions would be reduced. The Project's ROG emissions could be reduced from approximately 14.3 to 13.0 tons per year, with the implementation of Mitigation Measures 3.3-1 through 3.3-3. However, this would not be sufficient to ensure a reduction of ROGs to below the applicable Air District criteria pollutant threshold of 10 tons per year.

As discussed in Impact 3.3-2 in Section 3.3, Project maximum construction emissions would not exceed the SJVAPCD thresholds of significance. Nevertheless, regardless of emission quantities, the SJVAPCD requires construction related mitigation in accordance with their rules and regulations. Nevertheless, implementation of the Mitigation Measure 3.3-4 through 3.3-7 would further reduce proposed Project construction related emissions to the extent possible.

Additionally, as discussed in Impact 3.3-4 of Section 3.3, no residences would be located within 500 feet of a freeway, urban road with 100,000 vehicles/day or more,

or a rural road with 50,000 vehicles/day or more. Additionally, under CEQA, an EIR need not analyze the impacts of the existing environment on the Project. No residual TAC emissions and corresponding cancer risk are anticipated after Project construction. The proposed Project is not anticipated to generate long-term, operational sources of TAC emissions because the Project would only include residential land uses and public open space. The Project would not include heavy industrial uses or other land uses typically associated with stationary sources of TACs. As such, the Project would not result in substantial TAC emissions that may affect nearby receptors, nor would the Project be exposed to nearby sources of TACs.

Overall, even with the application of the mitigation measures included in Section 3.3, emissions levels would remain above the defined thresholds of significance. The City determines that due to specific considerations, there are no additional feasible mitigations or alternatives available that would reduce this impact to a less than significant level. As such, implementation of the proposed Project would have a cumulatively considerable contribution and significant and unavoidable impact from air emissions.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) 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. TRANSPORTATION AND CIRCULATION

1. IMPACT 3.13-1: PROJECT IMPLEMENTATION WOULD CONFLICT WITH OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B).

(a) Potential Impact. The potential for the Project to conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) is discussed on pages 3.13-17 through 3.13-23 of the Draft EIR.

(b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-1.

Mitigation Measure 3.13-1: *The Project applicant shall work with the City of Stockton to implement feasible Transportation Demand Management (TDM)*

strategies, which would decrease the VMT generated by the Project. Specific potential TDM strategies include, but are not limited to, the following:

- *Coordinate with public transit agencies, including improving San Joaquin Rapid Transit District (RTD) regarding transit service connecting workers with existing and future residential developments;*
- *Coordinate with San Joaquin RTD regarding the potential for increasing service on Hopper Route 93;*
- *TDM coordinator for large employers, such as the LUSD, should the school site be developed;*
- *Provide carpool and/or vanpool incentive programs;*
- *Provide on-site lockers and showers for workers who take alternative transportation, such as those employed by the LUSD, should the school site be developed;*
- *Promote walking and bicycling for employees who live and/or work in the area through the preparation of an Active Transportation Plan;*
- *Incentivize the use of alternative travel modes for travel within the project site through shared use of e-bikes and e-scooters;*
- *Allow flexible work hours and schedule classes to reduce arrivals/departures during peak hours; and*
- *Employer coordination to SJCOG's DIBs program for workers.*

The TDM Plan shall be submitted to the City for review, and the effectiveness of the TDM Plan shall be evaluated, monitored, and revised, if necessary. The TDM Plan shall include the TDM strategies which will be implemented during the lifetime of the proposed Project and shall outline the anticipated effectiveness of the strategies to achieve the home-based work VMT per worker target identified in the City's TIAG. The effectiveness of the TDM Plan may be monitored through annual surveys to determine employee travel mode split and travel distance for home-based work trips, and/or the implementation of technology to determine the amount of traffic generated by and home-based work miles traveled by employees, which shall be determined in coordination with the City and included as part of the TDM Plan.

(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 does not meet the screening criteria described in the City of Stockton Traffic Impact Analysis Guidelines; therefore, a detailed vehicle-miles-travelled (VMT) analysis was conducted for the proposed Project. The City of Stockton General Plan travel demand model was used to determine if there would be significant VMT impact. As specified in the City of Stockton Traffic Impact Analysis Guidelines, the model was applied to the Project to identify two types of VMT, project-generated VMT and project effect on total VMT.

As shown in Table 3.13-1 in Section 3.13 of the Draft EIR, under Baseline Year conditions, the proposed Project would generate 20.10 home-based VMT per resident. This would be 35 percent above the significance threshold. As a result, the Project is considered to have a significant impact on VMT. Under Cumulative Year conditions, the Project would generate 17.54 home-based VMT per resident. This would be 18 percent above the significance threshold. As a result, the Project is considered to have a significant impact on VMT.

Mitigation Measure 3.13-1, which requires travel demand management (TDM) strategies, would be required if the school within the Project site is constructed. While the VMT reduction measures described immediately above are oriented towards residential land uses, Mitigation Measure 3.13-1 is oriented towards employment-generating uses. Implementation of Mitigation Measure 3.13-1 is feasible because it is within the applicant's purview to implement and has been found effective in previous academic studies. However, the precise effectiveness of specific TDM strategies can be difficult to accurately measure due to several external factors such as types of tenants, employee responses to strategies, and changes to technology. Additionally, it is noted that with the current planned growth and development in the City of Stockton, the City's jobs-housing ratio is expected to increase in 2040, and city-wide home-based work VMT per worker is projected to increase. TDM strategies alone cannot eliminate VMT increases caused by land use imbalance in the rest of the City and greater San Joaquin County geographic area.

Within the City of Stockton and San Joaquin County, there is no requirement to prepare a TDM plan for residential uses. Additionally, specific vehicle trip reduction targets or monitoring of the effectiveness of the Project-specific TDM Plan are not required by San Joaquin County as of January 2024.

The City of Stockton adopted their Transportation Impact Analysis Guidelines (TIAG) in May 2023 which includes strategies that are intended to reduce vehicular travel to meet the requirements of SB 743. The TIAG includes provisions for TDM strategies to reduce the amount of vehicle traffic generated by new employment development by creating measures, strategies, incentives, and policies to shift employees from driving alone and have these employees be aware of and look into the ability of using other travel modes including carpooling, transit (bus and commuter tail), cycling, and walking. In addition, employees who initially arrive in a vehicle would also be encouraged to use alternative travel modes (walking and bicycling). It is possible that the Project would result in schools employees, should the LUSD develop the proposed school site.

As part of this on-going effort to reduce VMT and associated greenhouse gas emissions in the City and region, a TDM Plan will be developed based on California Air Pollution Control Officers Association (CAPCOA) strategies that evaluate any

project against mode split targets and other elements outlined by the City of Stockton. The required TDM plan for the Project will be submitted to the City for review and approval.

To monitor the effectiveness of the TDM Plan, there are several viable options that may be required by the City of Stockton as part of the TIAG, including annual surveys to determine employee travel mode split and travel distance for home-based work trips, and/or the implementation of technology to determine the amount of traffic generated by and home-based work miles traveled by employees.

As part of Mitigation Measure 3:13-1, the proposed Project would be required to monitor and evaluate the effectiveness of the Project's TDM Plan and provide the results to the City of Stockton. Based on the results of the evaluation, modifications to the TDM Plan may be required by the City to improve effectiveness toward achieving the home-based work VMT per worker target identified in the City's TIAG.

Based on the status of the City of Stockton's TIAG, even with the implementation of Mitigation Measure 3.13-1, the impact would remain significant and unavoidable when compared to the City of Stockton's VMT goal of reducing average home-based work VMT per worker from 18.56 miles to 15.66 miles. An assessment of potential measures included in the GHG Handbook is presented in detail in Appendix F of this EIR. The assessment includes the feasibility and applicability of GHG Handbook measures for the proposed Project. Measures considered for the Project are those included in the GHG Handbook in the Transportation category. The GHG Handbook presents measures which are considered feasible at a community size level, but are considered not feasible at an individual project size level. These measures, including carshare programs and community-based travel planning, were considered as potential mitigation measures, but are not recommended. The GHG Handbook presents measures which are not applicable to residential land use projects. These are measures which are primarily applicable to employment-generating uses, such as increased job density, ridesharing programs, and subsidized transit programs.

Measures were also considered, but are not feasible because they are not within the authority of the applicant or the City of Stockton. As discussed above, currently, the San Joaquin Regional Transit District (RTD) provides limited public transit service to the Project site. The County Hopper Route 93 operates weekdays along West Lane, with eight northbound trips per day and ten southbound trips per day. County Hopper service is a deviated fixed route type of service. The GHG Handbook presents measures which are related to the structure of the community-level public transit system. While these measures have the potential to reduce VMT, the RTD has authority to implement the measures. Implementation of the measures, including development of a transit-oriented development, increased transit service frequency, provide bus rapid transit, or reduce transit fares, is not within the authority of the applicant or the City of Stockton.

The GHG Handbook presents measures which are considered not applicable to, or not feasible for, the LeBaron Ranch Project site. The GHG Handbook presents measures which are considered not applicable to, or not feasible for, the Project site. These measures were considered as potential mitigation measures, but are not recommended. The Project includes 194 high density multiple-family dwelling units. Current residential development in the vicinity of the Project site is predominantly composed of relatively lower density single family dwelling units. The General Plan travel demand model, used to estimate VMT for the Project, already includes relatively lower VMT per unit generated by the Project multiple family dwelling units. Therefore, the measure to provide increased residential density is already incorporated into the VMT levels presented in Table 3.13-2, and is not considered applicable as a mitigation measure.

The GHG Handbook includes a measure that involves affordable and below market rate housing, noting, "Multifamily residential units must be permanently dedicated as affordable for lower income families." The Project includes a mix of housing types: low-density single family dwelling units, medium-density single family dwelling units, and high-density multiple-family dwelling units. The Project does not include units that are deed restricted as "affordable units". Affordability by design, both for purchase and rent, will be created with some of the product within the medium density and high-density designations.

The GHG Handbook includes three measures that involves parking supply and parking cost, including limiting residential parking supply, unbundling residential parking costs from property cost, and implement market price public parking (on-street). For limiting residential parking supply, the GHG Handbook notes, "This measure is ineffective in locations where unrestricted street parking or other offsite parking is available nearby and has adequate capacity to accommodate project-related vehicle parking demand." Unrestricted street parking is available in the vicinity of the Project site, and is expected to be available in the future. Implementation of unbundling residential parking costs from property cost, would appear to require modification of Stockton Municipal Code section 16.64.040, *Number of parking spaces required*. In the description of implementing market price public parking, the GHG Handbook notes, "This measure will price all on-street parking in a given community, with a focus on parking near central business districts, employment centers, and retail centers." The Project is composed of residential land use, rather than central business districts, employment centers and retail centers. Therefore, these parking-related mitigation measures are not feasible for the Project.

The GHG Handbook includes a measure related to the density and connectivity of streets. the Project as proposed includes a relatively high density of street intersections within the Project site. The number of connections to surrounding arterial roadways (i.e., Eight Mile Road, West Lane, and Lower Sacramento Road),

however, are constrained by existing adopted precise road plans for each of these roadways. As a result, the measure is considered not feasible for the Project.

The City determines that due to specific considerations, there are no additional feasible mitigations or alternatives available that would reduce this impact to a less than significant level. As such, implementation of the proposed Project would have a cumulatively considerable contribution and significant and unavoidable VMT-related impacts.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) 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 conflicts with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 4.18: UNDER CUMULATIVE CONDITIONS, THE PROPOSED PROJECT WOULD CONFLICT WITH OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B).

(a) Potential Impact. The potential for the Project to have a cumulative impact related to CEQA Guidelines Section 15064.3, subdivision (b) is discussed on pages 4.0-20 and 4.0-21 of the Draft EIR.

(b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-1.

Mitigation Measure 3.13-1: *The Project applicant shall work with the City of Stockton to implement feasible Transportation Demand Management (TDM) strategies, which would decrease the VMT generated by the Project. Specific potential TDM strategies include, but are not limited to, the following:*

- *Coordinate with public transit agencies, including improving San Joaquin Rapid Transit District (RTD) regarding transit service connecting workers with existing and future residential developments;*
- *Coordinate with San Joaquin RTD regarding the potential for increasing service on Hopper Route 93;*
- *TDM coordinator for large employers, such as the LUSD, should the school site be developed;*
- *Provide carpool and/or vanpool incentive programs;*

- *Provide on-site lockers and showers for workers who take alternative transportation, such as those employed by the LUSD, should the school site be developed;*
- *Promote walking and bicycling for employees who live and/or work in the area through the preparation of an Active Transportation Plan;*
- *Incentivize the use of alternative travel modes for travel within the project site through shared use of e-bikes and e-scooters;*
- *Allow flexible work hours and schedule classes to reduce arrivals/departures during peak hours; and*
- *Employer coordination to SJCOG's DIBs program for workers.*

The TDM Plan shall be submitted to the City for review, and the effectiveness of the TDM Plan shall be evaluated, monitored, and revised, if necessary. The TDM Plan shall include the TDM strategies which will be implemented during the lifetime of the proposed Project and shall outline the anticipated effectiveness of the strategies to achieve the home-based work VMT per worker target identified in the City's TIAG. The effectiveness of the TDM Plan may be monitored through annual surveys to determine employee travel mode split and travel distance for home-based work trips, and/or the implementation of technology to determine the amount of traffic generated by and home-based work miles traveled by employees, which shall be determined in coordination with the City and included as part of the TDM Plan.

(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. Analysis for the cumulative scenarios was completed using the Envision Stockton 2040 General Plan Travel Demand Model. Tables 3.13-1 and 3.13-2 in Section 3.13 summarize the results of the VMT analysis for home-based VMT per residents for Baseline and Cumulative With Project Conditions. The following key findings are derived from the VMT analysis:

- According to the City of Stockton Baseline (Existing) Travel Demand Model, the Citywide average daily home-based VMT per resident is 17.46 miles.

- According to the Envision Stockton 2040 General Plan Travel Demand Model, the Project's average daily home-based VMT per resident is projected to be 16.68 miles in the Cumulative Year with implementation of mitigation measures. This is 0.78 miles (4.4 percent) less when compared to Baseline (Existing) Conditions.

Mitigation measures implemented as Project Design Features, which are part of the Project as proposed, to reduce the impact of the Project on VMT were considered in compliance with the City of Stockton Traffic Impact Analysis Guidelines. Based on estimates presented in the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity

(GHG Handbook), implementation of the mitigation measures recommended in Section 3.13 could result in a maximum reduction in VMT of 4.9 percent. It would be reasonable to expect implementation of the measures to result in a reduction somewhat less than 4.9 percent. As a result, implementation of the recommended mitigation measure would not reduce the Project impact on VMT to a less than significant level. The City determines that due to specific considerations, there are no additional feasible mitigations or alternatives available that would reduce this impact to a less than significant level. The impact is considered significant and unavoidable and cumulatively considerable.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) 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 CEQA Guidelines Section 15064.3, subdivision (b), as more fully stated in the Statement of Overriding Considerations in Section VII, below.

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

A. AIR QUALITY

1. IMPACT 3.3-2: PROPOSED PROJECT CONSTRUCTION ACTIVITIES WOULD NOT RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS IN NON-ATTAINMENT, OR CONFLICT OR OBSTRUCT IMPLEMENTATION OF THE DISTRICT'S AIR QUALITY PLAN.

(a) Potential Impact. The potential for the Project to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, or conflict or obstruct implementation of the District's air quality plan is discussed on pages 3.3-36 through 3.3-38 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 3.3-4 through 3.3-7.

Mitigation Measure 3.3-4: *Prior to the issuance of a Grading Permit for each phase of the Project, the Project Proponent shall prepare and submit a Dust Control Plan*

that meets all of the applicable requirements of APCD Rule 8021, Section 6.3, for the review and approval of the APCD Air Pollution Control Officer.

Mitigation Measure 3.3-5: *During all construction activities, the Project Proponent shall implement dust control measures, as required by APCD Rules 8011-8081, to limit Visible Dust Emissions to 20% opacity or less. Dust control measures shall include application of water or chemical dust suppressants to unpaved roads and graded areas, covering or stabilization of transported bulk materials, prevention of carryout or trackout of soil materials to public roads, limiting the area subject to soil disturbance, construction of wind barriers, access restrictions to inactive sites as required by the applicable rules.*

Mitigation Measure 3.3-6: *During all construction activities, the Project proponent shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (2002).*

a. *All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.*
b. *All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.*
c. *All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking.*
d. *When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.*
e. *All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.*
f. *Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.*
g. *Limit traffic speeds on unpaved roads to 5 mph.*
h. *Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.*

Mitigation Measure 3.3-7: *Asphalt paving shall be applied in accordance with APCD Rule 4641, the purpose of which is to limit VOC emissions by restricting the application and manufacturing of certain types of asphalt for paving and maintenance operations. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance*

operations. The Project Applicant shall coordinate with the APCD, prior to Project asphalt paving activities, to ensure all Project asphalt paving would comply with this rule. The Project Applicant shall provide the City of Stockton with evidence of consultation with the APCD, including confirmation of compliance with APCD Rule 4641.

(c) Findings. Emissions from construction activities represent temporary impacts that are typically short in duration, depending on the size, phasing, and type of project. Air quality impacts can nevertheless be acute during construction periods, resulting in significant localized impacts to air quality. Construction-related activities would result in Project-generated emissions from demolition, site preparation, grading, paving, building construction, and architectural coatings. CalEEModTM (v.2022.1) was used to estimate construction emissions for the proposed Project. Table 3.3-12 in Section 3.3 of the Draft EIR provides the construction criteria pollutant emissions associated with implementation of the proposed Project.

Project maximum construction emissions would not exceed the SJVAPCD thresholds of significance. Nevertheless, regardless of emission quantities, the SJVAPCD requires construction related mitigation in accordance with their rules and regulations. Nevertheless, implementation of the Mitigation Measure 3.3-4 through 3.3-7 would further reduce proposed Project construction related emissions to the extent possible.

The proposed Project would comply with pre-existing requisite federal, State, SJVAPCD, and other local regulations and requirements, as well as implement the mitigation measures provided by the SJVAPCD for construction-related PM10 emissions, including those provided in Mitigation Measure 3.3-4 through 3.3-7. Therefore, the Project's criteria pollutant emissions would be considered to have a less than significant impact and the Project would not impede or conflict with the Clean Air Plan.

B. 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 page 3.4-29 through 3.4-31 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 3.4-1.

Mitigation Measure 3.4-1: *Prior to commencement of any grading activities, the Project proponent shall seek coverage under the San Joaquin County Multi-Species Habitat Conservation Plan (SJMSCP) to mitigate for habitat impacts to covered special status species. As part of the SJMSCP, SJCOG requires preconstruction surveys*

for projects that initiate grading activities during the avian breeding season (March 1 – August 31). When active nests are identified, the biologists develop buffer zones around the active nests as deemed appropriate until the young have fledged. SJCOG also uses the fees to purchase habitat as compensation for the loss of foraging habitat. Coverage involves compensation for habitat impacts on covered species through implementation of incidental take and minimization measures (ITMMs) and payment of fees for conversion of 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. Obtaining coverage for a Project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a), California Fish and Game Code Section 2081, and the Migratory Bird Treaty Act (MBTA). Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species.

(c) Findings. There are two (2) special-status amphibians and two (2) special-status reptiles that are documented within the nine (9)-quadrangle area for the Project site according to the CNDDB, including: Giant garter snake (*Thamnophis couchi gigas*), Northern California legless lizard (*Anniella pulchra*), California tiger salamander (*Ambystoma californiense*), and western spadefoot (*Spea hammondii*). The Giant garter snake, California tiger salamander, and western spadefoot are covered species under the SJMCP; the Northern California legless lizard is not covered.

The Bear Creek located to the south contains adequate habitat for giant garter snake. There is also some limited habitat for this species within the irrigation ditches located on the Project site. It is noted that this species was not observed during the field surveys and has not been documented on the Project site. It is noted that the project is subject to the SJMSCP which will require obtaining coverage for the Project. This would mean that the SJCOG, under authorization from the USFWS and CNDDB would review the project and issue incidental take authorization (permits) under the Endangered Species Act Section 10(a), California Fish and Game Code Section 2081, and the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. Therefore, with full coverage under the SJMSCP (Mitigation Measure 3.4-1), the proposed Project would have a less than significant impact on this special-status species.

Additionally, the Project site does not contain adequate estivation habitat for California tiger salamander because of the frequency of disturbance associated with the agricultural activities. The Bear Creek could be aquatic breeding or movement habitat for this species, although the likelihood is low considering the number of predators (i.e., fish) that live within this water feature. The irrigation ditches have limited water during the non-irrigation season, which coincides with the breeding season. This means that the irrigation ditches have very limited potential to serve as aquatic habitat for this species. This species was not observed and has not been documented on the Project site. This species is not anticipated to be present due to the lack of adequate habitat. It is noted that the project is subject to the SJMSCP which will require obtaining coverage

for the Project. This would mean that the SJCOG, under authorization from the USFWS and CNDDB would review the project and issue incidental take authorization (permits) under the Endangered Species Act Section 10(a), California Fish and Game Code Section 2081, and the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. Therefore, with full coverage under the SJMSCP (Mitigation Measure 3.4-1), the proposed Project would have a less than significant impact on this special-status species

In accordance with Public Resources Code, § 21081, 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 to have direct or indirect 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 and 3.4-32 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.

Mitigation Measure 3.4-1: *Prior to commencement of any grading activities, the Project proponent shall seek coverage under the San Joaquin County Multi-Species Habitat Conservation Plan (SJMSCP) to mitigate for habitat impacts to covered special status species. As part of the SJMSCP, SJCOG requires preconstruction surveys for projects that initiate grading activities during the avian breeding season (March 1 – August 31). When active nests are identified, the biologists develop buffer zones around the active nests as deemed appropriate until the young have fledged. SJCOG also uses the fees to purchase habitat as compensation for the loss of foraging habitat. Coverage involves compensation for habitat impacts on covered species through implementation of incidental take and minimization measures (ITMMs) and payment of fees for conversion of 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. Obtaining coverage for a Project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a), California Fish and Game Code Section 2081, and the Migratory Bird Treaty Act (MBTA). Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species.*

(c) Findings. There are eight (8) special-status birds that are documented in the CNDDB within the nine (9)-quadrangle area for the Project site according to the CNDDB,

including: Burrowing owl (*Athene cunicularia*), California black rail (*Laterallus jamaicensis coturniculus*), Least Bell's vireo (*Vireo bellii pusillus*), Song sparrow (Modesto Population) (*Melospiza melodia*), Swainson's hawk (*Buteo swainsoni*), Tricolored blackbird (*Agelaius tricolor*), White-tailed kite (*Elanus leucurus*), and Yellow-headed blackbird (*Xanthocephalus xanthocephalus*). All of these bird species, except for Least bell's vireo, are covered species under the SJMSCP.

Potential nesting habitat is present in a variety of trees located within the Project site and in the vicinity. There is also the potential for other special-status birds that do not nest in this region and represent migrants or winter visitants to forage on the Project site.

Powerlines and trees located in the region represent potentially suitable nesting habitat for a variety of special-status birds. Additionally, the agricultural land represents potentially suitable nesting habitat for some ground-nesting birds. In general, most nesting occurs from late February and early March through late July and early August, depending on various environmental conditions. The CNDDB currently contains records for Swainson's hawk, burrowing owl, and tricolored blackbird in the vicinity of the Project site. In addition to the species described above, common raptors, may nest in or adjacent to the Project site.

New sources of noise and light during the construction and operational phases of the project could adversely affect nesters if they located adjacent to the Project site in any given year. Additionally, the proposed Project would eliminate the agricultural areas on the Project site, which serve as potential foraging habitat for birds throughout the year. Mitigation Measure 3.4-1 requires participation in the SJMSCP. As part of the SJMSCP, SJCOG requires preconstruction surveys for projects that initiate grading activities during the avian breeding season (March 1 – August 31). When active nests are identified, the biologists develop buffer zones around the active nests as deemed appropriate until the young have fledged. SJCOG also uses the fees to purchase habitat as compensation for the loss of foraging habitat. Implementation of the proposed Project, with the Mitigation Measure 3.4-1, would ensure that potential impacts to special status birds are reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, 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 to have direct or indirect effects on special-status bird species will be mitigated to a less than significant level.

3. IMPACT 3.4-4: THE PROPOSED PROJECT WOULD NOT RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS MAMMAL SPECIES

(a) Potential Impact. The potential for the Project to result in direct or indirect effects on special-status mammal species is discussed on page 3.4-32 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 3.4-1.

> ***Mitigation Measure 3.4-1:*** *Prior to commencement of any grading activities, the Project proponent shall seek coverage under the San Joaquin County Multi-Species Habitat Conservation Plan (SJMSCP) to mitigate for habitat impacts to covered special status species. As part of the SJMSCP, SJCOG requires preconstruction surveys for projects that initiate grading activities during the avian breeding season (March 1 – August 31). When active nests are identified, the biologists develop buffer zones around the active nests as deemed appropriate until the young have fledged. SJCOG also uses the fees to purchase habitat as compensation for the loss of foraging habitat. Coverage involves compensation for habitat impacts on covered species through implementation of incidental take and minimization measures (ITMMs) and payment of fees for conversion of 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. Obtaining coverage for a Project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a), California Fish and Game Code Section 2081, and the Migratory Bird Treaty Act (MBTA). Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species.*

(c) Findings. There are two (2) special-status mammals that are documented within the nine (9)-quadrangle area for the Project site, including: Riparian brush rabbit (*Sylvilagus bachmani riparius*) and Pallid bat (*Antrozous pallidus*). Riparian brush rabbit is a covered species under the SJMSCP, while Pallid bat is not.

The Project site does not contain appropriate habitat for riparian brush rabbit. This species was not observed during the field surveys and has not been documented on the Project site (De Novo Planning Group, 2023). The nearest CNDDB occurrence for this species is located approximately 10.3 miles northwest of the Project site. Regardless, the project is subject to the SJMSCP which will require obtaining coverage for the Project. This would mean that the SJCOG, under authorization from the USFWS and CNDDB would review the project and issue incidental take authorization (permits) under the Endangered Species Act Section 10(a), California Fish and Game Code Section 2081, and the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. Therefore, with full coverage under the SJMSCP

(Mitigation Measure 3.4-1), the proposed Project would have a less than significant impact on this special-status species.

Additionally, development of the Project site would eliminate foraging habitat for special status bats by removing the open agricultural areas. With the exception of Pallid bat, these bat species are covered species under the SJMCP and participation in the SJMSCP will provide the coverage for the incidental take of a species if it were to occur. SJCOG, Inc. as administrator of the SJMSCP will impose appropriate avoidance and minimization measures as part of the incidental take permit. Mitigation Measure 3.4-1, previously listed, will ensure coverage under the SJMSCP. Therefore, this impact would be less than significant.

In accordance with Public Resources Code, § 21081, 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 to have direct or indirect effects on special-status bird species will be mitigated to a less than significant level.

4. IMPACT 3.4-11: THE PROPOSED PROJECT HAS THE POTENTIAL TO CONFLICT WITH 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 local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance is discussed on page 3.4-36 through 3.4-38 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.

> ***Mitigation Measure 3.4-2:*** *If removal of any oak tree on the project site is required, a certified arborist shall survey the oak trees proposed for removal to determine if they are Heritage Trees as defined in Stockton Municipal Code Chapter 16.130. The arborist report with its findings shall be submitted to the City's Community Development Department. If Heritage Trees are determined to exist on the property, removal of any such tree shall require a permit to be issued by the City in accordance with Stockton Municipal Code Chapter 16.130. The permittee shall comply with all permit conditions, including tree replacement at specified ratios.*

(c) Findings. The Development Area contains numerous shade trees along the agricultural parcel boundaries, near the center of the Development Area, and near the southwestern corner of the Development Area. It may be possible for specific trees to be incorporated into the final design of the development once the more detailed

engineering effort begins. However, it is likely that removal of the majority of the on-site trees would be required. Any Heritage Trees that cannot remain in the final design must be replaced in accordance with Chapter 16.130 of the Municipal Code if deemed applicable at the time of removal. A "Heritage Tree" is defined as: "Any *Quercus lobata* (commonly known as "Valley Oak"), *Quercus agrifolia* (Coast Live Oak), and *Quercus wislizenii* (Interior Live Oak) tree which is located on public or private property within the limits of the City, and which has a trunk diameter of 16 inches or more, measured at 24 inches above actual grade. For Oak trees of the species mentioned above, with multiple trunks, the combined total trunk diameter shall be used for all trunks measuring six (6) inches or greater measured at 24 inches above actual grade."

Mitigation Measure 3.4-2 would require compliance with the Stockton Municipal Code for removal and replacement of Heritage Oak Trees. With the implementation of the following mitigation measures, the proposed Project would have a less than significant impact relative to this topic.

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 conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance will be mitigated to a less than significant level.

C. CULTURAL AND TRIBAL RESOURCES

1. 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, OR A SIGNIFICANT TRIBAL CULTURAL RESOURCE, AS DEFINED IN PUBLIC RESOURCES CODE §21074.

   (a) Potential Impact. The potential for the Project to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074 is discussed on pages 3.5-12 and 3.5-13 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 3.5-1 and 3.5-2.

   Mitigation Measure 3.5-1: *Prior to any ground-disturbing activities on the Project site, the Developer shall a qualified archaeologist and native American monitor to conduct pre-construction worker cultural resources sensitivity training. The training session shall focus on the recognition of the types of historical and cultural, including Native American, resources that could be*

encountered; procedures to be followed if resources are found, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and pertinent laws protecting these resources. Training shall be scheduled at the discretion of the Project applicant in consultation with the City. The Developer shall be responsible for ensuring that all workers requiring training are in attendance. Those in attendance shall be recorded, with records maintained on-site. Any new workers that were not part of the initial training shall be required to undergo a new training session.

Mitigation Measure 3.5-2: *If any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, are found during grading and construction activities during any phase of the Project, all work shall be halted immediately within a 200-foot radius of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the find(s).*

Work shall not continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR; or 3) not a significant Public Trust Resource.

If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Project applicant's expense.

If the discovery proves to be significant under CEQA and cannot be avoided by the Project, additional work such as data recovery excavation may be warranted to mitigate any significant impacts. Mitigation could include avoidance, preservation in place, or the scientific removal, analysis, reporting, and curation of any recovered cultural materials. Construction shall not resume in the area until appropriate protection and preservation measures are in place and have been approved by the Community Development Director or designee, and the qualified archaeologist states in writing that the proposed construction activities would not significantly damage any archaeological or tribal cultural resources.

(c) Findings. The Project site is located in an area known to have archaeological, cultural, and tribal cultural resources. As noted above, a CHRIS search was requested from the CCIC, which included the Project site and a 0.25-mile radius. According to the CCIC CHRIS results, no cultural resources have been reported within the Project site; however, several resources have been found within the 0.25-mile search radius. A letter was sent to the NAHC requesting a records search of the Sacred Lands files for the Project site, as

well as a list of Native American tribes that may have knowledge of cultural resources in the Project site. On August 24, 2023, the NAHC responded indicating that results were negative for Sacred Lands. The NAHC provided a list of individuals and groups to contact regarding potential cultural resources within the Project site. Letters were sent to the groups and individuals listed on July 29, 2023, in compliance with AB 52 and SB 18; refer to Appendix D for tribal consultation communications. The consultation letters provided information regarding the proposed Project and contact information for the Project Planner. Under AB 52, Native American tribes have 30 days to respond and request further project information and formal consultation. No tribal organizations responded requesting formal consultation with the City.

Although no archeological resources or Native American tribal cultural resources are known to occur within the Project site, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of previously unknown archaeological resources and/or tribal cultural resources. Implementation of Mitigation Measures 3.5-1 through 3.5-2 would ensure that the potential impact to archaeological and tribal cultural resources is less than significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-1 and 3.5-2 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 a substantial adverse change to a significant archaeological or tribal cultural resource will be mitigated to a less than significant level.

D. GEOLOGY AND SOILS

1. IMPACT 3.6-5: THE PROPOSED PROJECT HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE GEOLOGICAL FEATURE OR PALEONTOLOGICAL RESOURCE.

(a) Potential Impact. The potential to directly or indirectly destroy a unique geological feature or paleontological resource is discussed on page 3.6-20 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 3.6-1.

Mitigation Measure 3.6-1: *If any paleontological resources are found during grading and construction activities of the Project, all work shall be halted immediately within a 200-foot radius of the discovery, the City of Stockton Community Development Director shall be notified, and a professional vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall be contacted immediately to evaluate the find. The paleontologist shall have the authority to stop or divert construction, as necessary. Documentation and treatment*

of the discovery shall occur in accordance with Society of Vertebrate Paleontology standards.

Work shall not continue at the discovery site until the professional vertebrate paleontologist evaluates the find pursuant to the CEQA Guidelines and makes a determination regarding the significance of the resource and identifies recommendations for conservation of the resource, including, but not limited to, preserving in place or relocating on the Project site, if feasible, or collecting the resource to the extent feasible and documenting the find with the University of California Museum of Paleontology.

(c) Findings. The Project site is located in an area known to have paleontological resources. As previously mentioned, the Envision Stockton 2040 General Plan Update EIR included a search of the database of the UC Museum of Paleontology at Berkeley, which identified over 800 documented fossil localities within San Joaquin County. While only a handful were identified within the Stockton Planning Area, it is possible that undiscovered paleontological resources could be encountered during ground-disturbing activities from development of the Project site.

Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, State, or federal criteria. Implementation of Mitigation Measure 3.6-1 would ensure steps would be taken to reduce impacts to paleontological resources in the event that they are discovered during construction, including stopping work in the event potential resources are found, evaluation of the resource by a qualified paleontologist and appropriate handling of any potential resource, including, but not limited to, preserving in place or relocating on the Project site, if feasible, or collecting the resource to the extent feasible and documenting the find with the University of California Museum of Paleontology. This mitigation measure would reduce this impact to a less-than-significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 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 directly or indirectly destroy a unique geological feature or paleontological resource 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 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 3.8-16 through 3.8-19 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 and 3.8-2.

Mitigation Measure 3.8-1*: Prior to initiating construction or grading activities, the construction contractor shall be provided with project-specific training regarding the identification and handling of hazardous materials and agency notification procedures. In the event that contaminated soils are encountered during construction, the Project applicant shall prepare and implement a Soils Management Plan (SMP) to provide guidance for the proper handling, onsite management, and disposal of impacted soil that might be encountered during construction activities. The SMP shall establish management practices for handling of contaminated soils and other hazardous materials during construction. The SMP would include, but is not limited to, an outline of how Project construction crews would identify, handle, and dispose of potentially contaminated soil; the qualifications of the appropriately trained professionals that would monitor soil conditions and conduct soil sampling during construction; laboratory testing; anticipated field screening methods and appropriate regulatory limits to be applied to determine proper handling and disposal; and requirements for documenting and reporting incidents of encountered contaminants, such as documenting locations of occurrence, sampling results, and reporting actions taken to dispose of contaminated materials. In the event that potentially contaminated soils were encountered within the footprint of construction, soils would be tested and stockpiled. The SMP shall be submitted to the San Joaquin County Department of Environmental Health for review and approval. The approved SMP shall be posted and maintained onsite during construction activities and all construction personnel shall acknowledge that they have reviewed and understand the plan.*

Mitigation Measure 3.8-2*: Prior to initiation of any ground disturbance activities, a soil sampling and analysis workplan shall be submitted to the San Joaquin County Department of Environmental Health for approval. The sampling and analysis plan shall meet the requirements of the Department of Toxic Substances Control Interim Guidance for Sampling Agricultural Properties (2008), and the County Department*

of Environmental Resources Recommended Soil and Groundwater Sampling for Underground Tank Investigations (2013). Evenly distributed soil samples shall be conducted throughout the Development Area for analysis of pesticides and heavy metals. The samples shall be submitted for laboratory analysis of pesticides and heavy metals per DTSC and EPA protocols. The results of the soil sampling shall be submitted to the City of Stockton for review.

If the sampling results indicate the presence of agrichemicals that exceed commercial screening levels, a removal action workplan shall be prepared in coordination with San Joaquin County Environmental Health Department. The removal action workplan shall include a detailed engineering plan for conducting the removal action, a description of the onsite contamination, the goals to be achieved by the removal action, and any alternative removal options that were considered and rejected and the basis for that rejection. A no further action letter shall be issued by San Joaquin County Environmental Health Department upon completion of the removal action. The removal action shall be deemed complete when the confirmation samples exhibit concentrations below the commercial screening levels, which will be established by the agencies.

(c) Findings. Construction workers and the general public could be exposed to hazards and hazardous materials because of improper handling or use during construction activities (particularly by untrained personnel); transportation accidents; or fires, or other emergencies. Construction workers could also be exposed to hazards associated with accidental releases of hazardous materials, which could result in significant impacts to the health and welfare of people and/or wildlife. Additionally, an accidental release into the environment could result in the contamination of water, soil, habitat, and other resources. Existing regulatory requirements of the Regional Water Quality Control Board require the preparation a project-specific Stormwater Pollution Prevention Plan (SWPPP). The SWPPP requires project applicants to include project-specific best management practices (BMPs) that the Regional Water Quality Control Board (RWQCB) has deemed effective in controlling erosion, sedimentation, and runoff during construction activities. The Project would be required to prepare and implement a Project-specific SWPPP.

Contractors would be required to comply with CalEPA's Unified Program; regulated activities would be managed by San Joaquin County Department of Environmental Health, the designated Certified Unified Program Agency for San Joaquin County, in accordance with the regulations included in the Unified Program (e.g., hazardous materials release response plans and inventories, California hazardous material management plans and inventories). Additionally, if hazardous materials are discovered during Project construction activities, a Soils Management Plan (SMP) would be submitted and approved by the San Joaquin County Department of Environmental Health, as required by Mitigation Measure 3.8-1. The SMP would establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents,

etc., during construction. Such compliance would reduce the potential for accidental release of hazardous materials during construction of the proposed Project. As a result, it would lessen the risk of exposure of construction workers and the public to accidental release of hazardous materials, as well as the demand for incident emergency response.

The Project site consists of the Development Area (236.3 acres), Non-development Area (56.03 acres), and Right-of-Way Annexation Area (13.7 acres). The Development Area is predominantly comprised of agricultural and undeveloped uses. The Project proposes to construct a primarily residential development comprised of up to 1,411 residential units, parks/open space, and a school site within the Development Area, as well as circulation and infrastructure improvements. Future development within the Development Area would involve the conversion of active agricultural land into residential, public facility, and/or open space uses. Site grading, excavation for utilities, trenching, backfilling, and the construction of proposed structures could result in the exposure of construction workers and the general public to hazardous materials, such as pesticides and herbicides. Like most agricultural and farming operations in the Central Valley, agricultural practices in the area have used agricultural chemicals including pesticides and herbicides as a standard practice. Although no contaminated soils have been identified on the Project site or the vicinity above applicable levels, residual concentrations of pesticides may be present in soil because 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 (OCPs), such as such as Mecoprop (MCPP), Dinoseb, chlordane, dichloro-diphenyltrichloroethane (DDT), and dichloro-diphenyl-dichloroethylene (DDE).

Mitigation Measure 3.8-2 requires evenly distributed soil samples to be conducted within the Development Area for analysis of pesticides and heavy metals prior to initiation of any ground disturbance activities. If elevated levels of pesticides or heavy metals are detected during the laboratory analysis of the soils, the Project applicant would be required to prepare and implement a soil cleanup and remediation plan prior to the commencement of grading activities. Implementation of Mitigation Measure 3.8-2 would ensure that redevelopment of the active agricultural land would not result in accidental release of or exposure to hazardous materials.

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, Measures 3.8-1 and 3.8-2 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. HYDROLOGY AND WATER QUALITY

2. IMPACT 3.9-4: THE PROPOSED PROJECT HAS THE POTENTIAL TO, IN A FLOOD HAZARD, TSUNAMI, OR SEICHE ZONES, RISK RELEASE OF POLLUTANTS DUE TO PROJECT INUNDATION.

(a) Potential Impact. The potential to, in a flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation is discussed on pages 3.9-27 through 3.9-29 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 3.9-1.

> ***Mitigation Measure 3.9-1:*** *All residential and non-residential structures within the Project site shall meet the urban level of flood protection, as required by the State of California Central Valley Flood Protection Act of 2008 (Senate Bill 5). Finished floor elevations of proposed residential structures shall be elevated to or above the prescribed 200-year floodplain elevation, or proposed nonresidential structures shall be floodproofed, consistent with the City of Stockton's Criteria for Development in 200-year Floodplains and City of Stockton Municipal Code. Code compliance shall be documented in materials prepared by licensed professionals and submitted to the Community Development Director.*

(c) Findings. According to the FEMA FIRM, the Project site is located within Zone X (areas of 0.2 percent annual chance [500-year] flood; and areas protected by levees from the one percent annual chance [100-year] flood), as shown in Figure 3.9-2. According to the State DWR Levee Flood Protection Zone maps, the Project site is located within a Levee Flood Protection Zone protected by Bear Creek, with an unknown flood depth. There are several relatively small areas within the Project site that are potentially subject to flood depths of three feet or more during a 200-year storm event, as shown on Figure 3.9-4. Additionally, the entire Project site is located within the Camanche Dam and Salt Springs inundation area, as shown in Figure 3.9-3.

Section 16.90.020(B) requires the review authority's decision to approve a project in accordance with the City's established criteria for development in 200-year floodplains, which are consistent with accepted State and federal floodplain management practices. According to the City's established criteria, the Project site would be considered an urban area, as it is located within the City's corporate limits. Thus, the Project may be approved provided that all properties within the Project site would meet the urban level of flood protection.

As described in the City's established criteria for development in 200-year floodplains, the urban level of flood protection could be achieved for proposed residential

development by elevating proposed residential structures such that the lowest floor of the habitable area of a building is or will be no lower than three feet from the 200-year base flood elevation. Non-residential structures can be flood-proofed by other means (i.e., dry floodproofing). In any event, compliance with the requirements of the Stockton Municipal Code must be certified by a licensed land surveyor or civil engineer, verified by the Building Division, and submitted to the Director. Project exposure to 200-year flooding is considered a potentially significant impact, which would be reduced to a less than significant level with implementation of Mitigation Measure 3.9-1.

Following implementation of Mitigation Measure 3.9-1, which would require conforming with the urban level of flood protection, as required by the SB 5, and compliance with other applicable existing regulations, including the City of Stockton's Criteria for Development in 200-year Floodplains and City of Stockton Municipal Code, the Project would not result in a flood hazard or result in the release of pollutants due to on- or off-site flooding due to implementation of the proposed Project and impacts would be less than significant in this regard.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.9-1 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, in a flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation will be mitigated to a less than significant level.

G. NOISE

1. IMPACT 3.11-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO GENERATE A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.

   (a) Potential Impact. The potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies is discussed on pages 3.11-14 through 3.11-17 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 Measures 3.11-1.

   Mitigation Measure 3.11-1: *To reduce potential construction noise impacts during Project construction, the following multi-part mitigation measure shall be implemented for the Project:*

- *All construction equipment powered by internal combustion engines shall be properly muffled and maintained.*
- *Quiet construction equipment, particularly air compressors, shall be selected whenever possible.*
- *All stationery noise-generating construction equipment such as generators or air compressors shall be located as far as is practical from existing residences. In addition, the Project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site.*
- *Unnecessary idling of internal combustion engines shall be prohibited.*
- *The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.*
- *Construction shall be limited to 7:00 a.m. to 10:00 p.m.*
- *Staging areas on the Project site shall be located in areas that maximize, to the extent feasible, the distance between staging activity and sensitive receptors.*

These requirements shall be noted on the Project improvement plans as part of the submittal for grading or building permit, whichever shall occur first, to the City of Stockton Building and Life Safety Division.

(c) Findings. Noise would also be generated during the construction phase by increased truck traffic on area roadways. A project-generated noise source would be truck traffic associated with transport of heavy materials and equipment to and from the construction site. This noise increase would be of short duration and would occur during daytime hours.

Although construction activities are temporary in nature and would occur during normal daytime working hours, construction-related noise could result in sleep interference at existing noise-sensitive land uses in the vicinity of the construction if construction activities were to occur outside the normal daytime hours. Therefore, impacts resulting from noise levels temporarily exceeding the threshold of significance due to construction would be considered potentially significant. Compliance with the City's permissible hours of construction, as well as implementing the best management noise reduction techniques and practices (both outlined in Mitigation Measure 3.11-1), would ensure that construction noise would not result in a substantial temporary increase in ambient noise levels that would result in annoyance or sleep disturbance of nearby sensitive receptors. For example, all stationery noise-generating construction equipment such as generators or air compressors shall be located as far as is practical from existing residences. In addition, the Project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors

nearest the Project site. Therefore, with implementation of Mitigation Measure 3.11-1, temporary construction noise impacts would be less-than-significant.

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 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 generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies will be mitigated to a less than significant level.

H. UTILITIES

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 proposed 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 3.14-9 and 3.14-10 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.

   > ***Mitigation Measure 3.14-1:*** *Prior to occupancy of any building that would require wastewater treatment services, the Project proponent shall secure from the City of Stockton Municipal Utilities Department with a request for utility service adequate wastewater treatment capacity/allocation.*

   (c) Findings. Municipal wastewater collection and treatment will be provided by the City of Stockton. The site is within the City Urban Service Area and has been included in the City's Wastewater Collection System Master Plan. The proposed Project would be located within System 10 sub-area of the City of Stockton wastewater collection system. This plan has anticipated the extension of municipal wastewater collection and treatment service for the Project site. Certain unit processes within the City's wastewater treatment facility are approaching their functional capacity, and expansion of the treatment facility to meet anticipated demands resulting from growth in Stockton is the subject of an ongoing planning and engineering effort. The treatment plant has adequate capacity to serve anticipated short-term development within the City, and

expansion plans provide for creation of additional capacity over time to meet anticipated demands generated from the annexation area and other growth areas of the City.

Occupancy of the proposed Project would be prohibited without sewer allocation, as required by section 13.12.100, Mandatory Sanitary Service Required, of the City's Municipal Code. 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. Mitigation Measure 3.14-1 requires the Project proponent to secure adequate wastewater treatment capacity/allocation prior to occupancy of any building which would require wastewater treatment services. Implementation of Mitigation Measure 3.14-1 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 for the proposed 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 will be mitigated to a less than significant level.

2. IMPACT 3.14-6: THE PROPOSED PROJECT WOULD NOT 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 proposed 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 3.14-39 through 3.14-41 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.

Mitigation Measure 3.14-2*: Prior to the issuance of a building or grading permit, the project applicant shall submit a drainage plan to the City of Stockton for review*

and approval. The plan shall include an engineered Storm Water Quality Control Criteria Plan (SWQCCP) that demonstrates attainment of pre-project runoff requirements prior to release at the Bear Creek outfall. The plan shall describe the volume reduction measures and treatment controls, which may include, but not limited to vegetated swale, infiltration basin, rain garden, or bioretention, consistent with the Federal Clean Water Act, the City's Stormwater Quality Control Criteria Plan, the adopted municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit and the City's corresponding Stormwater Management Plan.

(c) Findings. According to the City of Stockton and San Joaquin County Stormwater Quality Control Criteria Plan (SWQCCP), the Project would be considered both a Priority Project and a PLU Project, as the Project includes a residential subdivision of 10 housing units or more (Priority Project) and contains land uses with at least 10 developed dwelling units per acre (PLU Project). Priority projects are required to prepare and submit a Project Stormwater Quality Control Plan with the initial building permit submittal, that demonstrates the Project incorporates site design measures, landscape features, and engineered treatment facilities (typically bioretention facilities) that will minimize imperviousness, retain or detain stormwater, slow runoff rates, and reduce pollutants in post-development runoff. In particular, the Project Stormwater Quality Control Plan would specify BMPs required to be implemented by the Project and design specifications for selected BMPs. The Project Stormwater Quality Control Plan must be submitted for review and approval by the City of Stockton Department of Municipal Utilities.

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. With the implementation of mitigation measures presented throughout the Draft EIR, and Mitigation Measure 3.14-2, impacts would be less than significant, as adequate utility services and wastewater treatment, as well as submission of a drainage plan to the City of Stockton, would be reviewed and approved prior to approval.

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 proposed 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.

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 impacts were found to be less than significant:

Impact 3.1-2: Project implementation would not substantially damage scenic resources within a State Scenic Highway.

Impact 3.1-3: Project implementation may result in light and glare impacts.

Agricultural Resources: The following specific impact was found to be less than significant:

Impact 3.2-3: The proposed Project may involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

Air Quality: The following specific impacts were found to be less than significant:

Impact: 3.3-3: The proposed Project would not generate carbon monoxide hotspot impacts.

Impact 3.3-4: The proposed Project has the potential for public exposure to toxic air contaminants.

Impact 3.3-5: The proposed Project would not cause exposure to other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Biological Resources: The following specific impacts were found to be less than significant:

Impact 3.4-1: The proposed Project would not have a direct or indirect effect on special-status invertebrate species.

Impact 3.4-5: The proposed Project would not result in direct or indirect effects on candidate, sensitive, or special-status plant species.

Impact 3.4-6: The proposed Project would not result in direct or indirect effects on candidate, sensitive, or special-status fish species.

Impact 3.4-7: The proposed Project would not affect protected wetlands and jurisdictional waters.

Impact: 3.4-8: The proposed Project would not result in adverse effects on riparian habitat or a sensitive natural community.

Impact 3.4-9: The proposed Project would not result in interference with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites.

Impact 3.4-10: The proposed Project would not conflict with an adopted Habitat Conservation Plan.

Cultural and Tribal Resources: The following specific impacts were found to be less than significant:

Impact 3.5-1: Project implementation would not cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5.

Impact 3.5-3: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries.

Geology and Soils: The following specific impacts were found to be less than significant:

Impact: 3.6-1: The proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, strong seismic ground shaking, seismic related ground failure, or landslides.

Impact 3.6-2: Implementation and construction of the proposed Project may result in substantial soil erosion or the loss of topsoil.

Impact 3.6-3: The proposed Project has the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse.

Impact 3.6-4: The proposed Project has the potential for expansive soils to create substantial risks to life or property.

Greenhouse Gases, Climate Change, and Energy: The following specific impacts were found to be less than significant:

Impact 3.7-1: Project implementation would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment and

would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Impact 3.7-2: Project implementation would not result in the inefficient, wasteful, or unnecessary use of energy resources, and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant:

Impact 3.8-2: Project implementation has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Impact 3.8-3: Project implementation has the potential to result in impacts from being included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Impact 3.8-4: Project implementation has the potential to result in a safety hazard for people residing or working on the Project site as a result of public airport or public use airport.

Impact 3.8-5: Project implementation has the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Impact 3.8-6: Project implementation has the potential to expose people or structures to a risk of loss, injury or death from wildland fires.

Hydrology and Water Quality: The following specific impacts were found to be less than significant:

Impact 3.9-1: The proposed Project has the potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Impact 3.9-2: The proposed Project has the potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin.

Impact 3.9-3: The proposed Project would not alter the existing drainage pattern of the site or area, including the alteration of the course of a river or through the addition of impervious surfaces, in a manner which would result in substantial erosion, siltation, surface runoff, flooding, or polluted runoff.

Impact 3.9-5: The proposed Project has the potential to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Land Use and Population: The following specific impacts were found to be less than significant:

Impact 3.10-1: The proposed Project would not physically divide an established community.

Impact 3.10-2: The proposed Project would not conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted to avoid or mitigate an environmental effect.

Impact 3.10-3: The proposed Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Impact 3.10-4: The proposed Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Noise: The following specific impacts were found to be less than significant:

Impact 3.11-2: The proposed Project would not generate excessive groundborne vibration or groundborne noise levels.

Impact 3.11-3: The proposed Project would not expose people residing or working in the Project area to excessive noise levels.

Public Services and Recreation: The following specific impacts were found to be less than significant:

Impact 3.12-1: The proposed Project would not require the construction of police department facilities which may cause substantial adverse physical environmental impacts.

Impact 3.12-2: The proposed Project would not require the construction of fire department facilities which may cause substantial adverse physical environmental impacts.

Impact 3.12-3: The proposed Project would not require the construction of school facilities which may cause substantial adverse physical environmental impacts.

Impact 3.12-4: The proposed Project would not have effects on other public facilities.

Impact 3.12-5: The proposed Project would not require the construction of park and recreational facilities which may cause substantial adverse physical environmental impacts.

Impact 3.12-6: The proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated.

Transportation and Circulation: The following specific impacts were found to be less than significant:

Impact 3.13-2: Project implementation would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Impact 3.13-3: Project implementation would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact 3.13-4: Project implementation would not result in inadequate emergency access.

Impact 3.13-5: Project implementation would not cause impacts due to construction.

Utilities: The following specific impacts were found to be less than significant:

Impact 3.14-1: The proposed Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

Impact 3.14-3: The proposed Project would not require or result in the construction of new wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact 3.14-4: The proposed Project would not require construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact 3.14-5: The proposed Project would not have insufficient water supplies available to serve the Project from existing entitlements and resources.

Impact 3.14-7: The proposed Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs and comply with federal, State, and local statutes and regulations related to solid waste.

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 impact was found to be less than cumulatively considerable:

Impact 4.1: Cumulative Damage to Scenic Resources within a State Scenic Highway

Impact 4.3: Cumulative Impact on Light and Glare

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

Impact 4.6: Cumulative Loss of Biological Resources Including Habitats and Special Status Species

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

Impact 4.7: Cumulative Impacts on Known and Undiscovered Cultural and Tribal Resources

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

Impact 4.8: Cumulative Impacts on Known and Undiscovered Cultural and Tribal Resources

Greenhouse Gases, Climate Change, and Energy: The following specific impact was found to be less than cumulatively considerable:

Impact 4.9: Cumulative Impact on Climate Change from Increased Project-Related Greenhouse Gas Emissions

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

Impact 4.10: Cumulative Impact Related to Hazards and Hazardous Materials

Hydrology and Water Quality: The following specific impacts were found to be less than cumulatively considerable:

Impact 4.11: Cumulative Increases in Peak Stormwater Runoff from the Project Site

Impact 4.12: Cumulative Impacts Related to Degradation of Water Quality

Impact 4.13: Cumulative Impacts Related to Degradation of Groundwater Supply or Recharge

Impact 4.14: Cumulative Impacts Related to Flooding

Land Use and Population: The following specific impact was found to be less than cumulatively considerable:

Impact 4.15: Cumulative Impact on Communities and Local Land Uses and Population

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

Impact 4.16: Cumulative Exposure of Existing and Future Noise-Sensitive Land Uses to Increased Noise Resulting from Cumulative Development

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

Impact 4.17: Cumulative Impact on Public Services

Transportation and Circulation: The following specific impacts were found to be less than cumulatively considerable:

Impact 4.19: Under Cumulative conditions, the proposed Project would not adversely affect pedestrian and bicycle facilities

Impact 4.20: Under Cumulative conditions, the proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)

Impact 4.21:

Utilities: The following specific impacts were found to be less than cumulatively considerable:

Impact 4.22: Under Cumulative conditions, the proposed Project would not cause impacts due to construction

Impact 4.23: Cumulative Impact on Wastewater Utilities

Impact 4.24: Cumulative Impact on Water Utilities

Impact 4.25: Cumulative Impact on Stormwater Facilities

Impact 4.26: Cumulative Impact on Solid Waste Facilities

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.

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 of 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 principal purpose of the proposed Project is the annexation of the Project site into the City of Stockton, and approval and subsequent development of the Development Area for residential and park uses.

The LeBaron Ranch Project identifies the following project objectives as part of the stated purpose:

- Provide residential housing opportunities, with an array of lot sizes and housing types, that are visually attractive and accommodate the future housing demand in Stockton.
- Establish a mixture of Low-, Medium-, and High-Density Residential project types that collectively provide for local and regional housing and that take advantage of the area's high level of accessibility. Ensure that all housing is designed with architectural form that is visually attractive.
- Provide infrastructure, public facilities, and park space that meets City standards, in a centralized setting that is integrated with existing and planned facilities and connections and increases recreation opportunities for existing and future residents of the City.
- Provide a site that could accommodate a K-8 school if the Lodi Unified School District desires to build a school within the Project site. Alternatively, if the Lodi Unified School District chooses not to build a school within the Project site, ensure that the design alternative would accommodate single-family residential housing consistent with the form and design of surrounding single-family residential units planned within the Project site.
- To incorporate Woodbridge Irrigation District facilities into the Project design, that maintains their purpose while avoiding any conflicts with future residents.
- Continue open space improvements along Eight Mile Road, like the Destinations Master Plan Project to the west of the Project Site. This includes preservation of a drainage facility and access to an off-street pedestrian path.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements that are required to meet City standards, both onsite and offsite. Internal Phases will basically commence from the eastern portion of the Development Area and move west, allowing infrastructure to be advanced to an upcoming phase.

B. 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 in Chapter 5.0.

The City has found that there are no feasible alternative locations that exist within the City's Sphere of Influence with the appropriate size and characteristics that would meet the basic Project objectives and avoid or substantially lessen a significant effect. The City has determined that alternative locations outside the Sphere of Influence would not be feasible because an expansion of the Sphere of Influence would induce unplanned growth and cause impacts greater than development on the Project site. Furthermore, itIt was found that much of the undeveloped land located to the west of the Project site is located within a 100-, 200-, or 500-year flood plain. The areas within the 200-year flood plain are severely constrained and are not developable until the City of Stockton is able to design, fund, and construct a solution to protect this area from the 200-year flood plain. For these reasons, the City of Stockton determined that there are no feasible alternative locations.

1. NO PROJECT (NO BUILD) ALTERNATIVE:

The **No Project (No Build) Alternative** is discussed on pages 5.0-3, and 5.0-5 through 5.0-11 of the Draft EIR. Under the No Project (No Build) Alternative development of the Project site would not occur, and the Project site would remain in its current existing condition. The Development Area is predominantly comprised of agricultural and undeveloped uses; sheds and associated agricultural equipment exist in the center portion of the site. Additionally, two (2) dirt/gravel roadways bisect the Development Area, including one roadway extending north to south from Eight Mile Road to the southern boundary at Marlette Road, and another extending east to west from West Lane connecting to the dirt/gravel roadway in the center of the Development Area. Irrigation canals, operated by the Woodbridge Irrigation District, run along the northern, eastern, and southern borders of the Development Area, separating existing agricultural uses from the respective roadways. It is noted that the No Project (No Build) Alternative would fail to meet 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, Climate Change and Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services and Recreation, Transportation and Circulation, and Utilities.

While the City recognizes the environmental benefits of the No Project (No Build) Alternative, this alternative would not achieve any of the Project objectives. Specifically, this alternative would not result in: provide residential housing opportunities, with an array of lot sizes and housing types, that are visually attractive and accommodate the future housing demand in Stockton; establish a mixture of Low-, Medium-, and High-

Density Residential project types that collectively provide for local and regional housing and that take advantage of the area's high level of accessibility. Ensure that all housing is designed with architectural form that is visually attractive; provide infrastructure, public facilities, and park space that meets City standards, in a centralized setting that is integrated with existing and planned facilities and connections and increases recreation opportunities for existing and future residents of the City; provide a site that could accommodate a K-8 school if the Lodi Unified School District desires to build a school within the Project site. Alternatively, if the Lodi Unified School District chooses not to build a school within the Project site, ensure that the design alternative would accommodate single-family residential housing consistent with the form and design of surrounding single-family residential units planned within the Project site; to incorporate Woodbridge Irrigation District facilities into the Project design, that maintains their purpose while avoiding any conflicts with future residents; continue open space improvements along Eight Mile Road, like the Destinations Master Plan Project to the west of the Project Site. This includes preservation of a drainage facility and access to an off-street pedestrian path; or establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements that are required to meet City standards, both onsite and offsite. Internal Phases will basically commence from the eastern portion of the Development Area and move west, allowing infrastructure to be advanced to an upcoming phase.

Additionally, this alternative is also potentially economically infeasible 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 residential areas, additional construction employment opportunities or new property tax revenue. Property taxes would not be generated by this alternative as residential 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 all of these foregoing reasons and any one of them individually, the City hereby finds the No Project Alternative is infeasible for specific economic, legal, social, technological, or other considerations and this alternative is rejected. (See CEQA Guidelines Section 15091(a)(3).)

2. REDUCED DENSITY ALTERNATIVE:

The **Reduced Density Alternative** is discussed on pages 5.0-4 and 5.0-11 through 5.0-17 of the Draft EIR. Under the Reduced Density Alternative, the proposed Project would be developed with the same types of residential, open space, and parks and recreational facility uses as described in the Project Description, but the residential unit count would decrease by 25 percent, the amount of proposed, and the on-site open space would decrease by 25 percent. The school site would not be provided under this alternative, and the high-density residential portion of the Project would be removed. The size of the Development Area and Project site would be equal to the Project. The amount of residential units would decrease from 1,411 dwelling units (du) under the proposed

Project to 991 units and the park area would decrease from 12.2 acres to 9.2 acres. Because the density of urban development would decrease, the size of the storm basins would also decrease.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction and/or slight reduction of impacts to Aesthetics and Visual Resources, Air Quality, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hydrology and Water Quality, Land Use and Population, Noise, Transportation and Circulation, and Utilities. The remaining resources areas would have similar impacts to 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, and some objectives would be achieved but to a lesser extent than the Project. The Reduced Density Alternative would meet Project objective 1, because this alternative would provide residential housing opportunities, with an array of lot sizes and housing types, that are visually attractive and accommodate the future housing demand in Stockton. However, due to the reduction in units under the Reduced Density Alternative, this alternative would meet this objective to a lesser extent than the Project. The Reduced Density Alternative would establish a mixture of Low- and Medium-Density Residential project types that collectively provide for local and regional housing and that take advantage of the area's high level of accessibility. However, this alternative only partially meets this objective as high-density residential uses would not be provided. Regarding objective number three, the school site would be eliminated and the park area would decrease from 12.2 acres to 9.2 acres. Because the density of urban development would decrease under this alternative, the size of the storm basins would also decrease under this alternative. This alternative would meet the third objective, but to a lesser extent than the proposed Project due to the reduction in park space, reduced storm basins, and eliminated school site. Because a school site would not be provided, this alternative would also not meet the fourth objective. Further, the Reduced Density Alternative would include open space improvements, preservation of drainage facilities, and pedestrian paths. However, this alternative would reduce the amount of open space by 25 percent; as such, this alternative would not meet this objective to the same extent as the Project.

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 same number of new residential opportunities, local construction jobs, or property tax revenue generation for the City of Stockton (reduced by one-half). For these reasons, this alternative is rejected.

For all of these foregoing reasons and any one of them individually, the City hereby finds the Reduced Density Alternative is infeasible for specific economic, legal, social, technological, or other considerations and this alternative is rejected. (See CEQA Guidelines Section 15091(a)(3).)

3. AGRICULTURE PROTECTION ALTERNATIVE:

The **Agriculture Protection Alternative** is discussed on pages 5.0-4 and 5.0-18 through 5.0-24 of the Draft EIR. Under the Agriculture Protection Alternative, the proposed Project would be developed in such a way to protect some of the on-site Important Farmland by reducing the overall footprint of the developed areas. The reasoning behind this alternative is to present an alternative to protect some of the agricultural land on the Project site. Development of the proposed Project would result in the permanent conversion of 23.12 acres of Prime Farmland, 217.79 acres of Farmland of Statewide Importance.

Under the Agriculture Protection Alternative, the total Project area would decrease from 306.03 acres under the proposed Project to 229.7 acres. The Development Area would decrease from 236.30 acres under the proposed Project to 177.25 acres. The remaining 76.6 acres outside of the Agriculture Protection Alternative area would remain in their current condition (agricultural and open space uses). The 76.6 acres, which would not be included in the development area for this alternative, would be in the eastern portion of the site. The area outside of the Development Area but within the Project site would be annexed to the City as part of this Alternative.

Under this alternative, the proposed Project would be developed with the same components as described in the Project Description, but the density of the residential areas would be increased to maintain the number of residential units proposed while also reducing the development footprint. The 9.5-acre high density residential area with 194 units would be the same size as the proposed Project but with 250 units, the 113.6-acre medium density residential area with 796 units would be decreased to 93.25 acres with 875 units, the 78.0-acre low density residential area with 421 units would be decreased to 42.0 acres with 300 units, the parks and recreation acreage would decrease from 12.2 to 10.0 acres, and the storm basin area would decrease from 4.5 to 4.0 acre. The open space acreage would be equal to the Project.

Table 5.0-1 in Chapter 5.0 of the Draft EIR summarizes the Agriculture Protection Alternative acreages and units compared to the Project.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics and Visual Resources, Agricultural Resources, Biological Resources, Cultural and Tribal Resources, and Hydrology and Water Quality. The remaining resources areas would have equal or similar impacts to the Project.

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, and some objectives would be achieved but to a lesser extent than

the Project. For example, under this alternative, parks and recreation acreage would decrease from 12.2 to 10.0 acres, and the storm basin area would decrease from 4.5 to 4.0 acre. The open space acreage under this alternative would be equal to the proposed Project. Because the amount of park and open space uses would be reduced compared to the proposed Project, the Agriculture Protection Alternative would meet the third objective but to a lesser extent than the Project. Additionally, this alternative would not meet the fourth objective because a school site would not be provided. On balance, the minor 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.

This alternative is also potentially economically infeasible due to the elimination of approximately 76 acres of the Project site. This landowner, or landowners, would be left with fully or partially undeveloped parcels. Additionally, the increased building heights developed under this alternative to accommodate the increased residential densities would likely substantially increase construction costs. For all of these foregoing reasons and any one of them individually, the City hereby finds the Agricultural Protection Alternative is infeasible for specific economic, legal, social, technological, or other considerations and this alternative is rejected. (See CEQA Guidelines Section 15091(a)(3).)

4. 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. Identification of the environmentally superior alternative is an informational procedure, and the alternative selected may not be the alternative that best meets the Project Objectives.

As shown on Table 5.0-2 of the Draft EIR (on page 5.0-24), a comparison of alternatives is presented. The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Reduced Density Alternative and Agriculture Protection Alternative both rank higher than the proposed Project. The Reduced Density Alternative would have equal impacts in five (5) areas, slightly less impacts in five (5) areas, and less impacts in nine (9) areas. The Agriculture Protection Alternative would have equal impacts in nine (9) areas and less impacts in five (5) areas. Therefore, the Reduced Density Alternative would be the next environmentally superior alternative. It is noted that neither the Agriculture Protection Alternative nor the Reduced Density Alternative fully meet all the Project objectives.

But for the reasons provided above, this alternative is determined to be infeasible and rejected.

VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE LEBARON RANCH 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 may 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 3.2-2: The proposed Project would conflict with existing zoning for agricultural use, or Williamson Act contracts.
- Impact 3.3-1: Project operation has the potential to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, or conflict or obstruct implementation of the District's air quality plan.
- Impact 3.13-1: Project implementation would conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
- Impact 4.2: Cumulative Degradation of the Existing Visual Character of the Region.
- Impact 4.4: Cumulative Impact on Agricultural Resources.
- Impact 4.5: Cumulative Impact on the Region's Air Quality.
- Impact 4.18: Under Cumulative conditions, the proposed Project would conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Section 15093(b) of the CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions. See also Public Resources Code Section 21081(b). CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." (CEQA Guidelines § 15093.)

The discussion below identifies the reasons why, in the City's judgment, specific benefits of the proposed Project outweigh the significant and unavoidable effects. The City finds that each of the proposed Project's benefits discussed below is a separate and independent overriding consideration warranting approval of the proposed Project, independent of the other benefits, despite each and every unavoidable impact. The reasons set forth below are based on the EIR and information contained in the administrative record for the proposed Project.

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 has been designated with land uses that are intended to generate jobs and tax revenue for the City, while providing recreational facilities, a possible school site, and housing opportunities. Implementation of the propose Project would provide construction job growth and potentially school-related job growth to the area. It is anticipated that local employment would be increased to provide administrative, management, and other school service jobs. 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 depend on whether the proposed school site is developed.

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. Further, the Project would provide public facilities, including a school site for the school district, parks and recreational facilities, and bicycle/pedestrian facilities.

When compared to the alternatives analyzed in the EIR (including the No Project Alternative), the proposed Project provides the best available balance between maximizing attainment of the project objectives and minimizing significant environmental impacts.

Based on the entire record and the EIR, the legal, technical, 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.