

# NORCAL LOGISTICS CENTER

CEQA Findings and Statement of Overriding Considerations  
(Project File No. P12-110)

Prepared for  
City of Stockton  
Community Development Department

February 2015





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# **NORCAL LOGISTICS CENTER**

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## **CEQA Findings and Statement of Overriding Considerations**

### **Introduction**

On behalf of the City of Stockton (the "City"), and pursuant to the California Environmental Quality Act ("CEQA"), a Final Environmental Impact Report (Final EIR) has been prepared for the NorCal Logistics Center Project and other related approvals described below (collectively, the proposed project).

The City is the lead agency as defined in the CEQA Guidelines. (Public Resource Code §21067). The "Final EIR" for the proposed project (SCH#2012102061) evaluates the environmental effects associated with implementation of the proposed project. The Final EIR serves as an informational document for public agency decision-makers and the general public regarding the environmental effects of the proposed project and identifies feasible mitigation measures and alternatives that would reduce or eliminate significant impacts of the proposed project.

The Final EIR is the primary reference document for the development and implementation of a mitigation monitoring plan for the proposed project. Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with the CEQA Guidelines (Cal. Code Regs., tit. 14, section 15000 et seq.), if a lead agency approves a project that has significant impacts that are not substantially mitigated (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons for approving the project based on the final CEQA documents and any other information in the public record for the project. (CEQA Guidelines, section 15093, subd. (b).) This is referred to as a "statement of overriding considerations". (CEQA Guidelines, Section 15093.)

To support its certification of the Final EIR and approval of the proposed project, the City of Stockton's Review Authority (the "Review Authority") makes the following findings of fact and statements of overriding considerations (collectively, the "Findings"). These Findings contain the Review Authority written analysis and conclusions regarding the proposed project's environmental effects, mitigation measures, alternatives to the proposed project, and the overriding considerations which, in the Review Authority's view, justify the approval of the proposed project despite its potential environmental effects. These Findings are based upon the entire record of proceedings for the Final EIR, as described below.

## Summary of the Proposed Project

The applicant, Arch Road L.P., proposes to further subdivide approximately 325 acres (“project site”) of its 495-acre property. The project site is comprised on two non-adjacent portions: an approximately 50-acre southern portion (at the southern end of the property) adjacent to Arch Road and an approximately 275-acre northern portion (at the north end of the property) adjacent to Mariposa Road. The entirety of applicant’s property is presently zoned for the development of industrial uses, “as of right,” (meaning only ministerial building permits remain) within the City of Stockton (City). The proposed subdivision will not enlarge nor change the industrial development already allowed on the property. Therefore, the “project” consists of simply further subdividing the northern and southern portions of the project site: (i) the approximately 50-acre southern portion located along Arch Road would be subdivided into 6 new lots (total) (this parcel is 56 gross acres, however 6 acres are setback for Weber Slough and will be avoided by the project); and (ii) the approximately 275-acre northern portion located along Mariposa Road would be subdivided into 15 new lots (total). These two separate portions will involve two separate Vesting Tentative Maps (pursuant to Government Code section 66498.1, et seq), processed with the City under the Subdivision Map Act and local City Subdivision Ordinance. The Vesting Tentative Map for the southern portion of the project site adjacent to Arch Road is referred to as VTM 1. Again, VTM 1 is comprised of approximately 50 acres and will involve the creation of 6 new lots. The Vesting Tentative Map for the northern portion of the project site adjacent to Mariposa Road is referred to as VTM 2. Again, VTM 2 is comprised of approximately 275 acres and proposes the creation of 15 new lots.

The Environmental Impact Report (EIR) will analyze the collective development of both VTM 1 and VTM 2. The lots resulting from VTM 1 and VTM 2 will allow greater user flexibility (ownership of the land versus leasing of the land), although the creation of these new lots on the project site will not change the Industrial uses allowed, nor the density or intensity of that Industrial use. The project will be phased to ensure the orderly development and timed implementation of on-site and off-site improvements required to serve the development.

Based on the net-acreage of 263 acres for the northern portion and 45 acres for the southern portion and a floor-area-ratio of up to 0.50 (below the allowable floor-area-ratio of 0.60 under the General Plan land use designation), up to 6,280,480 square feet of light industrial uses could be constructed on the new lots (southern and northern portions combined). This is no greater amount of development that could occur in the absence of the proposed subdivision map and lot creation. The project site is served by existing public utilities, which would be extended to the new lots. The proposed project includes internal circulation improvements, including a new connection to Mariposa Road.

## Project Approvals

The proposed project is considered a discretionary project and will require several approvals by the City:

- **Subdivision Maps.** The creation of lots on the project site would require the approval of vesting tentative subdivision map(s) and final subdivision maps.

Other ministerial permits and approvals required for the project by the City may include:

- Building Permit(s);
- Architectural Design Review;
- Encroachment Permits for work within City right-of-way;
- Grading Permit;
- Heritage Tree Permit;
- Fire Department Permit; and
- Approval of utility master plans (e.g., water, wastewater, and drainage) and review for compliance with the City's Storm Water Quality Control Criteria Plan (SWQCCP) by the Stockton Municipal Utilities Department.

The Planning Commission is the Review Authority and will make the final decision on the proposed project, unless the Planning Commission's decision is appealed then the decision would reside with the City Council.

## Procedural Compliance with CEQA

### Environmental Review and Public Participation

The Draft EIR (State Clearinghouse #2012102061) was circulated for public review on September 8, 2014 to October 23, 2014 (45-day public review period). The Final EIR has been prepared for the City in accordance with CEQA and the CEQA Guidelines. As allowed for in CEQA Guidelines § 15084(d) (2), the City retained a consultant to assist with the preparation of the environmental documents. The City, as the lead agency, has directed preparation of the EIR, reviewed all material prepared by the consultant, and such material reflects the City's independent judgment. The key milestones associated with the preparation of the EIR are summarized below. In addition, an extensive public involvement and agency notification effort was conducted to solicit input on the scope and content of the EIR and to solicit comments on the results of the environmental analysis presented in the Draft EIR. In general, the preparation of the EIR included the following key steps and public notification efforts:

- **The 2012 Notice of Preparation (NOP).** The City formally initiated the environmental process with circulation of an NOP, which was sent to responsible agencies and interested individuals for a 30-day review period from October 31, 2012 to December 3, 2012. An

initial study was included as part of the NOP, which identified the likely potential environmental impacts that should be studied in the EIR. The NOP was posted in the Stockton Record, a newspaper of general circulation, and with the Clerk Recorder of the County of San Joaquin. The City also held a Scoping Meeting on November 14, 2012 to take comments regarding the scope of the EIR. The NOP and a summary of the comments received during the 30-day review period are provided in the Draft EIR (see Draft EIR, Appendix A).

- **The 2014 Draft EIR.** In September 2014, the City published the Draft EIR. The 2014 Draft EIR assessed the environmental implications of implementing the proposed project. The Draft EIR was circulated for public review and comment for 45 days (September 8, 2014 through October 23, 2014).
- **The 2015 proposed Final EIR.** A total of 8 comment letters were received on the Draft EIR during the public review period from September 8, 2014 to October 23, 2014. All 8 comment letters received on the Draft EIR were from governmental agencies. City staff published a Final EIR on February 11, 2015, which included: a list of persons, organizations, and public agencies commenting on the Draft EIR; the City's written responses to all significant environmental points raised in the comments; changes to the text of the Draft EIR made in response to comments; and other revisions and clarifications.
- **2015 Planning Commission Recommendations.** The Final EIR was reviewed and approved by the Planning Commission in a duly noticed public hearing held on February 26, 2015 to certify the proposed Final EIR.

## Record of Proceedings

For the purposes of CEQA, and these findings, the administrative record for the proposed project consists of those items listed in Public Resources Code section 21167.6, subdivision (e). The record of proceedings for the Planning Commission's decision on the proposed project includes the following documents:

- The City prepared an initial study for the proposed project in September/October 2012, for the purpose of considering the effects of the project within the context of the City's existing General Plan;
- The NOP (October 2012) and all other public notices issued by the City in conjunction with the proposed project;
- The Draft EIR for The Norcal Logistics Center Project (dated September 2014);
- All comments submitted by agencies or members of the public during the 45-day comment period on the Draft EIR (September 8, 2014 through October 23, 2014);
- All comments and correspondence submitted to the City with respect to the proposed project, in addition to timely comments on the Draft EIR;
- The Final EIR for The Norcal Logistics Center Project, including comments received on the Draft EIR and responses to those comments;
- The mitigation monitoring plan for the proposed project;

- All findings and resolutions adopted by the City Planning Commission in connection with the proposed project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the proposed project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the proposed project;
- All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the proposed project, up through the close of the public hearing on the Final EIR;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the proposed project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
- All resolutions adopted by the City regarding the proposed project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The official custodian of the record is the City of Stockton Community Development Department. The documents and other materials, which constitute the record of proceedings for the City's approval of this project are located at the City of Stockton, Community Development Department, 345 N. El Dorado Street, Stockton, CA 95202.

## Mitigation Monitoring and Reporting Programs

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed project, and has been approved by the City Planning Commission by the same resolution that has adopted these findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The City will use the MMRP to track compliance with the proposed project mitigation measures. The MMRP is included as Appendix B of the Draft EIR and as Chapter 4 of the Final EIR.

## Environmental Impacts and Findings

The Planning Commission finds, with respect to the City's preparation, review and consideration of the Final EIR, that:

- The City retained the independent firm of Environmental Science Associates ("ESA") to prepare the Final EIR and ESA prepared this document under the supervision and at the direction of the City of Stockton Community Development Department.

- The City circulated the Draft EIR for review by responsible agencies and the public and submitted it to the State Clearinghouse for review and comment by state agencies.
- The Final EIR has been completed in compliance with CEQA.
- The proposed project will have significant, unavoidable impacts as described and discussed in the Final EIR.
- The Final EIR is adequate under CEQA to address the potential environmental impacts of the proposed project.
- The Final EIR has been presented to the Planning Commission and the Planning Commission has independently reviewed and considered information contained in the Final EIR.
- The Final EIR reflects the independent judgment of the City.

By these Findings, the Planning Commission ratifies, adopts and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the Final EIR, except as specifically described in these Findings.

## Findings Regarding Less-Than-Significant Impacts

By these Findings, the Planning Commission ratifies and adopts the Final EIR's conclusions for the following potential environmental impacts which, based on the analyses in the Final EIR, this City Planning Commission determines to be *less than significant*:

### Aesthetics (Draft EIR, Section 3.1)

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*Impact 3.1.1: Implementation of the project does not have the potential to adversely impact a scenic vista.*

---

No mitigation is required. The impact is considered *less-than-significant*.

---

*Impact 3.1.2: Implementation of the project would not substantially damage scenic resources within a state scenic highway.*

---

No mitigation is required. **No Impact.**

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*Impact 3.1.3: Implementation of the project has the potential to substantially degrade the existing visual character or quality of the site and its surroundings.*

---

No mitigation is required. The impact is considered *less-than-significant*.

## **Agricultural Resources (Draft EIR, Section 3.2)**

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*Impact 3.2.2: Industrial activities could result in offsite impacts to adjacent agricultural lands.*

---

No mitigation is required. The impact is considered *less-than-significant*.

## **Air Quality (Draft EIR, Section 3.3)**

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*Impact 3.3.3: Construction and/or operation of the project would not expose sensitive receptors to substantial pollutant concentrations.*

---

No mitigation is required. The impact is considered *less-than-significant*.

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*Impact 3.3.4: Operation of the project would not create objectionable odors affecting a substantial number of people.*

---

No mitigation is required. The impact is considered *less-than-significant*.

## **Biological Resources (Draft EIR, Section 3.4)**

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*Impact 3.4.2: The project would not have an adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS.*

---

No mitigation is required. **No Impact.**

---

*Impact 3.4.3: The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal) through direct removal, filling, hydrological interruption, or other means.*

---

No mitigation is required. **No Impact.**

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*Impact 3.4.4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.*

---

No mitigation is required. **No Impact.**

---

*Impact 3.4.5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*

---

No mitigation is required. **No Impact.**

---

*Impact 3.4.6: The project could conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.*

---

No mitigation is required. The impact is considered *less-than-significant*.

---

*Impact 3.4.7: The project could contribute to a significant cumulative impact to wildlife habitat.*

---

No mitigation is required. The impact is considered *less-than-significant*.

## **Cultural Resources (Draft EIR, Section 3.5)**

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*Impact 3.5.1: The project may adversely affect historic architectural resources.*

---

No mitigation is required. **No Impact.**

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## Geology, Soils, and Seismicity (Draft EIR, Section 3.7)

---

***Impact 3.7.1: Implementation of the proposed project could expose people or structures to 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, including liquefaction; and landslides.***

---

No mitigation is required. The impact is considered *less-than-significant*.

---

***Impact 3.7.2: Construction of the proposed project could result in substantial soil erosion or the loss of topsoil.***

---

No mitigation is required. The impact is considered *less-than-significant*.

---

***Impact 3.7.3: The proposed project could be located on a geologic unit or soil that is unstable, or that could become unstable as a result of the proposed project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.***

---

No mitigation is required. The impact is considered *less-than-significant*.

## Hazards and Hazardous Materials (Draft EIR, Section 3.8)

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***Impact 3.8.1: Implementation of the proposed project has the potential for existing and/or previously unidentified contamination to be encountered during project site preparation, construction activities, and mining activities.***

---

No mitigation is required. The impact is considered *less-than-significant*.

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***Impact 3.8.2: Implementation of the proposed project may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.***

---

No mitigation is required. The impact is considered *less-than-significant*.

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***Impact 3.8.3: Implementation of the proposed project will be located within an airport land use plan and would not result in a safety hazard for people residing or working in the project area.***

---

No mitigation is required. The impact is considered *less-than-significant*.

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***Impact 3.8.4: The proposed project would not interfere with or impair any adopted emergency response plan or emergency evacuation plan.***

---

No mitigation is required. The impact is considered *less-than-significant*.

---

***Impact 3.8.5: Construction and operation of the proposed project may expose people or structures to a significant risk of loss or injury involving wildland fires.***

---

No mitigation is required. The impact is considered *less-than-significant*.

## **Hydrology and Water Quality (Draft EIR, Section 3.9)**

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***Impact 3.9.2: Implementation of the proposed project could substantially deplete groundwater via increased withdrawal or substantial interference with groundwater recharge.***

---

No mitigation is required. The impact is considered *less-than-significant*.

---

***Impact 3.9.3: Implementation of the proposed project would result in increased drainage flows as a result of the introduction of impervious surfaces. Additional runoff generated by the proposed project could exceed the capacity of on- and off-site drainage systems, create localized flooding, and contribute to flooding in down-gradient locations.***

---

No mitigation is required. The impact is considered *less-than-significant*.

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***Impact 3.9.4: According to current flood hazard maps (2002) prepared by FEMA, the project site is located inside the 100-year flood zone.***

---

No mitigation is required. The impact is considered *less-than-significant*.

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***Impact 3.9.5: The project would not result in the increased exposure of people or structures to risks associated with inundation by seiche, tsunami, or mudflow.***

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No mitigation is required. The impact is considered *less-than-significant*.

### **Land Use (Draft EIR, Section 3.10)**

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***Impact 3.10.1: The proposed project will not physically divide an established community.***

---

No mitigation is required. **No Impact.**

### **Noise and Acoustics (Draft EIR, Section 3.11)**

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***Impact 3.11.3: Project construction could expose persons to or generate excessive ground-borne vibration or ground-borne noise levels.***

---

No mitigation is required. The impact is considered *less-than-significant*.

---

***Impact 3.11.4: The project, located within two miles of a public airport or private airstrip, could expose people residing or working in the project area to excessive noise.***

---

No mitigation is required. The impact is considered *less-than-significant*.

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***Impact 3.11.5: Increases in traffic from the project in combination with other development could result in cumulative noise increases.***

---

No mitigation is required. The impact is considered *less-than-significant*.

### **Public Services, Utilities, and Recreation (Draft EIR, Section 3.12)**

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*Impact 3.12.1: Implementation of the project may increase the need for additional law enforcement and fire protection services from the local police and fire departments.*

---

No mitigation is required. The impact is considered *less-than-significant*.

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*Impact 3.12.2: Implementation of the project may result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.*

---

No mitigation is required. The impact is considered *less-than-significant*.

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*Impact 3.12.3: Implementation of the project may impact water supplies.*

---

No mitigation is required. The impact is considered *less-than-significant*.

---

*Impact 3.12.4: The proposed project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.*

---

No mitigation is required. The impact is considered *less-than-significant*.

---

*Impact 3.12.5: Implementation of the project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.*

---

No mitigation is required. **No Impact.**

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***Impact 3.12.6: Implementation of the proposed project would not exceed existing gas and electric supply or result in wasteful, inefficient, or unnecessary consumption of energy.***

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No mitigation is required. The impact is considered *less-than-significant*.

### **Traffic and Circulation (Draft EIR, Section 3.13)**

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***Impact 3.13.7: General Plan Buildout Project traffic would not result in impacts to study area roadway segments.***

---

No mitigation is required. The impact is considered *less-than-significant*.

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***Impact 3.13.8: The project would not conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads and highways.***

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No mitigation is required. The impact is considered *less-than-significant*.

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***Impact 3.13.10: The project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.***

---

No mitigation is required. The impact is considered *less-than-significant*.

## **Findings Regarding Significant Environmental Impacts**

A detailed analysis of the potential environmental impacts and the proposed mitigation measures for the proposed project is described in Chapter 3 “Environmental Setting, Impacts, and Mitigation Measures” of the Draft EIR, as incorporated into the Final EIR. The Draft EIR evaluated the proposed project's potential environmental impacts in thirteen (13) separate environmental topics, and also evaluated the proposed project's potential cumulative impacts. The Planning Commission concurs with the conclusions in the Draft EIR, as incorporated into the Final EIR, that: (i) the majority of the proposed project's significant and potentially significant impacts will be rendered less than significant by the mitigation measures described and discussed below; and (ii) for those impacts that will not be rendered less than significant by such mitigation measures, there are overriding considerations that make those impacts acceptable to the City.

## Aesthetics (Draft EIR Section 3.1)

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*Impact 3.1.4: Implementation of the project has the potential to create new sources of substantial light or glare which could adversely affect day or nighttime views in the area.*

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**Potential Impact:** The impact identified above is described on page 3.1-9 of the Draft EIR.

**Mitigation Measure 3.1.1“Outdoor Lighting Requirements”** (see page 3.1-9 of the Draft EIR) is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measure 3.1.1** requires the project applicant to insure all proposed outdoor lighting meets applicable city standards regulating outdoor lighting in order to minimize any impacts resulting from outdoor lighting on adjacent properties. Lighting and glare guidelines provided in the City of Stockton’s Municipal Codes for Design and Development require that all light sources be shielded and directed downwards so as to minimize trespass light and glare to adjacent residences. Additionally, all outdoor lighting sources of 1,000 lumens or greater shall be fully shielded. These standards shall be included in the project conditions. With implementation of these outdoor lighting conditions, this light and glare impact is considered *less-than-significant*.

## Agricultural Resources (Draft EIR Section 3.1)

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*Impact 3.2.1: Implementation of the proposed project would result in the permanent conversion of land designated by the Department of Conservation FMMP as Prime Farmland, Farmland of Statewide Importance or Unique Farmland.*

---

**Potential Impact:** The impact identified above is described on pages 3.2-8 and 3.2-9 of the Draft EIR. As more fully described in the Draft EIR, the project site and surrounding area is currently under varying degrees of development, with surrounding lands to the west developed with industrial uses. However, lands within the proposed project area are currently designated by the Department of Conservation as Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance. The City of Stockton’s updated General Plan designates the project area for Industrial uses, with significant unavoidable environmental impacts resulting from conversion of agricultural land in the project site addressed in the General Plan EIR. Nevertheless, implementation of the proposed project would result in the direct and permanent

conversion of approximately 166± acres of land (updated in Final EIR, see page 2-3) currently designated as important farmland to a nonagricultural use.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

- **Measure 3.2.1: Compensate for Loss of Agricultural Lands.** The applicant will be subject to the City’s Agricultural Land Mitigation Program fees. The Agricultural Land Mitigation Program applies to all projects under the jurisdiction of the City of Stockton that would result in the conversion of agricultural land to a non-agricultural use, including residential, commercial, and industrial development. The purpose of the Agricultural Land Mitigation Program is to mitigate for the loss of agricultural land in the City of Stockton through conversion to private urban uses, including residential, commercial and industrial development.

Mitigation Measure 3.2.1 requires the project applicant to insure compliance with the City’s Agricultural Land Mitigation Program, which includes the funding of conservation easements and fee title acquisition of conservation lands determined to be of statewide significance, or sensitive and necessary for the preservation of agricultural land. However, as more fully described in the Draft EIR, even with implementation of all feasible measures from Mitigation Measure 3.2.1, implementation of the proposed project will still result in a net loss of important farmland. Therefore, for the reasons set forth above and as more fully described in the Draft EIR, Impact 3.2.1 will remain significant even with mitigation.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that:

**Effects of Mitigation:** As described above, although implementation of Mitigation Measure 3.2.1 would reduce the impacts identified above, the loss of agricultural land would still remain significant even with mitigation. Consequently, because there are no additional feasible measures available to further mitigate this significant impact, it is considered *significant and unavoidable*.

**Overriding Considerations:** The environmental, economic, social and other benefits of the proposed project override any remaining significant adverse impacts of the proposed project to agricultural resources (including important farmlands), as set forth in the Statement of Overriding Considerations below.

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***Impact 3.2.3: Implementation of the proposed project would contribute to the cumulative conversion of land in San Joaquin County designated by the Department of Conservation FMMP as Prime Farmland, Farmland of Statewide Importance or Unique Farmland.***

---

**Potential Impact:** The impact identified above is described on pages 3.2-9 and 3.2-10 of the Draft EIR. As more fully described in the Draft EIR, implementation of the proposed project would result in the direct and permanent conversion of approximately 166± acres of land (updated in Final EIR, see page 2-3) currently designated as important farmland to a nonagricultural use.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

- **Measure 3.2.1: Compensate for Loss of Agricultural Lands.** The applicant will be subject to the City's Agricultural Land Mitigation Program fees. The Agricultural Land Mitigation Program applies to all projects under the jurisdiction of the City of Stockton that would result in the conversion of agricultural land to a non-agricultural use, including residential, commercial, and industrial development. The purpose of the Agricultural Land Mitigation Program is to mitigate for the loss of agricultural land in the City of Stockton through conversion to private urban uses, including residential, commercial and industrial development.

Mitigation Measure 3.2.1 requires the project applicant to insure compliance with the City's Agricultural Land Mitigation Program, which seeks to reduce the cumulative effects of important farmland conversion through the acquisition of equivalent farmland resources. However, as more fully described in the Draft EIR, even with implementation of all feasible measures from Mitigation Measure 3.2.1, implementation of the proposed project will still result in the cumulative loss of important farmland. Therefore, for the reasons set forth above and as more fully described in the Draft EIR, Impact 3.2.3 will remain significant even with mitigation.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that:

**Effects of Mitigation:** As described above, although implementation of Mitigation Measure 3.2.1 would reduce the impacts identified above, the loss of agricultural land would still remain significant even with mitigation. Consequently, because there are no additional feasible measures available to further mitigate this significant cumulative impact, it is considered *significant and unavoidable*.

**Overriding Considerations:** The environmental, economic, social and other benefits of the proposed project override any remaining significant adverse impacts of the proposed project to agricultural resources (including important farmlands), as set forth in the Statement of Overriding Considerations below.

## Air Quality (Draft EIR, Section 3.3)

*Impact 3.3.1: Construction of the project would generate emissions of criteria air pollutants that could contribute to existing nonattainment conditions and degrade air quality.*

**Potential Impact:** The impact identified above is described on pages 3.3-13 to 3.3-16 of the Draft EIR. As more fully described in the Draft EIR, construction related emissions arise from a variety of activities including (1) grading, excavation, and other earth moving activities; (2) travel by construction equipment and employee vehicles, especially on unpaved surfaces; (3) exhaust from construction equipment; (4) architectural coatings; and (5) asphalt paving. The estimated emissions from construction during the years 2015 through 2017 would result in significant ROG and NOx emissions.

**Mitigation Measure:** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

- **Measure 3.3.1a: Implement Dust Control Measures during Construction Activities.** The applicant shall comply with Regulation VIII Rule 8011 and implement the following dust control measures during construction:
  - The applicant shall submit a Dust Control Plan subject to review and approval of the SJVAPCD at least 30 days prior to the start of any construction activity on a site that includes 40 acres or more of disturbed surface area.

Specific control measures for construction, excavation, extraction, and other earthmoving activities required by the Valley Air District include:

- 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, covered with a tarp or other suitable cover or vegetative ground cover in order to comply with Regulation VIII's 20 percent opacity limitation.
- All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- When materials are transported offsite, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. However, the use of blower devices is expressly forbidden, and the use of dry rotary brushes is

expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.

- 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.
- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

Enhanced and additional control measures for construction emissions of PM10 shall be implemented where feasible. These measures include:

- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
- Install wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds exceed 20 mph.
- Limit area subject to excavation, grading, and other construction activity at any one time.

- **Measure 3.3.1b: Implement Construction-Related Exhaust Emission Reducing Measures.** The applicant shall implement control measures during construction to mitigate exhaust emissions from construction equipment.
  - Contractor shall keep all diesel equipment tuned and maintained.
  - Use alternative fueled or catalyst equipped diesel construction equipment where feasible.
  - Minimize idling time to a maximum of 5 minutes.
  - Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), where feasible.
  - Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.
  - Implement activity management, such as rescheduling activities to reduce short-term impacts and limiting the hours of operation of heavy duty equipment and/or the amount of equipment in use.
- **Measure 3.3.1c: Implement Construction-Related Exhaust Emission Reducing Measures Consistent with Rule 9510 Indirect Source Review.** As part of future site development, the applicant shall comply with Rule 9510 Indirect Source Review. Compliance with Rule 9510 would require reductions of 20% of the NOx construction emissions and 45% of the PM10 construction exhaust emissions. If onsite (construction fleet) reductions are insufficient to meet these reduction targets, the applicant shall pay

mitigation fees of \$9,350/ton for NOx emissions for year 2008 and beyond, and \$9,011/ton for PM10 emissions for year 2008 and beyond.

Implementation of the above mitigation measures (Mitigation Measures 3.3.1a through 3.3.1c) would ensure that fugitive dust emissions from construction would be *less-than-significant*. NOx emissions would be substantially reduced, but not to a less-than-significant level (a 20% reduction would reduce the ROG impact to less than significant for estimated year 2017, but not for 2015 and 2016). The payment of SJVAPCD mitigation fees may not provide the demonstrable off-site reductions necessary to avoid the impact. ROG emissions would be reduced by the measures described above, but not to a less-than-significant level. Therefore, construction air quality impacts (ROG and NOx emissions) identified under Impact 3.3.1 would remain significant even with mitigation.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that:

**Effects of Mitigation:** As described above, although implementation of Mitigation Measures 3.3.1a through 3.3.1c would reduce the fugitive dust impacts identified above, construction air quality impacts (ROG and NOx emissions) would remain significant even with mitigation. Consequently, because there are no additional feasible measures available to further mitigate this significant impact, it is considered *significant and unavoidable*.

**Overriding Considerations:** The environmental, economic, social and other benefits of the proposed project override any remaining significant adverse impacts of the proposed project to air quality, as set forth in the Statement of Overriding Considerations below.

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***Impact 3.3.2: Operation of the project would generate emissions of criteria air pollutants that could contribute to existing nonattainment conditions and degrade air quality.***

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**Potential Impact:** The impact identified above is described on pages 3.3-16 to 3.3-18 of the Draft EIR. As more fully described in the Draft EIR, the proposed project would result in an increase in operation-related emissions primarily due to motor vehicle trips generated by commercial activity on the site, with onsite stationary/area sources resulting in lesser quantities of criteria pollutant emissions. Based on the estimates shown in Table 3.3-5 of the Draft EIR, estimated build out operational emissions would result in potentially significant ROG, NOx and PM10 emissions.

**Mitigation Measure:** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

- **Measure 3.3.2a: Implement Operation-Related Exhaust Emission Reducing Measures Consistent with Rule 9510 Indirect Source Review.** As part of future site development,

the applicant shall comply with Rule 9510 Indirect Source Review. Compliance with Rule 9510 will require reductions of 33.3% of the NOx operational emissions and 50% of the PM10 operational emissions. These reductions shall be accomplished through onsite and offsite measures, and/or through the payment of mitigation fees of \$9,350/ton for NOx emissions for year 2008 and beyond, and \$9,011/ton for PM10 emissions for year 2008 and beyond.

- **Measure 3.3.2b: Interior and Exterior Coatings.** As part of future site development, the applicant shall require the use of low VOC paints for interior and exterior coatings.
- **Measure 3.6.2: Implement Operation-Related GHG Reduction and Energy Efficiency Measures.** The applicant shall require implementation of all feasible energy efficiency and GHG reduction measures during operations, including but not limited to the following:
  - On-site Mitigation;
  - Exceed Title 24 (15% improvement);
  - Install high-efficiency lighting (25% lighting energy reduction);
  - Install low-flow bathroom faucets (32% reduction in flow);
  - Install low-flow kitchen faucets (18% reduction in flow);
  - Install low-flow toilets (20% reduction in flow);
  - Install low-flow showers (20% reduction in flow);
  - Use water-efficient irrigation systems (6.1% reduction in flow); and
  - Institute recycling and composting services (50% reduction in waste disposed).

Implementation of the above mitigation measures (Mitigation Measures 3.3.2a, 3.3.2b, and 3.6.2) would substantially reduce NOx and PM10 emissions, but not to a less-than-significant level. The payment of SJVAPCD mitigation fees may not provide the demonstrable off-site reductions necessary to avoid the impact. Operational air quality, impacts, including NOx, PM10, and ROG emissions (as described under Impact 3.3.2) would remain significant even with mitigation.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that:

**Effects of Mitigation:** As described above, although implementation of Mitigation Measures 3.3.2a, 3.3.2b, and 3.6.2 would substantially reduce NOx and PM10 emissions, operation-related air quality impacts (ROG, NOx, and PM10 emissions) would remain significant even with mitigation. Consequently, because there are no additional feasible measures available to further mitigate these significant impacts, they are considered *significant and unavoidable*.

**Overriding Considerations:** The environmental, economic, social and other benefits of the proposed project override any remaining significant adverse impacts of the proposed project to air quality, as set forth in the Statement of Overriding Considerations below.

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***Impact 3.3.5: Construction and operation of the project could result in cumulatively considerable increases of criteria pollutant emissions.***

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**Potential Impact:** The impact identified above is described on pages 3.3-19 and 3.3-20 of the Draft EIR. As more fully described in the Draft EIR, construction and operational emissions from the proposed project would result in the generation of air pollutants in the project area and in the immediate vicinity, and would incrementally add to cumulative emissions. The proposed project would also add to ozone precursor emissions on a regional basis and would incrementally add to PM10 and CO emissions on a local basis. Consequently, the proposed project would result in criteria pollutant emissions that would be cumulatively considerable without mitigation.

**Mitigation Measure:** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

- **Mitigation Measures 3.3.1a-c, 3.3.2a-c, and 3.6.2**, as more fully described above.

Mitigation Measures 3.3.1a-c, 3.3.2a-c, and 3.6.2 would require the project applicant to implement a variety of construction and operation-related measures designed to reduce air quality emissions. However, as more fully described in the Draft EIR, even with implementation of all feasible mitigation measures, construction and operational emissions would result in the generation of air pollutants that would incrementally add to cumulative emissions within an air basin that remains “nonattainment” for ozone, PM10, and PM2.5. The proposed project would add to ozone precursor emissions on a regional basis and would incrementally add to PM10 and CO emissions on a local basis. Therefore, for the various reasons set forth above and as more fully described in the Draft EIR, Impact 3.3.5 will remain significant even with mitigation.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that:

**Effects of Mitigation:** As described above, although implementation of Mitigation Measures 3.3.1a-c, 3.3.2a-c, and 3.6.2 would reduce the impacts identified above, criteria pollutant emissions would still remain significant even with mitigation. Consequently, because there are no additional feasible measures available to further mitigate these significant impacts, they are considered ***significant and unavoidable***.

**Overriding Considerations:** The environmental, economic, social and other benefits of the proposed project override any remaining significant adverse impacts of the proposed project to cumulative air quality, as set forth in the Statement of Overriding Considerations below.

## Biological Resources (Draft EIR Section 3.4)

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*Impact 3.4.1: The project could have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawks and other raptors.*

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**Potential Impact:** The impact identified above is described on pages 3.4-22 and 3.4-23 of the Draft EIR.

**Mitigation Measure 3.4.1 “Nesting Raptor Protection Measures”** (see page 3.4-23 of the Draft EIR) is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measure 3.4.1** requires the project applicant (and construction contractor) to avoid and minimize impacts on tree-nesting raptors through the implementation of survey and avoidance measures consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) “Incidental Take” minimization measures (ITMMs). With implementation of these avian survey and avoidance measures, this biological resource impact is considered *less-than-significant*.

## Cultural Resources (Draft EIR Section 3.5)

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*Impact 3.5.2: Project construction could adversely affect currently unknown historical resources, including unique archaeological or paleontological resources.*

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**Potential Impact:** The impact identified above is described on pages 3.5-9 and 3.5-10 of the Draft EIR.

**Mitigation Measures 3.5.1a “Stop Work in the Event of Cultural Resource Discovery” and 3.5.1b “Discovery of Human Remains”** (see pages 3.5-9 and 3.5-10 of the Draft EIR) are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the City Planning Commission finds that: **Mitigation Measures 3.5.1a and 3.5.1b** require the project applicant (and construction contractor) to avoid and minimize impacts resulting from the discovery of previously unidentified cultural resources, with the implementation of survey and avoidance

measures. With implementation of these cultural resources survey and avoidance measures, this cultural resource impact is considered *less-than-significant*.

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***Impact 3.5.3: Project construction could result in damage to previously unidentified human remains.***

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**Potential Impact:** The impact identified above is described on page 3.5-10 of the Draft EIR.

**Mitigation Measures 3.5.1a “Stop Work in the Event of Cultural Resource Discovery” and 3.5.1b “Discovery of Human Remains”** (see pages 3.5-9 and 3.5-10 of the Draft EIR) are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measures 3.5.1a and 3.5.1b** require the project applicant (and construction contractor) to avoid and minimize impacts resulting from the discovery of previously unidentified human remains, with the implementation of survey and avoidance measures. With implementation of these cultural resources survey and avoidance measures, this cultural resource impact is considered *less-than-significant*.

## Climate Change (Draft EIR Section 3.6)

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***Impact 3.6.1: The project could conflict with implementation of state goals for reducing greenhouse gas emissions and thereby have a negative effect on global climate change.***

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**Potential Impact:** The impact identified above is described on pages 3.6-16 to 3.6-18 of the Draft EIR. As more fully described in the Draft EIR, the project would result in a considerable increase in GHG emissions if it were to conflict with the state goals for reducing GHG emissions. As shown in Table 3.6-2 of the Draft EIR, greenhouse gas (GHG) emissions from mitigated operations of the project would result in a total of 13 percent improvement over business as usual (BAU). Therefore, the project would be 16 percent short of reaching the 29 percent reduction goal specified by SJVAPCD and the City’s Climate Action Plan, consistent with the goals of AB 32. The project would result in a cumulatively considerable increase in GHG emissions such that the project would contribute to impairment of the state's ability to implement AB 32 and result in significant impacts without mitigation.

**Mitigation Measure:** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

- **Measure 3.6.1: Implement Construction-Related GHG Reduction Measures.** The applicant shall require implementation of all feasible GHG reduction measures during construction, including but not limited to the following:
  - Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard);
  - Limit idling time for commercial vehicles, including delivery and construction vehicles; and
  - Use low or zero-emission vehicles, including construction vehicles.
- **Measure 3.6.2: Implement Operation-Related GHG Reduction and Energy Efficiency Measures.** The applicant shall require implementation of all feasible energy efficiency and GHG reduction measures during operations, including but not limited to the following:

#### On-site Mitigation

- Exceed Title 24 (15% improvement);
- Install high-efficiency lighting (25% lighting energy reduction);
- Install low-flow bathroom faucets (32% reduction in flow);
- Install low-flow kitchen faucets (18% reduction in flow);
- Install low-flow toilets (20% reduction in flow);
- Install low-flow showers (20% reduction in flow);
- Use water-efficient irrigation systems (6.1% reduction in flow); and
- Institute recycling and composting services (50% reduction in waste disposed).

Implementation of the above mitigation measures (Mitigation Measures 3.6.1 and 3.6.2) would require the project applicant to implement a variety of construction and operation-related measures designed to reduce GHG emissions. Construction-related measures include limiting construction vehicle idling times and the use of recycled construction materials as appropriate. Operation-related measures include the use of energy efficient project design features, recycling, and providing incentives for employee ride sharing programs, which represent the feasible range of measures available to reduce project-related GHG emissions.

As more fully described in the Draft EIR, even with implementation of all feasible measures from Mitigation Measures 3.6.1 and 3.6.2, the proposed project would still result in substantial GHG emissions and would not achieve the 29% reduction compared to BAU. Consequently, the project would generate GHG emissions that may have a significant impact on the environment and would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, for the various reasons set forth above and as more fully described in the Draft EIR, Impact 3.6.1 will remain significant even with mitigation.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that:

**Effects of Mitigation:** As described above, although implementation of Mitigation Measures 3.6.1 and 3.6.2 would reduce the impacts identified above, GHG emission impacts would still remain significant even with mitigation. Consequently, because there are no feasible measures available to further mitigate these significant impacts, they are considered *significant and unavoidable*.

**Overriding Considerations:** The environmental, economic, social and other benefits of the proposed project override any remaining significant adverse impacts of the proposed project to GHG emissions, as set forth in the Statement of Overriding Considerations below.

## Geology, Soils, and Seismicity (Draft EIR Section 3.7)

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*Impact 3.7.4: The presence of expansive and corrosive soils could result in structural damage to the proposed project facilities.*

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**Potential Impact:** The impact identified above is described on pages 3.7-11 through 3.7-12 of the Draft EIR.

**Mitigation Measure 3.7.1“Conduct Geotechnical Study and Implement Design Recommendations”** (see page 3.7-12 of the Draft EIR) is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the City Planning Commission finds that: **Mitigation Measure 3.7.1** require the project applicant (and construction contractor) to conduct a design-level geotechnical investigation of the project site and to implement any identified recommendations. With implementation of these geotechnical measures, this impact is considered *less-than-significant*.

## Hydrology and Water Quality (Draft EIR Section 3.9)

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*Impact 3.9.1: Construction and operation of the proposed project would involve activities that have the potential to substantially degrade water quality and/or violate water quality standards.*

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**Potential Impact:** The impact identified above is described on pages 3.9-16 through 3.9-18 of the Draft EIR.

**Mitigation Measure 3.9.1“Implement Best Management Practices from Stormwater Pollution Prevention Plan”** (see pages 3.9-17 and 3.9-18 of the Draft EIR) is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measure 3.9.1** require the project applicant (and construction contractor) to implement a number of best management practices that would minimize the potential discharge of pollutants during runoff events and minimize the load of contaminants released to receiving waters. With implementation of these water quality best management practices, this impact is considered *less-than-significant*.

## Land Use (Draft EIR Section 3.10)

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*Impact 3.10.2: The proposed project could conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.*

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**Potential Impact:** The impact identified above is described on pages 3.10-6 through 3.10-7 of the Draft EIR.

**Mitigation Measure 3.10.1 “Incorporate Building Design Features Consistent with SJCALUP Guidance”** (see page 3.10-7 of the Draft EIR) is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measure 3.10.1** require the project applicant to incorporate design concepts compatible with SJCALUP Guidance. With implementation of these design features, this impact is considered *less-than-significant*.

## Noise and Acoustics (Draft EIR Section 3.11)

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*Impact 3.11.1: Project construction could expose persons to or generate temporary noise levels in excess of standards established in the City of Stockton and San Joaquin County General Plan and Noise Ordinance.*

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**Potential Impact:** The impact identified above is described on pages 3.11-19 through 3.11-20 of the Draft EIR.

**Mitigation Measure 3.11.1 “Construction-Related Noise Measures”** (see page 3.11-20 of the Draft EIR) is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measure 3.11.1** require the project applicant (and construction contractor)

to implement a number of construction-related noise reducing measures. With implementation of these noise reducing measures, this impact is considered *less-than-significant*.

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***Impact 3.11.2: Project operation could result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.***

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**Potential Impact:** The impact identified above is described on pages 3.11-20 to 3.11-23 of the Draft EIR. As more fully described in the Draft EIR, non-transportation noise generated by the project would include noise from commercial uses such as Heating Ventilation and Air Conditioning (HVAC), trash compactor use, loading/unloading activities in delivery areas, idling trucks, parking lot activities, and power equipment (e.g., leaf blowers and parking lot sweepers). For existing residences along roadway segment 1, there may be instances where fences would not be feasible due to space constraints or driveways, and facade upgrades would not reduce exterior noise levels. Consequently, even with implementation of all traffic noise reducing measures, increases in noise from project traffic along this roadway segment would result in significant impacts without mitigation.

**Mitigation Measure:** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program:

- **Measure 3.11.2a: Measures to Reduce HVAC Equipment Noise.** The project applicant shall ensure that HVAC units on northwest buildings of Lot 7 (north map) shall be located away from nearby residences, on building rooftops, and properly shielded by either the rooftop parapet or within an enclosure that effectively blocks the line of site of the source from the nearest receivers.
- **Measure 3.11.2b: Measures to Reduce Loading Dock Noise.** The project applicant shall ensure that loading docks in northwest buildings of Lot 7 (north map) shall be located away from nearby residences (i.e., on south or east sides of buildings) or shall be shielded with appropriate wing walls that effectively block the line of site of the loading docks from the nearest receivers.
- **Measure 3.11.2c: Measures to Reduce Traffic Noise.** The applicant shall notify the homeowners along roadway segment 1 of the noise impacts associated with the traffic from project operations. With the homeowners' approval, the applicant shall construct 6-foot solid fences along the property line of affected residences. Alternatively, residential building facades can be upgraded to reduce interior noise levels (e.g., improved windows and doors). While these measures could substantially reduce the impact of increased traffic noise on the interior environment of existing noise-sensitive uses, no enforcement mechanism has been identified to ensure implementation of the measures nor has any related funding mechanism been identified.

Implementation of the above mitigation measures (Mitigation Measures 3.11.2a through 3.11.2c) would require the project applicant to implement a number of traffic-related noise reducing

measures, including fencing. However, the 3.9 dBA increase in traffic noise at the residences along roadway segment 1 (Arch Rd. west of Newcastle Rd.) would be noticeable and is considered potentially significant. Therefore, as more fully described in the Draft EIR, Impact 3.11.2 will remain significant even with mitigation.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that:

**Effects of Mitigation:** As described above, although implementation of Mitigation Measures 3.11.2a through 3.11.2c would reduce the impacts identified above, for existing residences along roadway segment 1, there may be instances where fences would not be feasible due to space constraints or driveways, and facade upgrades which would not reduce exterior noise levels. Consequently, because there are no feasible measures available to further mitigate these significant impacts, they are considered *significant and unavoidable*.

**Overriding Considerations:** The environmental, economic, social and other benefits of the proposed project override any remaining significant adverse impacts of the proposed project to traffic noise, as set forth in the Statement of Overriding Considerations below.

## Traffic and Circulation (Draft EIR Section 3.13)

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*Impact 3.13.1: Existing plus project traffic could result in impacts to study area intersections.*

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**Potential Impact:** The impact identified above is described on page 3.13-26 of the Draft EIR.

**Mitigation Measure 3.13.1 “Restripe Arch Road to Provide Second Westbound Lane”** (see page 3.13-26 of the Draft EIR) is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measure 3.13.1** requires the project applicant to restripe Arch Road to provide a second westbound through lane on Arch Road from approximately 500 feet east of Newcastle Road to Fite Court. This impact is projected to occur when the proposed project is approximately 85 percent complete, with the connection to Mariposa Road constructed. With implementation of this circulation measure, this impact is considered *less-than-significant*.

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*Impact 3.13.2: Existing plus project traffic could result in impacts to study area freeway segments.*

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**Potential Impact:** The impact identified above is described on page 3.13-27 of the Draft EIR.

**Mitigation Measure 3.13.2 “Project’s Fair Share Contribution to SR99 Widening”** (see page 3.13-27 of the Draft EIR) is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measure 3.13.2** requires the project applicant to fund the appropriate fair share contribution to the Public Facilities Fees (PFF), which includes the Regional Transportation Impact, Street Improvements, and Traffic Signal Fees. Payment of these fees would constitute the proposed project’s fair share contribution to the on-going widening of SR 99 from SR 120 to the Crosstown Freeway to provide three travel lanes in each direction. With implementation of this circulation measure, this impact is considered *less-than-significant*.

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***Impact 3.13.3: Existing plus project traffic could result in freeway ramp merge/diverge impacts.***

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**Potential Impact:** The impact identified above is described on page 3.13-28 of the Draft EIR.

**Mitigation Measure 3.13.2 “Project’s Fair Share Contribution to SR99 Widening”** (see page 3.13-27 of the Draft EIR) is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measure 3.13.2** requires the project applicant to fund the appropriate fair share contribution to the PFF, which includes the Regional Transportation Impact, Street Improvements, and Traffic Signal Fees. Payment of these fees would constitute the proposed project’s fair share contribution to the on-going widening of SR 99 from SR 120 to the Crosstown Freeway to provide three travel lanes in each direction. With implementation of this circulation measure, this impact is considered *less-than-significant*.

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***Impact 3.13.4: Near-Term traffic could result in impacts to study area intersections.***

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**Potential Impact:** The impact identified above is described on page 3.13-40 of the Draft EIR.

**Mitigation Measures 3.13.3a “Project’s Fair Share Contribution to Arch-Airport Road/Sperry Road Specific Road Plan Road Improvements” and 3.13.3b “Construct Westbound Right-Turn Only Lane at Arch Road/Newcastle Road Intersection:** (see page

3.13-40 of the Draft EIR) are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the City Planning Commission finds that: **Mitigation Measures 3.13.3a and 3.13.3b** require the project applicant to fund the appropriate fair share contribution to the PFF, which would constitute their fair share to the construction of planned improvements identified in the Arch-Airport Road/Sperry Road Specific Road Plan (August 2003) and includes the widening of Arch Road to provide two travel lanes in each direction. Additionally, the project applicant is required to construct 770 feet (500 feet plus 270 feet of taper) of a right-turn only lane for the westbound approach of the Arch Road/Newcastle Road Intersection. With implementation of these circulation measures, this impact is considered *less-than-significant*.

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*Impact 3.13.5: Near-Term traffic could result in impacts to study area freeway segments.*

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**Potential Impact:** The impact identified above is described on pages 3.13-40 and 3.13-41 of the Draft EIR.

**Mitigation Measure 3.13.2 “Project’s Fair Share Contribution to SR99 Widening”** (see page 3.13-27 of the Draft EIR) is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measure 3.13.2** requires the project applicant to fund the appropriate fair share contribution to the PFF, which includes the Regional Transportation Impact, Street Improvements, and Traffic Signal Fees. Payment of these fees would constitute the proposed project’s fair share contribution to the on-going widening of SR 99 from SR 120 to the Crosstown Freeway to provide three travel lanes in each direction. With implementation of this circulation measure, this impact is considered *less-than-significant*.

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*Impact 3.13.6: Near-Term traffic could result in ramp merge/diverge impacts.*

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**Potential Impact:** The impact identified above is described on page 3.13-41 of the Draft EIR.

**Mitigation Measure 3.13.2 “Project’s Fair Share Contribution to SR99 Widening”** (see page 3.13-27 of the Draft EIR) is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measure 3.13.2** requires the project applicant to fund the appropriate fair share contribution to the PFF, which includes the Regional Transportation Impact, Street Improvements, and Traffic Signal Fees. Payment of these fees would constitute the proposed project’s fair share contribution to the on-going widening of SR 99 from SR 120 to the Crosstown Freeway to provide three travel lanes in each direction. With implementation of this circulation measure, this impact is considered *less-than-significant*.

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**Impact 3.13.9:** *The project may increase traffic hazards due to a design feature (e.g., sharp curves or dangerous intersections) incompatible uses (e.g., farm equipment), or result in inadequate emergency access.*

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**Potential Impact:** The impact identified above is described on pages 3.13-44 and 3.13-45 of the Draft EIR.

**Mitigation Measures 3.13.4a “Provide Adequate Vehicle Storage”, 3.13.4b “Provide Adequate Driveway Access on Newcastle Road”, and 3.13.4c “Provide Adequate Emergency Vehicle Access”** (see pages 3.13-44 and 3.13-45 of the Draft EIR) are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program.

**Findings:** Based on the Final EIR and the entire record before the City, the Planning Commission finds that: **Mitigation Measures 3.13.4a, 3.13.4b, and 3.13.4c** require the project applicant to implement a number of roadway safety features including: At Arch Road/Newcastle Road, the eastbound left-turn lane should be designed to provide approximately 350 feet of vehicle storage. At Arch Road/Logistics Drive, the eastbound left-turn lane should be designed to provide 300 feet of vehicle storage, and the southbound right-turn lane should be designed to provide 300 feet of vehicle storage. At Mariposa Road/Newcastle Road, the eastbound right-turn should be designed to provide 150 feet of vehicle storage and the northbound left-turn should be designed to provide 300 feet of storage. With implementation of these circulation measures, this impact is considered *less-than-significant*.

## Findings Regarding Project Alternatives

### Introduction

As more fully described in Section 4.2 of the Draft EIR (see pages 4-4 through 4-11 of Chapter 4 “Alternatives”), the alternatives were selected in consideration of one or more of following factors:

- The extent to which the alternative would accomplish most of the basic goals and objectives of the project;

- The extent to which the alternative would avoid or lessen the identified significant and unavoidable environmental effects of the project;
- The potential feasibility of the alternative, taking into account site suitability, economic viability, and availability of infrastructure;
- Consistency with the City of Stockton General Plan 2035 and other policy or regulatory considerations; and
- The requirement of the CEQA Guidelines to consider a “No-Project” alternative and to identify an “environmentally superior” alternative in addition to the no-project alternative [CEQA Guidelines, Section 15126.6(e)].

## **Project Objectives**

The CEQA Guidelines [CEQA Guidelines, Section 15126.6 C] state that the "range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects" of the proposed project. Thus, an evaluation of the proposed project objectives is necessary to determining which alternatives should be assessed in the EIR.

The Draft EIR lists the following objectives for the proposed project (see page 2-9 of Chapter 2 “Project Description”):

- To provide the industrial development contemplated by, and consistent with, the City’s General Plan;
- To provide for flexibility of number of users and size of structures and legal parcels (large and small), thereby maximizing the industrial development potential of the land by providing additional legal parcels that can be sold to different users and upon which parcels industrial structures of varying sizes can be located;
- To develop industrial uses in this particular location to take advantage of existing General Plan and related regulations, available or easily supplemented industrial-ready infrastructure, such as adjacent highways, roadways, wastewater, water, drainage, rail, and similar services and facilities, and applicant's ownership of this land; and
- To place new industrial development in areas where impacts to sensitive natural resources can be reduced and/or avoided, and where other impacts can be reduced and/or avoided through site design, phasing and landscaping.

## **Alternatives Analyzed in the Final EIR**

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

### ***No Project Alternative (Alternative #1)***

**Findings:** The No Project Alternative is described on pages 4-4 through 4-6 of the Draft EIR. The No Project Alternative is rejected as an alternative, because it would not feasibly achieve the objectives of the proposed project. Specifically, project objectives regarding site development flexibility (through the subdivision map approval process).

**Explanation:** As more fully described in Chapter 2 “Project Description” and Chapter 4 “Alternatives” of the Draft EIR, the project site is currently designated by the City’s General Plan as “Industrial” (I), and under the City’s Zoning as “Industrial Limited” (IL). Under this designation and zoning, Industrial uses are permitted “as of right,” the only City permit needed is a Building Permit, no City discretion is involved in the issuance of such Building Permits, and hence CEQA does not apply. Under the No Project Alternative, new industrial land uses would also occur on the project site. However, the difference being that the land subdivision would not occur under the No Project Alternative. Consequently, the No Project Alternative would not achieve key project objectives regarding site development flexibility (through the subdivision map approval process), which maximizes the industrial development potential of the land by providing additional legal parcels that can be sold to different users and upon which parcels for industrial structures of varying sizes can be located. The No Project Alternative would also not include the comprehensive list of mitigation measures designed to address environmental impacts for onsite development that could occur on the project site with or without the proposed project.

### ***No Development North of Littlejohn’s Creek Alternative (Alternative #2)***

**Findings:** Alternative 2 is described on pages 4-6 through 4-8 of the Draft EIR and would provide for an industrial development south of Littlejohn’s Creek only. While Alternative #2 would partially meet some of the project objectives, this alternative is rejected because it would not substantially reduce any of the environmental impacts identified for the proposed project.

**Explanation:** As more fully described in Chapter 4 “Alternatives” of the Draft EIR, this Alternative would reduce vehicle trips associated with the project by approximately 30%, due to a decrease in developed area. Under this alternative, unacceptable peak hour operations would be avoided on Arch Road west of Newcastle Road thereby eliminating the need to widen Arch Road west of Newcastle Road. However, the Newcastle to Mariposa connection would still be required, as an offsite improvement, when 70% of the project is built out. This improvement is therefore delayed, but not eliminated, under Alternative 2. Significant air quality, agricultural resource, climate change, and noise impacts would also be slightly reduced but not to less than significant levels. Additionally, implementation of this alternative would not further the City’s project objectives regarding onsite development flexibility and allowing the project applicant to maximize the industrial development potential of their project site which is currently permitted “as of right”.

### ***No Development West of Newcastle Road Alternative (Alternative #3)***

**Findings:** Alternative 3 is described on pages 4-9 through 4-11 of the Draft EIR and would provide for no additional development to occur west of Newcastle Road compared to the

proposed project. This alternative would reduce the project's footprint by approximately 80 acres. While Alternative #3 would partially meet some of the project objectives, this alternative is rejected because it would not substantially reduce any of the environmental impacts identified for the proposed project.

**Explanation:** As more fully described in Chapter 4 "Alternatives" of the Draft EIR, this Alternative would reduce vehicle trips associated with the project by approximately 25%, due to a decrease in developed area. Under this alternative, unacceptable peak hour operations would be avoided on Arch Road west of Newcastle Road thereby eliminating the need to widen Arch Road west of Newcastle Road. However, the Newcastle to Mariposa connection would still be required, as an offsite improvement, when 67% of the project is built out. This improvement is therefore delayed, but not eliminated, under Alternative 2. Significant air quality, agricultural resource, climate change, and noise impacts would also be slightly reduced but not to less than significant levels. Additionally, implementation of this alternative would not further the City's project objectives regarding onsite development flexibility and allowing the project applicant to maximize the industrial development potential of their project site which is currently permitted "as of right".

### ***Alternatives Eliminated From Further Consideration***

CEQA Guidelines Section 15126.6(c) requires an EIR to identify and briefly discuss any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process. Alternatives considered but withdrawn from further consideration included five (5) alternative site locations, which were selected on the basis of location (south Stockton), street access, for being within the 2035 General Plan area, and a lack of existing development.

**Findings:** The 5 off-site alternative locations are described on pages 4-2 through 4-4 (and shown in Figure 4-1) of the Draft EIR. The off-site alternatives are rejected, because they would not feasibly achieve the objectives of the proposed project and would not substantially reduce any of the environmental impacts identified for the proposed project.

**Explanation:** The off-site alternatives were eliminated from further consideration due to the following reasons:

- The parcels contained within Site 1 are designated for industrial uses in the City of Stockton General Plan and appear to be available for development. However, the north and south forks of South Littlejohns Creek traverse the site, creating biological impacts equal to or more severe than the proposed project. No other significant impacts would be reduced under this alternative.
- Site 2 is under currently Williamson Act contract, removal of which would create potentially significant impacts. In addition, the site is not large enough to meet project objectives. Site 2 is therefore considered infeasible.
- Site 3 is outside the City limits, and would require an annexation. This may be difficult, as the site is not contiguous to the City, the site is separated by the correctional facility, and

there have been recent concerns expressed at LAFCO regarding fire response service to large annexations in that area.

- Site 4 is designated for Institutional uses in the City of Stockton General Plan and would therefore require a General Plan Amendment (GPA) prior to development. Alternatives that would require a change in land use policy by the lead agency are considered infeasible.
- The parcels which comprise Site 5 are outside the City of Stockton's Sphere of Influence (SOI). Similar to Site 4, above, this site would acquire an amendment to a land use policy, by making parcels available for development before land within the SOI has been developed in an orderly fashion. Therefore, Site 5 is considered infeasible.

Additionally, it is important to note, that the project applicant has ownership of the proposed project site and does not have ownership of the offsite parcels considered above.

## Findings on Disagreement among Experts and Recirculation

To the extent the comment letters and correspondence submitted by the public or outside agencies or organizations are considered expert opinion, the City Planning Commission finds that the assumptions, data, methodology, and analysis included in the Final EIR (not including the comment letters) prepared by the City and its Consultants, is supported by substantial evidence and was the appropriate assumption, data, methodology, and analysis to use to support the impact conclusion reached in the Final EIR.

The City Planning Commission further finds that the following do not change the impact conclusions reached in the Final EIR or otherwise trigger recirculation under CEQA: (1) information submitted and incorporated into the Final EIR; and (2) all oral and written comments and testimony received by the City.

## Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, this Review Authority adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the proposed project, as discussed above, and the anticipated economic, social and other benefits of the proposed project.

The City finds and determines that: (i) the majority of the significant impacts of the proposed project will be reduced to acceptable levels by the mitigation measures recommended in these Findings; (ii) the City's approval of the proposed project as proposed will result in certain significant adverse environmental effects that cannot be avoided even with the incorporation of all feasible mitigation measures into the proposed project; and (iii) there are no other feasible mitigation measures or other feasible project alternatives that would further mitigate or avoid the remaining significant environmental effects. The significant effects that have not been mitigated to a less-than-significant level and are therefore considered significant and unavoidable are:

## **Agricultural Resources (Draft EIR Section 3.1)**

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*Impact 3.2.1: Implementation of the proposed project would result in the permanent conversion of land designated by the Department of Conservation FMMP as Prime Farmland, Farmland of Statewide Importance or Unique Farmland.*

*Impact 3.2.3: Implementation of the proposed project would contribute to the cumulative conversion of land in San Joaquin County designated by the Department of Conservation FMMP as Prime Farmland, Farmland of Statewide Importance or Unique Farmland.*

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## **Air Quality (Draft EIR, Section 3.3)**

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*Impact 3.3.1: Construction of the project would generate emissions of criteria air pollutants that could contribute to existing nonattainment conditions and degrade air quality.*

*Impact 3.3.2: Operation of the project would generate emissions of criteria air pollutants that could contribute to existing nonattainment conditions and degrade air quality.*

*Impact 3.3.5: Construction and operation of the project could result in cumulatively considerable increases of criteria pollutant emissions.*

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## **Climate Change (Draft EIR Section 3.6)**

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*Impact 3.6.1: The project could conflict with implementation of state goals for reducing greenhouse gas emissions and thereby have a negative effect on global climate change.*

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## Noise and Acoustics (Draft EIR Section 3.11)

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*Impact 3.11.2: Project operation could result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.*

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The following statement identifies the reasons why, in the City's judgment, the benefits of the proposed project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the proposed project can be found in the proposed project itself and in the record of proceedings. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the proposed project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City finds that the proposed project, as conditionally approved, would have the following economic, social, technological, and environmental benefits:

**Economic Development and Job Creation.** The proposed project provides for commercial development that will serve local neighborhoods, will be located along or near regional transportation corridors and modes (including rail, airport, and roadway), and will create job opportunities for area residents.

**Public Revenues.** The proposed project provides for new industrial development opportunities in southeastern Stockton, which in turn will enhance the City's economic base through increased property and sales tax revenue.