

WESTON RANCH TOWNE CENTER PROJECT

FINDINGS, OVERRIDING CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM

SCH No. 2004122100

October 2008

1.1 Introduction

The City of Stockton (City), as lead agency, has completed the Final Environmental Impact Report (Final EIR) for the Weston Ranch Towne Center Project (State Clearinghouse No. 2004122100).

A Draft Environmental Impact Report (Draft EIR) was released in November 2006, for review by public agencies, organizations, and members of the public. The Draft EIR assesses the potentially significant environmental effects resulting from implementation of the Project, identifies potentially feasible means to mitigate those potentially significant adverse impacts, and evaluates a reasonable range of alternatives to the Project.

City of Stockton Ordinance No. 018-07

On August 14, 2007, after the release and circulation of the Draft EIR, the Stockton City Council passed an ordinance that prohibited retailers from opening stores larger than 100,000 square feet that used at least 10 percent of their floor space to sell groceries. In order to comply with this ordinance, the Weston Ranch Towne Center project has been revised. The revised project reduces the floor area of the proposed Wal-Mart Supercenter removes the second large 134,720 square foot retail space (Retail Major 2). The total maximum size of the revised project is 481,000 square feet. This size is comparable to, and slightly smaller than, the Reduced Density Alternative (Alternative 4) analyzed in the Draft EIR. The potential environmental impacts associated with the project are consistent with the Reduced Density Alternative. As with the Reduced Density Alternative, many impacts of the revised project are less severe than those of the original project analyzed in the Draft EIR.

City of Stockton 2035 General Plan Update

After the release and circulation of the Draft EIR, in December 2007, the City of Stockton approved the Stockton 2035 General Plan Update. Under the City's previous General Plan (in place at the time the Draft EIR was released and circulated), the project included a proposed General Plan Amendment to amend the General Plan designation of the project area from Low/Medium Density Residential and Commercial to Commercial for the entire site. The 2035 General Plan designates the entire project area as Commercial and as such, a General Plan Amendment is no longer required for the Project. This Final EIR updates the information in the Draft EIR to reflect the new land designation. Readers should be cautioned, however, that the 2035 General Plan Update has been challenged in court. Because the lawsuit is pending, it is uncertain whether the Update will be upheld. If the Update is not upheld, then the project will again require a General Plan Amendment to change the project area's General Plan designation from Low-Medium Density Residential / Commercial to entirely Commercial. The effects of such an amendment were analyzed in the Draft EIR, including the analysis of the Reduced Density Alternative, which is consistent with the revised project.

The Final EIR is comprised of the Draft EIR, written responses to the significant environmental issues raised in those comments, revisions to the text of the Draft EIR reflecting the revised project, changes made in the document in response to comments and other information, along with other minor changes to the text of the Draft EIR.

These findings have been prepared to comply with requirements of the California Environmental Quality Act ("CEQA") (Public Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., Title 14, § 15000 et seq.). In particular, these findings are prepared to comply with the provisions of Public Resources Code (PRC) Section 21083.3, subdivision (c), requiring a lead agency to make findings as to whether mitigation measures specified in a prior environmental impact report will be undertaken, where relevant to this project.

1.2 Findings

PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See PRC, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency

must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).) PRC Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*).) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*).)

The three available findings under Guidelines section 15091 allow an approving agency to be clear when, as to particular significant environmental effects, the agency decision-maker is (i) adopting mitigation measures recommended in an EIR, (ii) identifying measures that lay outside its control, but should be, or have been, adopted by some other agency; or (iii) identifying measures that are infeasible. For projects with EIRs that include numerous mitigation measures that are either infeasible or outside the approving agency’s control, findings can be very lengthy, as they must explain, for example, why some measures are rejected as being infeasible.

Where, in contrast, the approving agency chooses to adopt each and every mitigation measure recommended in an EIR, there would seem to be little point in repeated invoking, over many dozens of pages, the finding that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” Notably, where the project being approved is an updated general plan, mitigation measures can be “incorporate[d] into the plan [.]” (Pub. Resources Code, § 21081.6, subd. (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving .

... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (Goleta II, 52 Cal.3d at p. 576.)

These findings constitute the City Council’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that come into effect with the City Council’s approval of the Project.

The City Council is adopting these findings for the entirety of the actions described in these findings and in the Final EIR. Although the findings below identify specific pages within the Draft and Final EIRs in support of various conclusions reached below, the Council has no quarrel with, and thus incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Council’s approval of all mitigation measures recommended in the Final EIR, and the reasoning set forth in responses to comments in the Final EIR.

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the City Council hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines.

- Part I. Findings regarding the environmental review process and the contents of the Final EIR.
- Part II. Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and incorporated into the Project
- Part III. Findings regarding alternatives and the reasons that such alternatives are rejected.
- Part IV. Statement of Overriding Considerations determining that the benefits of implementing the Project outweigh the significant unavoidable environmental impacts that will result and therefore justify approval of the Project despite such impacts.
- Part V. Mitigation Monitoring and Reporting Program.

The City Council certifies that these findings are based on its full appraisal and consideration of all viewpoints expressed in written correspondence and testimony regarding the Project, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR. The City Council adopts the findings and the statement in Parts I through IV for the approvals that are set forth below.

Part I – Environmental Review Process

Introduction

This section provides a brief introduction to the Project as analyzed in the Draft EIR. Information provided in this section includes a description of the Project, the City's objectives related to the Project, and key milestones in the CEQA process.

Background

In November of 2006 a Draft EIR was published for the originally proposed Weston Ranch Towne Center project. The project included a 232,000 square foot Wal-Mart Supercenter (including a garden center) and a 134,720 square foot major retail space. In addition, the project included other retail stores for a total maximum floor area of 710,000 square feet. On August 14, 2007, subsequent to the publication and circulation of the Draft EIR, the Stockton City Council passed an ordinance which prohibited retailers from opening stores larger than 100,000 square feet which used at least 10 percent of their floor space to sell groceries.

The Weston Ranch Towne Center has subsequently been revised to comply with the ordinance passed in August, 2007. The revised project reduces the floor area of the proposed Wal-Mart Supercenter to 99,996 square feet and removes the second large major retail space (previously noted at 134,720 square feet). The project consists of three phases. The project applicant, Vestar Development Company, is applying to the City to develop the majority of the project site (+/- 29.23 acres of the approximately 34-acre Vestar Property) with a regional shopping center. This shopping center represents Phase I of development. In addition to the Vestar Property, the Mill Creek Development property (approximately 4.3 acres, planned for 10,496 square feet of commercial space) is included in the project analysis. This site would be constructed as Phase II. The project also includes two additional parcels (APN 1689008 and 1689009), owned by Manthey Road Holdings, LLC, and known as the Barkett Property. The requested entitlement for the Barkett property is a rezone from low density residential to commercial large-scale. No development is currently proposed for this parcel. Any future development of this site would be undertaken during Phase III.

Though slightly smaller, the size of the revised project (410,965 square feet for Phases I, II and III with a 481,000 maximum square foot envelope for all phases) is generally consistent with the Draft EIR's Alternative 4 – Reduced Density Alternative. Alternative 4 analyzed the impacts of a maximum total retail space of 500,000 square feet. As explained in the Draft EIR, impacts under the Reduced Density Alternative would be slightly less than the project as originally proposed with respect to public services and utilities, transportation and traffic, air quality, noise and hydrology and water quality. However, as also explained in the Draft EIR, none of the significant impacts identified for the originally proposed project (Draft EIR, pp.5-14 through 5-17) would be reduced to a level of insignificance under the Reduced Density Alternative. Because the revised project is consistent with the Reduced Density Alternative, the analysis contained in the Draft EIR sufficiently analyzes all of the potential impacts of the revised project. As with the Reduced Density

Alternative, many impacts of the revised project are of lesser severity than those of the original project analyzed in the Draft EIR.

Additionally, the November 2006 Draft EIR included a General Plan Amendment to change the General Plan designation from Low-Medium Density Residential/Commercial to entirely Commercial. Since the publication of the Draft EIR, the Stockton 2035 General Plan Update has been approved by the Stockton City Council (December 11, 2007). The Stockton 2035 Land Use Diagram designates the project area as Commercial, and a General Plan Amendment is no longer required for this project. However, at the time of publication of this Final EIR, the Stockton 2035 General Plan Update is being challenged in the San Joaquin County Superior Court (Superior Court case numbers CV 034405, CV 034370). As such, it is uncertain whether the Update will be upheld. If the Update is not upheld and the previous General Plan reinstated, then the project would again require a General Plan Amendment to change the General Plan designation from Low-Medium Density Residential/Commercial to entirely commercial. The potential environmental effects associated with the General Plan Amendment required under the City's previous General Plan were analyzed in the Draft EIR, including in the Reduced Density Alternative Analysis. This Final EIR has been revised to reflect the fact that a General Plan Amendment is no longer required for the project under the 2035 General Plan Update. However, the reader of this Final EIR should bear in mind that an adverse judgment in the litigation challenging the 2035 General Plan Update may cause the previous General Plan to be reinstated; under such a circumstance, this project would require a General Plan Amendment as analyzed in the Draft EIR.

Project Description

The Project, as described below, reflects the various changes identified above. For a description of the Project Setting, please refer to section 3.2.2 of the Final EIR.

Project Overview

The project proposes development of the project site (Revised Figure 3-2) with a regional shopping center including large-scale retail stores; in-line shops (located contiguously between large-scale retail stores); retail pad stores; restaurants (including quick service restaurants and traditional restaurants); fuel centers; and parking (Revised Figure 3-4, Site Plan).

The project includes an application to the City of Stockton to rezone the project site. The current and proposed zoning are summarized in the following table:

PROPOSED ZONING AMENDMENTS

| | Current (Stockton 2035 General Plan Update) | Proposed |
|-----------------|---|--------------------------------------|
| Zoning district | RL Residential, Low Density | CL (commercial large-scale) district |

The other entitlements requested by the applicants are Development Agreements, Tentative Maps covering the project site, Use Permit(s), and one or more variances (please see the revised project description in Chapter 4 of this FEIR for a complete list of required approvals). No site specific entitlements are sought at this time on the Barkett property.

The project proposes development of the project site (Final EIR, Revised Table 3-2) with a regional shopping center including major retail stores; in-line shops (located contiguously retail stores); retail pad stores; restaurants (including quick service restaurants and traditional restaurants); fuel centers; and parking (Final EIR, Revised Figure 3-4, Site Plan). The shopping center would be developed on +/- 29.23 acres of an approximately 34-acre site (consisting of two parcels, APNs 16819006 and 16819007) and would be developed in the near future. The Mill Creek Development would be constructed in the second phase after the construction of the regional shopping center and would be developed on approximately 4.3 acres (consisting of one parcel, APN 16819010). Timeframe for development of the additional approximately 6.1 acres (consisting of two parcels, APNs 16819008 and 16819009) would occur at a future date not yet determined, during a third phase.

The floor area and design of the stores, particularly the inline stores and pads, may change during the design process. The most recent site plan provides for approximately 406,661 square feet (including the Mill Creek Development and Barkett properties). The EIR assumed a maximum floor area of 481,000 square feet. The larger “envelope” is 74,339 square feet larger than currently envisioned; this larger envelop would allow the lead agency to consider future revisions to the regional shopping center and the Mill Creek Development site as well as major development of the Barkett property. The future development of the Barkett property or additional development within the regional shopping center, allowable under the recently adopted General Plan Update and proposed rezoning, is considered part of the “whole of the action” for the purpose of this EIR.

It is assumed for purposes of the EIR that the project, excluding the Barkett property (Phase III), would begin construction as early as 2009 and be fully operational by 2010. This is the “buildout” year for the project, when the major tenants, and the majority of the in-line shops and pads would be occupied. Timeframe for development of the additional approximately 6.1 acres of the Barkett property would occur at a future date not yet determined.

The principal retail stores planned to “anchor” the project is a Wal-Mart Supercenter, large-scale discount department store with a grocery store. Other smaller retail stores may include clothing stores, home furnishings and domestic supplies, pet supplies, electronics, and other types of retail sales, although specific prospective tenants have not been determined. The following descriptions for the Wal-Mart Supercenter and other commercial development have been provided by the applicant:

PROPOSED LAND USES

| PROPOSED LAND USES | Proposed Maximum Space Use (Buildings) |
|---|--|
| Phase I | |
| Major Retail 1 (Wal-Mart Supercenter) | 99,996 square feet |
| Major Retail 2-7 | 103,120 square feet |
| Retail Pads, AG ¹ | 34,211 square feet |
| Shops 1-7 ¹ | 67,838 square feet |
| Total Phase I | 305,165 square feet |
| Phase II | |
| Mill Creek Development Property (Retail/Commercial) | 10,496 square feet |
| Total Phase II | 10,496 square feet |
| Phase III | |
| Barkett Property | 91,000 square feet |
| Total Phase III | 91,000 square feet |
| Total All Phases | 406,661 square feet |
| Maximum Assumed Buildout | 481,000 square feet² |

¹ Includes restaurant uses

² Technical analysis in the EIR is based on 481,000 square feet identified in the Trip Generation Estimates from 5-12-2008.

Wal-Mart Supercenter

Wal-Mart intends its Supercenters to provide for one-stop family shopping. Supercenters combine full grocery lines and general merchandise under one roof. In addition to general merchandise, Supercenters feature bakery goods, deli foods, frozen foods, meat and dairy products, and fresh produce. Approximately 30% of the floor area in the Supercenter will be used for grocery lines. The November 2006 DEIR for this project identified a 232,000 square foot Wal-Mart Supercenter. At 30% floor area for groceries, this would have represented approximately 69,600 square feet of grocery space. The revised project reduces the Wal-Mart size to 99,996 square feet, of which a maximum of 29,999 square feet (30% of total) is planned for grocery space. Supercenters include many specialty shops such as vision centers, Radio Grill, McDonald's or Subway restaurants, portrait studios, one-hour photo centers, hair salons, banks, and employment agencies.

Description of Buildings/Operations

The Weston Ranch Towne Center Supercenter would be approximately 99,996 square feet. It would include floor area for general merchandise sales, including grocery sales as well as storage/stockrooms, and miscellaneous support functions (kitchen area, training room, break room, etc.)

The building design may change slightly prior to construction. The building architecture uses construction materials that are widely found in the local area. Architectural materials such as concrete masonry block, brick veneer, standing seam metal roof, and exterior plaster finish would be utilized on the building. Proposed colors are earth tone with multicolor accents. The walls would

be broken up by offsets of the roofline, architectural pop-outs, articulated entry vestibules, accent wall colors, and other design features.

The truck loading docks would provide sealed rubber gaskets to reduce noise from loading and unloading activities. Unloading would take place directly from the truck to the interior of the building (with the reverse for loading). The sealed rubber gaskets would minimize the noise impacts from loading and unloading. Also, extended engine idling would be prohibited at the docks. A screen wall would be constructed at the edge of the truck wells to further mitigate noise impacts.

In addition, the roof top parapets would help mitigate noise from roof-top HVAC systems and a barrier would shield noise from ground-level mechanical equipment.

The proposed Supercenter would sell alcohol, including wine, beer and spirits and would operate 24 hours a day, seven days a week.

Security Measures

The following security measures would be undertaken at the proposed Supercenter:

- Conduct a risk analysis (crime survey) of the area to evaluate the security needs for the store and implement a security plan based upon this analysis.
- Install closed-circuit camera systems (surveillance cameras) inside and outside the stores.
- Establish a parking lot patrol for the Wal-Mart Supercenter in order to assist customers, ensure safety and take action to identify and prevent any suspicious activity (such as loitering and vandalism) both during the day and nighttime hours.
- Establish a plainclothes patrol inside the stores to enhance safety and security.
- Establish a Risk Control Team, which is a team of employees responsible and trained to identify and correct safety and security issues at the site.
- Provide lighting in the parking areas that would enhance public safety.
- Prohibit consumption of alcohol in the parking lots by having employees regularly “patrol” the parking areas while collecting shopping carts and report any inappropriate activity to the store managers. (Also, per state law, alcohol sales would be limited to the hours of 6 AM to 2 AM of the following day.)

Sustainable Features

The following measures will be included in construction and operation of the Wal-Mart building (and other commercial structures in the development wherever applicable):

1. **Daylighting (skylights/dimming):** The store will include a daylighting system, which automatically and continuously dims all of the lights as the daylight contribution increases. Over 90% of the facilities Wal-Mart builds from the ground up include a daylight harvesting system (skylights, electronic dimming ballasts, computer controlled daylight sensors, etc.). Nationwide, Wal-Mart has approximately 2,100 stores with this system in place, resulting in an annual savings of approximately 600,627,600 KWH.
2. **Night Dimming:** The store will include lighting that will dim to about 75% illumination during the late night hours. Since many Wal-Mart stores are open 24 hours, Wal-Mart

- utilizes state-of-the-art Energy Management Systems to dim sales floor lighting during the evening hours, which results in annual savings nationwide of approximately 44,000,000 KWH.
3. Energy efficient HVAC units: The store will utilize "super" high efficiency packaged HVAC units. While the industry standard EER (Energy Efficiency Ratio) is 9.0, the Wal-Mart units are rated at approximately 11.25, which is approximately 6% more efficient than required by California Title 24.
 4. Central Energy Management: The store will be equipped with an energy management system that will be monitored and controlled from the Home Office in Bentonville, Arkansas. The system enables Wal-Mart to monitor energy usage, analyze refrigeration temperatures, observe HVAC and lighting performance, and adjust lighting, temperature, and/or refrigeration set points 24 hours per day, seven days per week.
 5. Light Sensors: The store will include occupancy sensors in non-sales floor areas. These sensors detect activity in a room and automatically turn off the lights when the space is unoccupied.
 6. Dehumidifying: The store will include a dehumidifying system that allows Wal-Mart to operate the store at a higher temperature, use less energy, and allow the refrigeration system to operate more efficiently.
 7. Food Displays: Wal-Mart does not use heating elements in the freezer doors to combat condensation. Instead, Wal-Mart uses a film on the doors that serves the same purpose but requires no energy.
 8. Water Heating: The store will capture waste heat from the refrigeration equipment to heat water for the kitchen prep areas of the store.
 9. White Roofs: The store will include a "white" membrane roof versus most applications that are a darker color. The high solar reflectivity of this membrane results in lowering the "cooling" load by about 8%.
 10. Interior Lighting Retrofit Program: All lighting in the store will utilize T-8 fluorescent lamps and electronic ballasts, which are the most efficient lighting on the market. The energy load is reduced by approximately 15-20% as a result. Also, the entire store will also use only "low-mercury" lamps, which are not considered to be a hazardous material and are considered to be very "green friendly." Although these lamps can be disposed of with no special precautions, out of concern for the environment, Wal-Mart has volunteered to recycle these lamps instead of simply placing them in a landfill.
 11. LED Signage Illumination: All internally illuminated building signage will use LED lighting. This application of LED technology is over 70% more energy-efficient than fluorescent illumination. With lamp life ranging to 100,000 hours, using LEDs provides an extended life span of 12 to 20 plus years. This significantly reduces the need to manufacture and dispose of fluorescent lamps.
 12. Poured Concrete: Cement production is estimated to produce 7% of all greenhouse gas. The store will include up to 25% fly ash in the exterior concrete mixes. Additionally, up to 40% of the mix can be a combination of fly ash and ground granulated blast furnace slag. This reduces the amount of cement used for the store.
 13. Recycling: The store will include huge amounts of recycled material.
 - a. Steel recycling: Current construction standards on Wal-Mart buildings include a substantial amount of recycled steel. The store will be built with nearly 100% recycled structural steel. Wal-Mart structural steel suppliers use high efficient electric arc furnaces that use 50% less energy to manufacture recycled steel.

Using recycled steel means less mining for new steel, and it is a material that can be readily recycled again if the building is demolished.

- b. Recycled Plastic: All of the plastic baseboards, and many of the plastic shelving, are manufactured from recycled material.
14. Water-Conserving Fixtures: All restroom sinks will include sensor-activated low flow faucets. The low flow faucets reduce usage by 84%. The sensors save approximately 20% of the remaining 16% usage over similar manual operated systems.
 15. Ozone-Friendly Refrigerants: Wal-Mart has converted to less ozone-depleting refrigerants as they become available. It uses R404a for the refrigeration equipment. For air conditioning, Wal-Mart has converted to R410a refrigerant.
 16. Non-PVC Roofs: The store will not include a PVC roof. Recognizing environmental concerns with the manufacture and disposal of PVC (polyvinyl chloride), Wal-Mart has eliminated all PVC roofing from its new stores.

Public Improvements and Facilities

The project would include installation of all necessary infrastructure to serve the development. It is anticipated that new (proposed) adjoining streets; existing and proposed streets within the project site; realigned streets; and utilities would be improved in conjunction with development of the project site, as required by adopted mitigation measures and/or conditions of approval by the City Department of Public Works, and in accordance with the Development Agreement. The Preliminary Site Plan and area of circulation plan is schematic and subject to revision / modification as part of the Use Permit and design review process. Relevant improvements expected to be completed prior to or in conjunction with development of the project include:

- Lighting for streets, parking, and other outdoor areas.
- Landscaping of the project site and street frontages.
- Signage, including monument signs.
- Improvements to circulation and access to the site (see further discussion, below).
- Installation of off-street bikeways, curbs, gutters, and sidewalks in appropriate areas.
- Installation of streetlights, landscaping, signs, and signals in appropriate areas.
- Extension of sewer, water, and storm drain lines as required and in accordance with the Use Permit and Project Plan and Development Agreements for the project, and
- Installation/relocation of underground electrical, telephone, natural gas, and other utilities in the project site.

Some of the project facilities and improvements have not been designed in detail, but would be designed in conformance with applicable sections of the Stockton Municipal Code, Chapter 16, Development Code. Development and general uses would adhere to the standards set forth in section 16-230.110, pertaining to Commercial, Large Scale (CL) zoning districts. The provisions of the Development Code are generally considered to be minimum standards; more stringent requirements identified as Mitigation Measures in this document (see applicable sections of EIR Chapter 4) and/or identified in the Development Agreement may supersede the standards set forth in the Development Code.

General Performance Standards are addressed in section 16-305 of the Development Code and include, but are not limited to, air pollution standards for the operation of proposed facilities (16-305.040) and light and glare standards (16-305.060). Standards for structure height are described in section 16-310.090, standards for screening and buffering in section 16-310.100; setback requirements in section 16-310.110; and landscaping standards and requirements are described in section 16-335. As described in section 16-325.060 of the Development Code, screening walls separating commercial uses from residential uses, which are proposed to be placed along the north and west edges of the project site, must be at least eight feet in height. Requirements for other public improvements such as street improvements, storm drainage facilities, sanitary sewers, and utilities are addressed in section 16-355 of the Development Code.

Parking

Parking would include approximately 1,607 parking spaces in Phase 1 (Vestar) and 151 spaces in Phase 2 (MCD). Of the provided parking stalls, 75 will be non-exclusive park-n-ride stalls. Parking demand is analyzed in Final EIR, Section 4.07, Traffic.

Bicycle Parking

Based on City of Stockton Municipal Code 16-345.100, a minimum of one employee bicycle parking space for each 25,000 square feet of gross floor area plus one bicycle parking space for each 100 parking spaces is required. Therefore, based on a development of 305,165 square feet for Phase I (and 1,606 parking spaces) approximately 28 bicycle parking spaces should be provided. Bicycle parking will be located conveniently near the retail stores. For Phase 2, with a proposed 10,496 square feet and 151 parking spaces, 3 bicycle spaces would be required. The development standards for bicycle parking outlined in the City Municipal Code should be met.

Proposed Access and Circulation

The project site is located at the northwest quadrant of the I-5/French Camp Road interchange. Local project access is provided at nine access points: four on French Camp Road, three on Manthey (west), and two on Henry Long Blvd. One full access signalized intersection and three right-in/right-out intersections from French Camp Road are proposed to serve the project site. French Camp and Manthey Road (west) will be a signalized intersection. From the realigned Manthey Road (west), three driveways are proposed to serve the site, with two driveways on realigned Henry Long Blvd. A detailed operations analysis of these access locations is proved in Section 4.07 (Traffic) of the EIR.

Project Objectives

The City of Stockton is San Joaquin County's (County) largest metropolitan center and has the most extensive supply of developable urban land based on zoning classifications. The recently adopted General Plan 2035 provides a framework for residential and commercial development into the future. The Weston Ranch area has experienced residential growth, but is relatively underserved by retail/commercial uses. In light of these above-mentioned factors, the objectives of the project are as follows:

1. To construct a regional commercial and retail space along the Interstate 5 corridor in south Stockton that will accommodate the existing and future demand for such services in the southern portion of the City.
2. To augment the City's available commercial space for continuing growth demands.
3. To provide job opportunities for members of Stockton's work force.
4. To provide an expanded economic base for the City by generating substantial property and sales tax and fee revenue and by increasing the proportion of local income invested and spent locally.
5. To provide retail and commercial services at a currently vacant location that is safe and convenient for customer access by locating the project immediately adjacent to an existing regional interchange with Interstate 5 and where economic viability can be sustained.
6. To provide a commercial center on a large, undeveloped site in close proximity to an existing highway and near other commercial centers, that will minimize travel lengths and utilize existing infrastructure to the extent possible.
7. To provide a commercial center that provides sufficient development area to allow a mixture of uses in outlying parcels in addition to major anchor tenants, in order to create a destination commercial center that will attract various types of customers to the City.
8. To provide a commercial development that is of a high quality design and that can be adequately served by public services and utilities.
9. To provide large-scale retail activities that will complement existing smaller scale retail activities located throughout the City.

Record of Proceedings

The record of proceedings for the City's decision on the Project consists of the following documents, at a minimum:

- The Notice of Preparation (NOP) and Initial Study (IS) dated January 14, 2005, the Revised NOP and Revised IS dated November 15, 2005, and all other public notices issued by the City in conjunction with the Project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft EIR for the Project (December, 2006) and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- The Final EIR for the Project, including comments received on the Draft EIR, and responses to those comments and appendices (September, 2008);
- Documents cited or referenced in the Draft and Final EIRs;
- The mitigation monitoring and reporting program for the Project;
- All findings and resolutions adopted by the City Council in connection with the Project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared 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 Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the Planning Commission public hearing on October 23, 2008, and the close of the City Council public hearing;
 - Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
 - Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
 - The City of Stockton 2035 General Plan;
 - All environmental documents prepared in connection with the City's adoption of the 2035 General Plan, including the Final EIR certified for the 2035 General Plan;
 - The City of Stockton's Settlement Agreement with the Attorney General of California and the Sierra Club, adopted by the City Council on September 9, 2008, and all staff reports, analyses, and summaries related to the Settlement Agreement;
 - The City of Stockton Zoning Ordinance and all other City Code provisions cited in materials prepared by or submitted to the City;
 - Any and all resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
 - Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
 - 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 documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City of Stockton, Community Development Department, Planning Division, 345 N. El Dorado Street, Stockton, CA 95202-1997.

The official custodian of the record is:

City of Stockton
Community Development Department, Planning Division
345 N. El Dorado Street
Stockton, CA 95202-1997.

Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines

to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

These examples are now reflected in section 15088.5 of the CEQA Guidelines.

In this case, the “new” information added to the Final EIR reflecting the revised project as well and the new information included in response to the comments submitted on the Draft EIR does not show a new substantial environmental impact or a substantial increase in the severity of an environmental impact previously identified. Indeed, many of the revised project’s impacts are less than those associated with the project as originally proposed. Also, the comments, responses, and information updated in response to the project’s revisions do not demonstrate that there is a feasible alternative or mitigation measure considerably different from the alternatives and mitigation measures evaluated in the draft EIR that would clearly reduce environmental impacts. Finally, the fourth example of a circumstance in which recirculation is required, as interpreted by case law, applies only in unusual situations where an entire section on basic and critical analysis was omitted from the Draft EIR. Here, the EIR contains a thorough evaluation of all the potentially significant impacts, including those associated with the Reduced Density Alternative, which is consistent with the revised project. The revised project will not result in any new significant impacts and, in many cases, will reduce the significant impacts identified in the draft EIR. Accordingly, recirculation is not required (PRC § 21092.1; CEQA Guidelines § 15088.5; *Laurel Heights Improvement Assn. of San Francisco, Inc. v. Regents of the Univ. of Cal.*(1993) 6 Cal.4th 1112, 1130 (*Laurel Heights II*); *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 547 [“The inclusion of new material in a final EIR is not fatal, since the final version must respond to comments on the draft EIR, with the result that ‘the final EIR will almost always contain information not included in the draft EIR’ (internal quotations omitted)].).

Climate Change

Comment Letter 31 (Comments 31-14, 31-16, 31-17, 31-70, and 31-71) received on the Draft EIR included comments concerned with global warming, greenhouse gas production, and various hazardous conditions associated with these issues. Issues raised include sea-level rise, weather pattern changes and weather intensity changes, water quality and water supply changes, exacerbation of air quality problems, human-health problems, and damage to marine ecosystems and the natural environment. Comments were also received that asked about compliance with recent State of

California global warming legislation. The Final EIR responded to these comments by relying upon the analysis of climate change in the EIR certified in connection with the adoption of the City's General Plan. The City agrees with the Final EIR's approach and hereby adopts its conclusions and rationale with respect to the applicability of Public Resources Code Section 21083.3 and CEQA Guidelines section 15183. The City finds that reliance on the General Plan EIR for this purpose is particularly appropriate in light of the fact that climate change and greenhouse gas emissions are cumulative effects. That is, the effects of a particular project cannot readily be traced to a particular project; the effect is instead the result of the cumulative impact of global emissions over many years.

Applicability of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183

CEQA provides the City with a mechanism to rely upon the analysis in the General Plan EIR. Where an EIR has been prepared for a general plan, Public Resources Code section 21083.3 and its parallel Guideline section 15183 provide for streamlined environmental review for site-specific approval of projects consistent with the general plan. For such site-specific approvals, CEQA generally applies only to impacts that are "peculiar to the parcel or to the project" and that have not been disclosed in the general plan EIR, except where "substantial new information" shows that previously identified impacts will be more significant than previously assumed. In order to fall within the partial exemption created by Public Resources Code section 21083.3, "all public agencies with authority to mitigate the significant effects shall undertake or require the undertaking of any feasible mitigation measures specified in the prior environmental impact report relevant to a significant effect which the project will have on the environment." (PRC § 21083.3, subd. (c).)

According to the CEQA Guidelines, "[C]onsistent means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in the plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan." (CEQA Guidelines, § 15183, subd. (i)(2).)

As previously explained, in December 2007, the City of Stockton approved the Stockton 2035 General Plan Update and certified a Final EIR for the Update (SCH No. 2004082066). Although the 2035 General Plan Update EIR is currently being challenged in court on CEQA grounds, the EIR is presumed adequate (PRC § 21167.3, subd. (b)) and the 2035 General Plan Update remains in place as of the date of publication of this Final EIR.

The 2035 General Plan Update EIR evaluated the potential impacts resulting from implementation of the 2035 General Plan Update. Among other things, the EIR for the General Plan Update comprehensively analyzed the Update's cumulative contribution to global warming conditions through the increase of greenhouse gas emissions. The General Plan Update EIR found a significant and unavoidable cumulatively considerable net increase of greenhouse gas that would contribute to global warming. Master Response # 3 in the Final EIR provided further information on the impacts of global warming, including information on recent regulations, the impacts of global

warming on California water supply and operations, impacts of global warming and information on Stockton's water supplies. Mitigation measures proposed in the General Plan Update EIR took the form of new policies and implementation measures to be included in the General Plan Update.

In this case, for the purposes of Public Resources Code section 21083.3 and its corresponding CEQA Guidelines section 15183, the proposed project is consistent with the Stockton 2035 General Plan Update. The 2035 General Plan designates the site for Commercial uses. The building intensity standard for the project site, which is outside the downtown area, is a maximum floor area ratio (FAR) of 0.3. All buildings will comply with the 0.3 FAR, pursuant to the General Plan Update. All uses will be "commercial" in character. Accordingly, the project is consistent with the uses established in the 2035 General Plan, and no General Plan amendments are required. The impact of global greenhouse gas emissions, the associated global warming and its effects, which by their very nature are cumulative, are not peculiar to the Weston Ranch Towne Center project or its site. The 2035 General Plan Update EIR comprehensively considered the cumulative effect of buildout of the General Plan on climate change and the effects of climate change on the City's water supply. There is nothing unique or peculiar about the Weston Ranch Towne Center project with respect to the cumulative global impact of climate change or its impacts on the City of Stockton. Indeed, given the global scope of climate change, a single development project, such as the proposed project, would be unlikely to have an individually discernable effect on global climate change (i.e., that any increase in global temperature or sea level could be attributable to global temperature or sea level). The relevant portions of the 2035 General Plan Update EIR's climate change analyses are incorporated into the Final EIR for the Weston Ranch Towne Center Project by reference. (See Final EIR, Master Response # 1.)

Because the cumulative impact of global warming was previously addressed in the 2035 General Plan Update EIR, this project EIR need not address the issue of global warming. (PRC § 21083.3; CEQA Guidelines, § 15183.) There is no substantial new information showing that the significant cumulative impact of increased greenhouse gas emissions and global warming is more significant than as assessed in the 2035 General Plan Update EIR certified in December 2007. As shown in the table below "Global Warming Policy Consistency," the City and/or the applicant will adopt previously-identified mitigation measures and policies addressing the impact of global climate change. Accordingly, no further review of global climate change is required. (Ibid.)

GLOBAL WARMING POLICY CONSISTENCY

2035 General Plan Update EIR Policies and Mitigation Measures:

Weston Ranch Towne Center Project Consistency:

TC-4.13 Support Heavy Rail Passenger Connections

The city shall support the SJRTD Regional Bus Service, Altamont Commuter Express and AMTRAK's San Joaquin Intercity Rail service and work with other local, regional and State agencies to explore other public transportation facilities. The City shall work with and support ACE attempts to build tracks to bypass existing bottlenecks (e.g., the Union Pacific railyards in South Stockton). As a high priority, the City shall cooperate in studies to determine the feasibility of additional rail connections with the Bay Area and Sacramento, such as connections with the BART system and proposing rail between Stockton and Sacramento along the California Traction and other rail corridors.

The project can be adequately served by public transportation. The San Joaquin Regional Transit District has requested, and the applicant has agreed to provide, appropriate transit features, including a bus pull-out on Manthey Road (west), with development of the project. Provision of a bus-pull out with appropriate transit amenities, such as a bus shelter, would improve transit accommodation in the area.

The project is also providing 75 park-and-ride spaces to encourage transit use by both shoppers and adjacent residents.

Policy TC-4.13 requires the City to promote heavy rail passenger connections. The project site is not in the proximity of a heavy rail passenger service area. Policy TC- 4.13 is inapplicable to the proposed project.

Policies designed to support the increased use of electric and alternative fuel vehicles::

Health & Safety Implementation Measure # 9

The City shall replace City fleet vehicles with low-emission technology vehicles, wherever possible

Health and Safety Implementation Measure # 9 pertains to City owned fleets. The proposed project is a private development project and does not propose the addition of new City fleet vehicles.

Health & Safety Implementation Measure # 10

The City shall encourage lowest emission technology buses in public transit fleets.

Health & Safety Implementation Measure # 10 pertains to the jurisdictional-wide public transit fleets and is inapplicable to the proposed project. While the proposed project will be served by additional bus service, the project does not require new public transit fleets.

Health & Safety Implementation Measure # 11

The City shall support legislation that promotes cleaner industry, lowest emission technology vehicles, and more efficient-burning engines and fuels.

Health & Safety Implementation Measure # 11 requires the City to support state-wide legislation and is not germane to the proposed project.

Policies designed to support the use of alternative methods of transportation and improve the efficiency and ridership of public transit and rail:

HS-4.1 Cooperation with Local and Regional Agencies

The City shall cooperate with other local, regional, and State agencies in developing and implementing air quality plans to achieve State and Federal Ambient Air Quality Standards.

Policy HS-4.2 requires the City to work with other local, regional and state agencies in developing and implementing air quality plans. The proposed development project does not involve the development of an air quality plan.

HS-4.2 Regional Agency Review

The City shall participate with cities, surrounding counties, and regional agencies to address cross-jurisdictional and regional transportation and air quality issues.

Policy HS-4.2 requires multi-jurisdictional cooperation and is not specific to development projects, such as the proposed project. Policy HS-4.2 is inapplicable to the proposed project.

HS-4.3 Regional Air Quality Project Review

The City shall consult with the SJVAPCD during CEQA review for projects that require air quality impact analysis and ensure that the SJVAPCD is on the distribution list for all CEQA documents.

The Draft EIR was circulated to the SJVAPCD, who provided a comment letter dated February 15, 2007. The types of mitigation measures recommended by SJVAPCD are considered, and adopted where feasible, as part of revised mitigation measure 4.8.3a. In addition, the applicant will be submitting an indirect source review application to SJVAPCD pursuant to District Rule 9510. The air impact assessment application has been submitted and approved by SJVAPCD (July 15, 2008).

HS-4.4 Support Regional Air Quality Attainment Plans

The City shall support recommendations to reduce air pollutants found in the SJVAPCD local attainment plans and use its regulatory authority to mitigate "point" sources of air pollution (e.g., factories, power plants, etc.).

The thresholds of significance and proposed mitigation measures for the project's air quality impacts are based on the recommendations found in the SJVAPCD local attainment plans (see DEIR chapter 4.8). The project does not include point sources of air pollution. Rather, emissions associated with the project are non-stationary such as construction emissions and vehicle emissions.

HS-4.16 Planning Programs

The City shall support land use, transportation management, infrastructure, and environmental planning programs that reduce vehicle emissions and improve air

This policy applies to programs, and not necessarily to individual development programs. Nevertheless, the project includes several mitigation measures designed to reduce vehicle emissions and improve air quality, as well as to reduce energy consumption (Measures 4.8.3a and 4.8.3b).

| 2035 General Plan Update EIR Policies and Mitigation Measures: | Weston Ranch Towne Center Project Consistency: |
|---|--|
| <p>Health & Safety Implementation Measure # 7 The City shall coordinate with the San Joaquin Valley Air Pollution Control District on the review of proposed development projects early in project review</p> | <p>The City coordinated with the SJVAPCD early in the project review. The SJVAPCD provided information to the City in response to the Notice of Preparation for the project (SJVAPCD letter, dated Feb. 10, 2005, is included in the DEIR appendices). This project is subject to Indirect Source Review (ISR). The air impact assessment application has been submitted and approved by SJVAPCD (July 15, 2008).</p> |
| <p>Policies designed to minimize air quality emissions associated with future development in the Study Area:</p> | |
| <p>HS-4.5 City Review of Development Proposals The City shall use the SJVAPCD Guidelines for Assessing and Mitigating Air Quality Impacts (GAAMAQI) for determining and mitigating project air quality impacts and related thresholds of significance for use in environmental documents. The City shall continue to cooperate.</p> | <p>The City used the SJVAPCD Guidelines for Assessing and Mitigating Air Quality Impacts (GAAMAQU) in assessing the potential significance of air quality impacts of the project and feasible mitigation measures. (See DEIR Ch. 4.8.) The City cooperated with the SJVAPCD in reviewing the proposed project. (See <i>Ibid.</i>)</p> |
| <p>The City shall continue to cooperate with the SJVAPCD in the review of development proposals.</p> | |
| <p>HS-4.6 CEQA Compliance The City shall ensure that air quality impacts identified during the CEQA review process are fairly and consistently mitigated. The City shall require projects to comply with the City's adopted air quality impact assessment and mitigation process, and to provide specific mitigation measures as outlined in policies of Chapter 8 Transportation and Circulation.</p> | <p>The proposed project provides mitigation measures to reduce air quality impacts, including mobile sources (vehicle emissions). The mitigation measures proposed for the project are fair and consistent with the City's assessment of other development projects and the General Plan EIR. In particular, the City implemented SJVAPCD guidance and regulations in analyzing and identifying mitigation for the project.</p> |
| <p>HS-4.7 Air Quality Mitigation The City shall continue the program for assessing air quality mitigation fees for all new development, with the fees to be used to fund air quality programs.</p> | <p>Mitigation Measure 4.8.3b allows for the payment of mitigation fees (as calculated in SFVAPCD Rule Rule 9510) to offset NOx or PM 10 operational emissions not reduced to the specified levels.</p> |
| <p>HS-4.19 Transportation Management Associations The City shall encourage commercial, retail, and residential developments to participate in or create Transportation Management Associations.</p> | <p>A Transportation Management Association has not been created for Weston Ranch</p> |
| <p>Health & Safety Implementation Measure # 8 The City shall encourage business owners to schedule deliveries at off-peak traffic periods.</p> | <p>All tenants will be required to schedule deliveries for off-peak hours</p> |
| <p>Health & Safety Implementation Measure # 12 The City shall adopt an ordinance requiring clean burning fireplaces and wood stoves</p> | <p>Health & Safety Implementation Measure # 12 relates to the City adopting a Citywide ordinance and is inapplicable to the proposed project. As a commercial development, the proposed project does not include any fireplaces or stoves</p> |
| <p>Policies designed to encourage energy efficiency:</p> | |
| <p>NCR-8.6 Tree Planting Informational Packet The City will develop a tree planting informational packet to help future residents understand their options for planting trees that can absorb carbon dioxide</p> | <p>Policy NCR-8.6 applies to the City and to future residents. The policy is inapplicable to the proposed project. Nevertheless, pursuant to revised Mitigation Measure 4.8.3a, the applicant may include the establishment of tree planting guidelines as a means to achieve a reduction in project energy use to achieve an overall 5% reduction in energy consumption beyond the requirements of Title 24. Further, the proposed project will include shade trees in the parking lot.</p> |
| <p>NCR-8.7 Shade Tree Planting The City will encourage the planting of shade trees within residential lots to reduce radiation heating and encourage the reduction of greenhouse gases.</p> | <p>Policy NCR-8.7 pertains to the planting of shade trees within residential lots. The project does not propose residential development. NCR-8.7 is inapplicable to the proposed project. Nevertheless, the proposed project will include shade trees in the parking lot to reduce radiant heat</p> |
| <p>NCR-8.8 Alternative Fuels Vehicle Parking The City shall prioritize parking within commercial and retail areas for electric vehicles, hybrid vehicles, and alternative fuel vehicles as well as provide electric charging stations.</p> | <p>The project does not include charging stations or priority parking. This could be included in future phases of the project. Pursuant to revised Mitigation Measure 4.8.3a, fifteen prioritized parking spaces for electric vehicles, hybrid vehicles, and alternative vehicles will be included on site (5 prioritized spaces for Wal-Mart, 5 prioritized spaces for the junior anchor stores, and 5 prioritized spaces for the pad buildings).</p> |

2035 General Plan Update EIR Policies and Mitigation Measures:

Weston Ranch Towne Center Project Consistency:

NCR-8.9 Passive and Active Solar Devices

The City shall encourage the use of passive and active solar devices such as solar collectors, solar cells, and solar heating systems into the design of local buildings.

Passive solar devices, such as daylighting, cool roofs, radiant heat barriers have been incorporated into the project. Pursuant to revised Mitigation Measure 4.8.3a, the project will achieve a 5% overall reduction of energy use beyond the requirements of Title 24, which may be achieved through the use of passive or active solar devices.

NCR-8.10 Solar Orientation and Building Site Design.

The City shall encourage building and site design that takes into account the solar orientation of buildings during design and construction. The incorporation of energy efficient site design shall be incorporated into City-wide master planning efforts when feasible.

The six major retail stores in the project are oriented on an east-west axis, facing south. This is a correct passive solar orientation for the site.

NCR-8.11 Energy-Efficient Buildings.

The City will encourage the development of energy-efficient buildings and communities.

Revised Mitigation Measure 4.8.3a requires the applicant to achieve a 5 percent overall reduction in energy consumption beyond the requirements of Title 24. The six major retail stores in the project are oriented on an east-west axis, facing south. This is a correct passive solar orientation for the site. As explained in the Project Description, the proposed Wal-Mart will include numerous energy efficient building measures. (Final EIR, Chapter 4, section 3.3.2 "Sustainable Features.")

NCR-8.12 Solar Photovoltaic Systems

The City will promote voluntary participation in incentive programs to increase the use of solar photovoltaic systems in new and existing residential, commercial institutional and public buildings

The City has not established any incentive program that would apply to the proposed project.

NCR 9.13 California Title 24 Energy Efficiency Standards

The City will explore offering incentives such as density bonus, expedited process, fee reduction/waiver to property owners and developers who exceed California Title 24 energy efficiency standards.

The City has not developed incentives that would apply to the proposed project.

City of Stockton Settlement Agreement with the Attorney General of California and the Sierra Club for the General Plan Litigation

Following the City's adoption of the 2035 General Plan, the Sierra Club and the Morada Area Association sued the City challenging the adequacy of the EIR for the General Plan under CEQA. In February 2008, the California Attorney General's Office informed the City that the Attorney General was considering intervening in the lawsuit challenging the EIR for allegedly not adequately addressing the General Plan's impacts on GHGs.

While the City believes that the General Plan and its EIR do adequately address GHGs and global climate change, the City initiated discussions with the Attorney General to explore ways to resolve any concerns. As a result of these discussions, the City and the Attorney General's Office identified a set of implementation measures supporting actions to mitigate GHG emissions and further fulfill policies of the General Plan. Given the progress made in these discussions, the City and the Attorney's General's Office invited the Sierra Club and the Morada Area Association to join the discussions to seek a settlement of their lawsuits. The Sierra Club joined the discussions while the Morada representatives did not. After further discussions, a three-way settlement was reached between the City, the California Attorney General and the Sierra Club. The City Council voted to approve the final Settlement Agreement on September 9, 2008. The City will still be required to defend the General Plan and General Plan EIR, however, because the Morada Area Association is not a party to the Settlement Agreement.

The main component of the Settlement Agreement is a requirement that City staff prepare for City Council consideration a Climate Action Plan (CAP). It is anticipated that the Climate Action Plan will take as long as 24 months to complete and submit to the City Council for adoption. The Settlement Agreement therefore provides interim provisions to address climate change in the interim period between execution of the Settlement Agreement and the adoption of the CAP (Settlement Agreement, ¶ 9.)

Under the terms of the Settlement Agreement, the interim requirements set forth in paragraph 9 do not apply to the proposed Project. The Settlement Agreement's interim provisions apply only to the City's granting of approvals for development projects (1) subject to a Specific Plan (SP) or Master Development Plan (MDP), as those terms are defined in sections 16-540 and 16-560 of the Stockton Municipal Code; or (2) considered projects of statewide, regional, or areawide significance, as defined by the CEQA Guidelines ("projects of significance." (Settlement Agreement, paragraph 9; see also Settlement Agreement, paragraph 5(b) [defining "SP," "MDP," and "projects of significance."].) The Weston Ranch Towne Center Project is not subject to an SP, or MDP, as those terms are defined in the Stockton Municipal Code. Nor is the Weston Ranch Towne Center project a project of statewide, regional, or areawide significance as defined in the CEQA Guidelines (see CEQA Guidelines, § 15206, subd. (b)). With respect to CEQA Guidelines, section 15206, subdivision (b)(2)(B), the proposed Project encompasses less than 500,000 square feet of floor space and therefore does not meet the criteria set forth in that subdivision for a project of statewide, regional, or areawide significance. Nor does the proposed Project meet any other criteria identified in CEQA Guidelines, section 15206, subdivision (b).

Even if the interim provisions of the Settlement Agreement did apply to the proposed Project, the City finds that the Project is in substantial compliance with the Agreement's interim terms. The following identifies the interim requirements of the Settlement Agreement, as set forth in Paragraph 9 (shown in italics), and explains how the proposed Project substantially complies with those terms.

9. To more fully carry out those provisions of the General Plan, including the policy commitments embodied in those General Plan Policies, such as General Plan Policy HS-4.20, intended to reduce greenhouse gas emissions through reducing commuting distances, supporting transit, increasing the use of alternative vehicle fuels, increasing efficient use of energy, and minimizing air pollution, and to avoid compromising the effectiveness of the measures in Paragraphs 4 through 8, above, until such time as the City formally adopts the Climate Action Plan, before granting any approvals for development projects (1) subject to an SP or MDP, or (2) considered projects of significance, and any corresponding development agreements, the City shall take the steps set forth in subsections (a) through (d) below:

(a) City staff shall, within the text of an environmental document or, for projects for which proposed final environmental impacts reports existed as of the Effective Date, within the text of proposed development agreements or other non-CEQA documents:

(1) formulate proposed measures necessary for the project to meet any applicable GHG reduction targets;

There are currently no adopted reduction targets applicable to the proposed Project. Nevertheless, the Final EIR formulates numerous proposed measures that would achieve substantial GHG reductions, in furtherance of any future adopted GHG reduction targets (see Final EIR, Mitigation Measure 4.13.3; see also Final EIR Table 3-4).

(2) assess the project's VMT and proposed measures that would reduce the project's VMT;

Section 4.7 of the EIR assesses the Project's transportation and circulation impacts. Additionally, CO₂ emissions from mobile sources for the year 2008 and 2025 are projected in Table 3-2 of the Final EIR. The Final EIR identifies several measures that would reduce the vehicle miles traveled associated with the proposed Project. Such measures include the following:

- The project can be adequately served by public transportation. The San Joaquin Regional Transit District has requested, and the applicant has agreed to provide, appropriate transit features, including a bus pull-out on Manthey Road (west), with development of the project. Provision of a bus-pull out with appropriate transit amenities, such as a bus shelter, would improve transit accommodation in the area.
- As noted in the FEIR Transportation section (Site Plan Review section), the San Joaquin Regional Transit District has requested that the project applicant provide appropriate transit features, including bus pull-outs. The applicant has coordinated with the City of Stockton transit authority to include a bus stop at Manthey Road (west). This stop will be accessed by four separate bus routes, providing service to the site from

various locations. 75 non-exclusive park-n-ride spots will be shared between the Vestar site (including the Wal-Mart) and the MCD site. Additionally, 15 prioritized parking spaces shall be preserved for electric vehicles, hybrid vehicles, and alternative fuel vehicles (5 prioritized parking spaces for Wal-Mart; 5 prioritized parking spaces for the junior anchors stores; and 5 prioritized parking spaces for the pad buildings).

- A Class I bicycle path would be constructed on French Camp Road along the project frontage and would be located within an 8 foot meandering sidewalk/path on the north and south sides of French Camp Road. Manthey Road is designated as a Class III bicycle route. These improvements would enhance bicycle and pedestrian access to the site and throughout the area.
- The project includes bicycle parking, per City standards. The site plan includes pedestrian connections from the surrounding streets to the buildings, and has been analyzed for pedestrian safety (see Section 4.7, Transportation and Circulation). Bicycle parking will be provided in convenient access areas throughout the site, located next to the major project buildings. Additionally, the site plan shows a network of pedestrian access routes that will allow pedestrians to travel onto the site from the adjacent roadways and transit stop and throughout the site via designated pedestrian routes and crossings.
- The Project will provide bicycle lanes and/or paths, connected to community-wide network. As noted in the project description, relevant improvements expected to be completed prior to or in conjunction with development of the project include installation of off-street bikeways, curbs, gutters, and sidewalks in appropriate areas.
- Light rail is not planned for this area. However, an additional bus stop is planned for this development. The applicant has coordinated with the San Joaquin Regional Transit District (RTD) to include a bus stop at Manthey Road (west). This stop will be accessed by four separate bus routes, providing service to the site from various locations.
- The project will have eateries that will afford employees a place to eat without leaving the project site.
- The existing Weston Ranch residential subdivision is located north and west of the project site. The project promotes clustered development by proposing commercial development not available in Weston Ranch.
- The project will include an information center for residents to coordinate carpooling and vanpooling.

(3) address the transit, especially BRT, needs of the project and the identify the project's proposed fair share of the cost of meeting such needs;

Section 4.7 of the EIR assesses the Project's transportation and circulation impacts, including bicycle, pedestrian and transit access (see Final EIR, Transportation and Circulation analysis, Bicycle, Pedestrian and Transit Access).

The project can be adequately served by public transportation. The San Joaquin Regional Transit District has requested, and the applicant has agreed to provide, appropriate transit features, including a bus pull-out on Manthey Road (west), with development of the project. Provision of a bus pull-out with appropriate transit amenities, such as a bus shelter, would improve transit accommodation in the area.

The San Joaquin Regional Transit District has requested that the project applicant provide appropriate transit features, including bus pull-outs. The applicant has coordinated with the City of Stockton transit authority to include a bus stop at Manthey Road (west). This stop will be accessed by four separate bus routes, providing service to the site from various locations. 75 non-exclusive park-n-ride spots will be shared between the Vestar site (including the Wal-Mart) and the MCD site. Additionally, 15 prioritized parking spaces shall be preserved for electric vehicles, hybrid vehicles, and alternative fuel vehicles (5 prioritized parking spaces for Wal-Mart; 5 prioritized parking spaces for the junior anchors stores; and 5 prioritized parking spaces for the pad buildings).

(4) assess whether project densities support transit, and, if not, identify what increases in project density would be necessary to support transit service, including BRT service;

See discussion under Paragraph 9, subdivision (a) part (3) directly above.

(5) assess the project's estimated energy consumption, and identify proposed measures to ensure that the project conserves energy and uses energy efficiently;

Table 3-3 of the Final EIR projects total emissions from the Project's indirect electricity use. Numerous measures are proposed to ensure that the Project conserves and uses energy efficiently. These measures include the following:

- The Draft EIR was circulated to the SJVAPCD, who provided a comment letter dated February 15, 2007. The applicant has submitted an indirect source review application to SJVAPCD pursuant to District Rule 9510. The application was approved on July 15, 2008.
- Revised Mitigation Measure 4.8.3a requires the applicant to achieve a 5 percent overall reduction in energy consumption beyond the requirements of Title 24. Pursuant to Mitigation Measure 4.8.3a the applicant shall devise an energy conservation plan that includes consideration of various potential measures. The City, in consultation with the SJVAPCD, will require implementation of the clearly feasible measures. The table of measures is noted in revised Mitigation Measure 4.8.3a located in Chapter 4 of this FEIR.
- Mitigation Measure 4.14.3 would require: The owners, developers and/or successors-in-interest (ODS) to comply with the City's adopted "Build It Green" Program, green point rated guidelines, in effect at the time of construction. In the absence of a City adopted program, the ODS implement one of the following:
 - a. Comply with the California Green Building Code; or
 - b. Comply with LEED Silver standards in effect at the time of construction; or
 - c. Comply with green building guidelines as determined by the City, which would include the following measures:
 1. Building insulation and high-performance windows that would exceed Title 24 standards.
 2. Building techniques that ensure tight building construction efficient duct systems, and efficient heating and cooling equipment.
 3. Use of reflective, EnergyStar™ cool roofs on all buildings.

- Mitigation Measure 4.14.3 would require the following measures to be used in combination to accomplish an overall reduction in energy consumption relative to the requirements of Title 24 (California Code of Regulations):
 - a. Contractors shall minimize and recycle construction-related waste.
 - b. Implement Mitigation Measure 4.8.3a (energy-saving features)

(6) formulate proposed measures to ensure that the project is consistent with a balance of growth between land within Greater Downtown Stockton and existing City limits, and land outside the existing City limits;

As explained in the Final EIR's urban decay analysis of the revised Project (section 4.4), most of Stockton's retailers are clustered in north Stockton, with a very limited number serving the south and central Stockton area, despite considerable residential populations living in those areas. Residential neighborhoods exist to the west, east and north of the Project site, from which retail employers may draw employees. Further, an objective of the project is to serve as a regional commercial and retail space within the City in addition to providing large-scale retail activities that will complement existing smaller scale retail activities throughout the City, including the Greater Downtown Stockton.

(7) formulate proposed measures to ensure that City services and infrastructure are in place or will be in place prior to the issuance of new entitlements for the project or will be available at the time of development; and

All necessary infrastructure will be in place at the time of development.

(8) formulate proposed measures to ensure that the project is configured to allow the entire development to be internally accessible by all modes of transportation.

The project site is internally accessible by all modes of transportation, although bus stops will only be located on the perimeter of the site.

(b) The Planning Commission and/or the City Council shall review and consider the recommendations of City staff required by paragraph 9(a) and conduct at least one public hearing thereon prior to approval of the proposed project (though this hearing may be folded into the hearing on the merits of the project itself).

The Planning Commission and the City Council have considered the Project's GHG impacts and conducted at least one public hearing on the Project, prior to its approval.

(c) The Planning Commission and/or the City Council shall consider the feasibility of imposing conditions of approval, including mitigation measures pursuant to CEQA, based on the recommendations of City staff prepared pursuant to paragraph 9(a) for each covered development project.

The Planning Commission and the City Council have considered the feasibility of imposing conditions of approval, including mitigation measures pursuant to CEQA, to reduce the Project's GHG emissions.

(d) The Planning Commission and/or the City Council shall consider including in any development approvals, or development agreements, that the City grants or enters into during the time the City is developing the Climate Action Plan, a requirement that all such approvals and development agreements shall be subject to ordinances and enactments adopted after the effective date of any approvals of such projects or corresponding development agreements, where such ordinances and enactments are part of the Climate Action Plan.

If the City enters into a development agreement for the project, and at that time the City has adopted a Climate Action Plan, then the requirements of the plan will be incorporated into the development agreement.

(e) The City shall complete the process described in paragraphs (a) through (d) (hereinafter, "Climate Impact Study Process") prior to the first discretionary approval for a development project. Notwithstanding the foregoing, however, for projects for which a draft environmental impact report has circulated as of the Effective Date, the applicant may request that the City either (i) conduct the Climate Impact Study Process or (ii) complete its consideration of the Climate Action Plan prior to the adoption of the final discretionary approval leading to the project's first phase of construction. In such cases, the applicant making the request shall agree that nothing in the discretionary approvals issued prior to the final discretionary approval (i) precludes the City from imposing on the project conditions of approvals or other measures that may result from the Climate Impact Study Process, or (ii) insulates the project from a decision, if any, by the City to apply any ordinance and/or enactments that may comprise [sic] the Climate Action Plan ultimately adopted by the City.

The City released the Draft EIR for the project prior to the effective date of the Settlement Agreement.

Water Supply – Applicability of Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183

As described above, where an EIR has been prepared for a general plan, Public Resources Code section 21083.3 and CEQA Guidelines section 15183 provide for streamlined environmental review for site-specific approval of projects consistent with development allowed under the General Plan. For such site-specific approvals, CEQA generally applies only to impacts that are "peculiar to the parcel or to the project" and that have not been disclosed in the prior EIR, except where "substantial new information" shows that previously identified impacts will be more significant than previously assumed. (Pub. Resources Code, 21083.3, subd. (b).) The provisions of Public Resources Code section 21083.3 apply only if "all public agencies with authority to mitigate the significant effects [of the project] . . . undertake or require the undertaking of any feasible

mitigation measures specified in the prior environmental impact report relevant to a significant effect which the project will have on the environment.” (Pub. Resources Code, § 21083.3.)

In addition to analyzing the 2035 General Plan Update’s climate change impacts, the 2035 General Plan Update EIR evaluated the potential impacts resulting from implementation of the 2035 General Plan Update. Among other things, the “Public Facilities and Services” chapter and background report of the General Plan Update evaluated water supply and delivery impacts associated with implementation of the 2035 General Plan Update.

The proposed Project is consistent with the 2035 General Plan Update Commercial land use designation for the project site. Commercial development of the project site was therefore evaluated in the General Plan Update EIR. There is nothing peculiar about the water demands of the Project site or of the proposed Project, such as a proposal for a recreational lake or large plots of irrigated land, that would implicate water supply impacts for commercial development of the Project site beyond those evaluated in the 2035 General Plan Update EIR. Nor is there substantial evidence that water supply impacts are more significant than assessed in the 2035 General Plan Update EIR in 2007. As further explained below, the City has required the undertaking of all feasible mitigation measures previously identified in the General Plan EIR relevant to water supply. Accordingly, no further review of water supply for the proposed Project is required. (Pub. Resources Code, § 21083.3, subd. (c); CEQA Guidelines, § 15183.)

To evaluate water supply for the General Plan Update, the City conducted a Water Supply Evaluation (WSE), which was intended to meet the demands of Senate Bill 610 (Water Code, § 10910 et seq.). The General Plan Update EIR also included a Background Report. The Public Facilities and Services section of the Background Report provided further detailed information on water supply and delivery associated with the General Plan Update. The relevant portions of the 2035 General Plan Update EIR’s water supply analyses are incorporated into the Final EIR for the Weston Ranch Towne Center project by reference. (See Final EIR, Master Response # 3.)

The 2035 General Plan Update EIR found one (1) significant and unavoidable impact associated with water supply and water delivery:

- Impact PFS-1: The Proposed Project would require or result in the construction of new water treatment facilities or expansion of existing facilities the construction of which could cause significant environmental effects.

The General Plan Update EIR found the following impacts to be less than significant with implementation of the proposed mitigation measures:

- Impact PFS-2: The Proposed Project would require new or expanded water supply entitlements;
- Impact PFS-3: The Proposed Project would have the potential in the long-term to deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.

City of Stockton General Plan Policy PFS-2.13 requires the City or project applicant to demonstrate the availability of a long-term, reliable water supply from a public water system for the proposed development. The Draft EIR, the Water Supply Assessment prepared for the proposed Project, and the environmental review documents prepared for the 2035 General Plan Update provide the required substantial evidence of a long-term reliable water supply from a public water system for the proposed Project. In addition, as explained in the Draft EIR adequate water supply infrastructure will be put in place to meet project demand. (See Draft EIR, p. 4.6-2.) Notably, the Water Supply Assessment prepared for the Project conservatively assumes that Delta water from the proposed Delta Water Supply Project will not be available to meet project demands. Due to the decreased size of the Project, however a water supply assessment is no longer required for the Project. (Water Code, § 10910 et seq.)

As mentioned, in order to fall within the partial exemption created by Public Resources Code section 21083.3, “all public agencies with authority to mitigate the significant effects shall undertake or require the undertaking of any feasible mitigation measures specified in the prior environmental impact report relevant to a significant effect which the project will have on the environment.” (Pub. Resources Code, § 21083.3, subd. (c).) The following table (“Water Policy Consistency”) explains how each of the mitigation measures adopted by the City of Stockton through its General Plan Update to mitigate water supply impacts will be undertaken for the project:

WATER POLICY CONSISTENCY

| 2035 General Plan Update EIR Policies and Mitigation Measures: | Weston Ranch Towne Center Project Consistency: |
|--|---|
| <p>PSF-1.10 Utility Master Planning Performance criteria for water, wastewater, and stormwater facility shall be set forth in an adopted citywide plan for each utility.</p> | <p>This policy pertains to city-wide utility planning and is not applicable to the proposed Project.</p> |
| <p>PFS-2.1 Water Conservation The City shall continue to implement water conservation programs that save significant amounts of water at reasonable cost.</p> | <p>This policy pertains to the implementation of City-wide conservation programs and is not applicable to the proposed Project. The Project will comply with all mandatory water conservation programs.</p> |
| <p>PFS-2.2 Water Supply The City shall evaluate long-term water supply strategies, including acquiring or developing additional water supplies to offset the shortages anticipated from existing supplies, and improved water conservation and re-use. For new development, the City will require the installation of non-potable water infrastructure for irrigation of large landscaped areas where feasible and cost effective. Conditions of approval will require connection and use of non-potable water supplies when available at the site.</p> | <p>This policy requires the City to evaluate long-term water supply strategies and is not applicable to a specific development project, such as the Proposed Project. As demonstrated in the Draft EIR and Water Supply Assessment prepared for this Project, sufficient supplies exist to meet the Project's anticipated near-term and long-term water demand.</p> |
| <p>PFS-2.3 Water Treatment Capacity The City shall plan, secure funding for, and procure sufficient water treatment capacity and infrastructure to meet projected water demands.</p> | <p>This policy pertains to Citywide efforts to procure water treatment capacity and water treatment infrastructure and is inapplicable to the proposed Project. The proposed Project would receive wastewater service from the City of Stockton Municipal Utilities Department. In accordance with approved master plans, a 15-inch sanitary sewer pipeline will be extended from the intersection of McDougal Boulevard and Henry Long Boulevard east.</p> |
| <p>PFS-2.4 Growth Trends The City shall establish a process for monitoring water demand growth trends to anticipate water supply needs.</p> | <p>This policy pertains to City-wide monitoring of growth trends to anticipate water supply needs. As part of the environmental review of the proposed Project, a Water Supply Assessment was prepared, estimating Project water supply needs. The revised project will result in less water demands than estimated in the Draft EIR for the Project as originally proposed. The information provided in the Draft EIR, this Final EIR, and the Water Supply Assessment for the Project will assist the City in monitoring water demand trends and anticipating water supply needs associated with build-out of the General Plan.</p> |
| <p>PFS-2.6 Level of Service The City shall maintain adequate levels of water service by preserving, improving, and replacing infrastructure as necessary.</p> | <p>Adequate levels of water services will be provided for the Project. As described in section 4.6 (Public Services and Utilities) of the Draft EIR, the project would receive water service from the City of Stockton Municipal Utilities Department, Water Division. Water distribution systems in the vicinity of the project site include a 30-inch pipeline along French Camp Road, an 18-inch pipeline along Manthey Road, and a 16-inch pipeline along William Moss Boulevard. The Project would require an extension of the existing water service in the area. A 12-inch water line at the intersection of French Camp Road and Manthey Road would be extended west along French Camp Road to serve the project site. In addition, the project would require the extension of a 16-inch line from the intersection of Henry Long Boulevard and Manthey Road to coincide with the western boundary of the project site.</p> |
| <p>PFS-2.7 Water Supply for New Development The City shall ensure that water supply capacity and infrastructure are in place prior to granting building permits for new development.</p> | <p>As addressed in Section 4.10 Hydrology, of the Draft EIR, the City has determined that sufficient water supply exists to meet the project's current, near-term and long-term water demands.</p> |
| <p>PFS-2.8 Delta Water Supply The City shall not approve new development that relies on water from the Delta Water Supply Project until this Delta Water is allocated through a water right to the City by the State of Water Resources Control Board or a replacement water supply is secured.</p> | <p>The proposed Project does not include Delta SWP or CVP water supplies. This policy is therefore inapplicable. (See Water Supply Assessment, see also Responses to Comments 31-45 and 31-51.)</p> |
| <p>PFS-2.9 Water Facility Sizing The City shall ensure through the development review process</p> | <p>This policy pertains to public facilities and infrastructure and is not applicable to the proposed Project. As described in section 4.6</p> |

2035 General Plan Update EIR Policies and Mitigation Measures:
Weston Ranch Towne Center Project Consistency:

that public facilities and infrastructure are designed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for future replacement to achieve upsizing. For facilities subject to incremental sizing, the initial design shall include adequate land area and any other elements not easily expanded in the future.

PFS-2.10 Sustainability of Surface Water

The City shall work in concert with other water purveyors in the region to seek long-term renewable surface water contracts, and shall take actions to acquire, protect, and expand surface water rights to serve growing water demands.

PFS-2.11 Sustainability of Groundwater

The City shall work in concert with other water purveyors in the region to achieve the target yield (0.6 AF/year) of the drinking water aquifer, and shall limit its long-term average groundwater withdrawals to this target yield.

PFS-2.12 Water for Irrigation

The City shall encourage the use of non-potable water supplies for irrigation of landscape.

PFS-2.13 Timing of Future Development

Prior to any approval of any tentative small lot subdivision map for a proposed residential project of more than 500 dwelling units, the City shall comply with Government Code Section 66473.7. Prior to approval of any tentative small lot subdivision map for a proposed residential project of 500 or fewer units, the City need not comply with Section 66473.7 or formally consult with the public water system that would provide water to a proposed subdivision, but shall nevertheless make a factual showing or impose conditions similar to those required by Section 66473.7 in order to ensure adequate water supply for development authorized by the map. Prior to recordation of any final small lot subdivision map, or prior to City approval of any project-specific discretionary approval or entitlement required for nonresidential land uses, the City or the project applicant shall demonstrate, based on substantial evidence, the availability of a long-term, reliable water supply from a public water system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of a written verification that existing sources are or will be available and that needed physical improvements for treating and delivering water to the project site will be in place prior to occupancy.

LU-1.13 Growth Phasing

The City shall phase growth based on the availability of adequate water supplies, market forces, infrastructure financing capacity, and the timing of the design, approval, and construction of water supply and transportation facilities and other infrastructure.

HE-3.2 Public Improvements

The City shall plan for the expansion and/or improvement of public facilities and infrastructure to coincide with housing development and improvements.

Public Services and Utilities of the Draft EIR (Draft EIR, p. 4.6-2) water service infrastructure will be extended to the Project site to meet project demand.

This policy requires the City to work with other water purveyors to seek long-term renewable surface water contracts and acquire water rights to serve the City's growing demand and is not applicable to the proposed Project.

To the extent this policy requires the City to work in concert with other water purveyors, it is inapplicable to the proposed Project.

Currently, the City of Stockton does not have a reclaimed water system. Therefore, non-potable water is not presently available for landscape irrigation at the Project site. However, consistent with Policy PFS-2.12, the following mitigation measure is hereby added:

Mitigation Measure 4.10.4

The water irrigation system installed for the Project shall be installed such that it may be converted to a non-potable reclaim water system in the future. The applicant shall monitor the City's efforts to develop a reclaimed water system. If the City develops a reclaimed water system that is feasibly accessible to the project site, non-potable water shall be used for Project landscape irrigation.

Consistent with Policy PFS-2.13, the Draft EIR for the Weston Ranch Towne Center Project and the Water Supply Assessment prepared for the Project demonstrate, based on substantial evidence, the availability of water supply from a public water system for the amount of development proposed and that physical improvements for treating and delivering water to the Project site will be in place prior to occupancy.

The Project is consistent with Policy LU-1.13 (Growth Phasing) in that adequate water supplies are available for the proposed Project and adequate financing exists to provide water infrastructure to the Project.

This policy relates to expansion of public facilities and infrastructure as they relate to housing development. The proposed Project does not include any residential development. Therefore, this policy is inapplicable.

2035 General Plan Update EIR Policies and Mitigation Measures:

Weston Ranch Towne Center Project Consistency:

Implementation Measure 2

The City shall adopt and implement a water supply assessment and a verification of sufficient water supply fee.

This policy requires actions on behalf of the City to adopt and implement a City-wide water supply fee and is inapplicable to the proposed Project. The applicant will pay any mandatory water supply fees required for the proposed Project.

Implementation Measure 5

The City shall maintain and periodically update the water master plan.

This policy requires the City to maintain and update the water master plan and is inapplicable to the proposed development project.

Implementation Measure 6

The City shall update the urban water management plan every five years in accordance with State Law.

This policy requires the City to comply with State Law in updating its urban water management plan and is inapplicable to the proposed Project.

Implementation Measure 7

The City shall design and construct the Delta Water Supply Project (DWSP).

This policy requires the City to design and construct the DWSP and is inapplicable to the proposed Project.

Implementation Measure 8

The City shall work with Stockton East Water District (SEWD) to improve the capacity of the SEWD Water Treatment Plan to 60 mgd.

This policy requires the City to work with SEWD to improve SEWD Water Treatment Capacity and is inapplicable to the proposed Project.

Implementation Measure 9

The City shall meet compliance schedules stipulated by the State and EPA regulations, Water Quality Monitoring Program.

The proposed Project will comply with all applicable State and EPA regulations, as well as Water Quality Monitoring Programs. (See Draft EIR, chapter 4.10 Hydrology and Water Quality.)

Implementation Measure 10

The City shall work in concert with other water purveyors in the region to prepare and implement an Integrated Regional Water Resources Management Plan.

This policy requires the City to work with other water purveyors in the preparation and implementation of an Integrated Regional Water Resources Management Plan and is inapplicable to the proposed Project.

Implementation Measure 20

Develop Infrastructure and Public Facilities to Support Residential Development: When the Plans for capital improvements to expand or improve infrastructure and public facilities, it shall take into consideration where housing is likely to be built. In this way, capital improvements can support new residential development.

This policy pertains to public facilities supporting residential development. Because no residential development is proposed for the Weston Ranch Towne Center project, the policy is inapplicable.

Implementation Measure 21

The City shall conduct an assessment of proposed expansion areas, including Village areas, to determine where fees need to be levied for new and expanded public services and utility infrastructure, but not limited to, fire stations and equipment, police stations and equipment, utility infrastructure, recreation, and library facilities. Fees should be based on initial facility and equipment costs as well as operations and long-term maintenance and replacement.

This policy requires the City to determine where fees need to be levied for public services and is inapplicable to the proposed Project. The applicant will pay any mandatory fees associated with development of the proposed Project.

Part II – Environmental Impacts of the Project and Mitigation Measures for those impacts identified in the Final EIR and incorporated into the Project

These findings provide the written analysis and conclusions of the City Council regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR and adopted by the City Council as part of the Project. To avoid duplication and redundancy, and because the Council agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not repeat the analysis and conclusions in the Final EIR, but instead incorporates them by reference herein and relies upon them as substantial evidence supporting these findings.

In making these findings, the City Council has considered the opinions of other agencies and members of the public. The City Council finds that the determination of significance thresholds is a judgment decision within the discretion of the City Council; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the City Council is not bound by the significance determinations in the EIR (see Pub. Resources Code, § 21082.2, subd. (e)), the Council finds them persuasive and hereby adopts them as its own

Table A attached to these findings and incorporated herein by reference summarizes the environmental determinations of the Final EIR and Project's impacts before and after mitigation. This table does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, Table A provides a summary description of each impact, describes the mitigation measures identified in the Final EIR and adopted by the City Council, and states the City Council's findings on the significance of each impact after imposition of the required mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determination regarding the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the City Council ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth in the Resolution of Approval of the MMRP, the Project is conditioned upon the implementation of the mitigation measures set forth in Table A to substantially lessen or avoid the potentially significant and significant impacts of the Project, as well as certain less-than-significant impacts. In requiring these mitigation measures, the City Council intends to condition the Project on implementation of each of all of mitigation measures proposed in the Final EIR. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from Table A, any such mitigation measure is hereby incorporated by reference. In addition, in the event any mitigation measure set forth in Table A fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the mitigation

measures set forth in the Final EIR shall control, unless the language of the policies and implementation measures has been specifically and expressly modified by these findings.

Part III – Basis to Approve Revised Project, Which is Consistent with the Reduced Density Alternative (Alternative 4).

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

As shown on Table 5.2 of the Draft EIR, Alternative 1, the No Project Alternative, would have the fewest significant impacts (assuming it is developed with residential uses consistent with the project site's zoning, rather than commercial uses as designated under the 2035 General Plan). The CEQA Guidelines require that when the No Project Alternative is environmentally superior, that another "project" alternative be identified as the Environmentally Superior Alternative. The Environmentally Superior Alternative from among the other "project" alternatives is the Reduced Density Alternative (Alternative 4), which would avoid or reduce several significant impacts, including impacts to agricultural land, air quality (DPM health risk), and operational noise. (Draft EIR, p. 5-19.)

Importantly, as discussed in the Final EIR, the revised Project is consistent with the Reduced Density Alternative (Alternative 4), analyzed in the Draft EIR. The Reduced Density Alternative/revised Project is environmentally superior to the Project as originally proposed. Further, the revised Project is environmentally superior to each of the other alternatives evaluated in the Draft EIR, with the exception of the No Project Alternative. (See Draft EIR, Table 5.2.) Further, assuming the No Project Alternative were developed consistent with the project site's General Plan designation, the No Project Alternative would have substantially similar environmental impacts as the revised Project, but would not include the sustainability features incorporated into the proposed Project. Therefore, assuming the project site were built out consistent with the General Plan, the No Project Alternative would not be environmentally superior to the revised Project. However, for the reasons explained in the Draft EIR, if residential development consistent with the project site's zoning designation were to occur, the No Project Alternative would be environmentally superior to the revised Project.

Summary of Findings Relating to the Alternatives Evaluated in the Draft EIR

Alternative 1 - No Project Alternative

Under CEQA, the analysis of alternatives must include consideration of the ‘no project’ alternative. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. (CEQA Guidelines, § 15126.6, subd. (e)(1).) The ‘no project’ analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. (Ibid, subd., (e)(2).) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the ‘no project’ alternative will be the continuation of the existing plan, policy or operation into the future. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan. (Ibid, subd. (e)(3)(A).)

In this case, if the City does not approve the Project, the existing General Plan and zoning designations will remain in place, and development in accordance with those existing designations is reasonably foreseeable. The ‘no project’ alternative does not consist of “no development.” “No development” would consist of maintaining the existing conditions at the site. For a description of those existing conditions, see the discussion of the environmental setting in each section of Chapter 4 of the EIR.

Under the No Project scenario, the Draft EIR assumed that the property would ultimately be developed with single-family homes and commercial uses according to the Low-Medium Density Residential designation and Commercial designation under the Stockton General Plan in place at the time the NOP was issued. After release and circulation of the Draft EIR, the City of Stockton approved the Stockton 2035 General Plan Update. The 2035 General Plan designates the entire project site commercial. Therefore, a General Plan Amendment is no longer required for the Project. Buildout of the project site under the current General Plan designation would result in commercial development, similar to the proposed Project. As such, the environmental impacts associated with buildout of the project site consistent with the current General Plan would be similar to the environmental impacts described in the EIR for the revised Project. If, however, residential development were proposed, consistent with the project’s zoning, a General Plan Amendment would be required. (Cal. Gov. Code, § 66473.5; see also *Friends of “B” St. v. City of Hayward* (1980) 106 Cal.App.3d 988, 999.) The impacts associated with residential development of the project site are evaluated in the Draft EIR’s analysis of the No Project Alternative (Draft EIR, pp. 5-5 through 5-7.)

If, as envisioned by the 2035 General Plan, commercial development were proposed for the site, this alternative would have the same or similar impacts on the environment as the Project, and would not be expected to reduce any significant environmental impacts of the Project to less-than-significant levels. Therefore, this scenario would not be considered the “environmentally

superior alternative” for purposes of CEQA Guidelines section 15126.6, subdivision (e)(2), and need not be approved over the proposed Project. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15002 subd. (a)(3), 15091, subd. (a)(1).)

If, however, single-family homes were developed on the project site consistent with its Low Density Residential zoning designation, none of the project objectives would be obtained. As noted above, an alternative may be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. Thus, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” of a project. (City of Del Mar, *supra*, 133 Cal.App.3d at p. 417; see also Sequoyah Hills, *supra*, 23 Cal.App.4th at p. 715.) Here, residential development would preclude the development of the Weston Ranch Towne Center project on the subject site. Under this alternative, the proposed shopping center would not be constructed and none of the benefits of the Project would be realized. Accordingly, this scenario is infeasible because it would fail to achieve any of the Project’s objectives. (See *Ibid.*)

Alternative 2 – South of French Camp Road

Alternative 2, the South of French Camp Road alternative (see Draft EIR Figure 5-1), would involve implementation of the project on land directly south of French Camp Road and west of Interstate 5, just south of the project site. Land at this location is outside the City of Stockton situated within unincorporated San Joaquin County, but within the City of Stockton Urban Services Boundary. Existing uses are agricultural. In addition to the permits and approvals identified for the project, this alternative location would require annexation into the City of Stockton, a General Plan amendment redesignating the site from Agricultural to Commercial, and cancellation of active Williamson Act contracts.

As previously explained, the revised Project is consistent with the Reduced Density Alternative analyzed in the Draft EIR. As shown on Table 5.2 of the Draft EIR, the Reduced Project Alternative is environmentally superior to Alternative 2. Because the revised Project is consistent with the Reduced Density Alternative in terms of its potential environmental impacts, the Project is similarly environmentally superior to Alternative 2. Therefore, Alternative 2 would not be expected to reduce any significant environmental impacts of the Project to less-than-significant levels. Therefore, this alternative would not be environmentally superior to the proposed Project and need not be adopted. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15002 subd. (a)(3), 15091, subd. (a)(1).) In addition, the landowner has recently installed a gas well on this site, which raises the possibility of additional environmental impacts and may render the alternative infeasible for reasons of health and safety.

Further, Alternative 2 would be infeasible because the site is not under the control of the project proponent. Although it may be possible for the Applicant to acquire the South of French Camp Road site, it is not reasonable to consider that the applicant would be successful in obtaining such a property. Pursuant to CEQA, an EIR must describe a reasonable range of alternatives to the project, or to the location of the project, that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. (CEQA

Guidelines section 15126.6, subd. (a),(f).) Notably, “among the factors that may be taken into account when addressing the feasibility of alternatives is whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” (CEQA Guidelines section 15126.6, subd. (f)(1), emphasis added.)

In *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 574, the court rejected petitioner’s claim that the county should not have rejected alternative sites simply because the applicant did not own them: “ A feasible alternative is one which can be ‘accomplished in a successful manner within a reasonable period of time, taking into account economic, legal social and technological factors.’ Whether a property is owned or can reasonably be acquired by the project proponent has a strong bearing on the likelihood of a project’s ultimate costs and the changes for an expeditious and ‘successful accomplishment’.” In this instance, the property required for the off-site alternative cannot be reasonably acquired by the project applicant. For these reasons, Alternative 2 is rejected as infeasible within in the meaning of CEQA and CEQA case law.

Alternative 3 – Offsite Alternative – State Route 99 at Arch Road

Alternative 3, the State Route 99 at Arch Road alternative (see Draft EIR Figure 5-1), would involve implementation of the project on land east of State Route 99 and north of Arch Road. This location is within the City of Stockton. The site is designated for Industrial uses in the City’s General Plan and is surrounded by land with General Plan designations of Industrial with small areas of Commercial and Residential Estate uses south of Arch Road. The airport is located southwest of this location, west of State Route 99, and south of Arch Road.

The revised Project is consistent with the Reduced Density Alternative analyzed in the Draft EIR. As shown on Table 5.2 of the Draft EIR, the Reduce Project Alternative is environmentally superior to Alternative 3. Because the revised Project is consistent with the Reduced Density Alternative in terms of its potential environmental impacts, the Project is similarly environmentally superior to Alternative 3. Therefore, Alternative 3 would not be expected to reduce any significant environmental impacts of the Project to less-than-significant levels. Therefore, this alternative would not be environmentally superior to the proposed Project and need not be adopted. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15002 subd. (a)(3), 15091, subd. (a)(1).)

Further, Alternative 3 would not meet all project objectives because it would not provide for a “gateway” to the City on the I-5 corridor. In addition, the site is not under the control of the applicant and it is not reasonable to consider that the applicant would be successful in obtaining such a property. (See discussion under Alternative 2, above.) Additionally, a General Plan Amendment would be required for Alternative 3 to designate the area Commercial. For these reasons, Alternative 3 is rejected as infeasible within in the meaning of CEQA and CEQA case law.

Alternative 4 - Reduced Density Alternative

The revised Project is consistent with the Reduced Density Alternative. As with the Reduced Density Alternative, many impacts of the revised project are of lesser severity than those of the original project analyzed in the Draft EIR. Therefore, other than the No Project Alternative (assuming

residential uses are proposed, rather than commercial uses) the revised Project/Alternative 4, is considered the “environmentally superior alternative” for purposes of CEQA Guidelines section 15126.6, subdivision (e)(2).

Alternative 5 - Reconfigured Design Alternative

The Reconfigured Design Alternative would involve a redesigned building layout at the same location as the project. Under this alternative, large retail buildings would be located approximately 250 feet to the east of existing and approved residences (a shift of approximately 50 feet to the currently proposed building footprints). This shift of major building footprints is intended to create a greater distance between loading bays and adjacent sensitive residential uses. Also, the shift would provide for the City’s standard 50’ landscaping buffer between commercial and residential uses. The Reconfigured Design Alternative would result in similar square footage and the same types and densities of uses as those proposed under the project. In order to provide adequate parking and circulation under this alternative (while maintaining the same square footage of retail space), development of at least a portion of the Barkett property would have to occur. Vehicle trip generation and transportation-related air emissions and noise would be similar. The Reconfigured Design Alternative would, however, place the primary sources of air emissions and noise further away from the residential sensitive receptors that are located along the western edge of the project site.

The revised Project is consistent with the Reduced Density Alternative analyzed in the Draft EIR. As shown on Table 5.2 of the Draft EIR, the Reduce Density Alternative is environmentally superior to Alternative 5. Because the revised Project is consistent with the Reduced Density Alternative in terms of its potential environmental impacts, the Project is similarly environmentally superior to Alternative 5. Therefore, Alternative 5 would not be expected to reduce any significant environmental impacts of the Project to less-than-significant levels. Therefore, this scenario would not be environmentally superior to the proposed Project and need not be adopted. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15002 subd. (a)(3), 15091, subd. (a)(1).)

Further, this alternative would not be feasible because the Applicant does not control the Barkett property, and without the Barkett property the site will not be able to accommodate the project as described in this alternative.

Conclusion Regarding Project Alternatives

Based on the foregoing analysis and pursuant to CEQA Guidelines Section 15126.6, the City has considered a range of reasonable alternatives to the proposed Project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen certain significant effects of the project. Based on this analysis and substantial evidence in the record, the City finds and determines that the revised Project is consistent with Alternative 4 and would result in substantially similar environmental impacts as Alternative 4. The revised Project is environmentally superior to each of the other alternatives analyzed in the Draft EIR, with the exception of the No Project Alternative, assuming it is developed consistent with its current zoning designation, rather than its current General Plan designation. As explained more fully above, the No Project Alternative is not feasible within the meaning of CEQA and therefore is rejected

in favor of the revised Project. Alternatives 2, 3, and 5 are similarly rejected as infeasible, and environmentally inferior to the revised Project.

Part IV – Statement of Overriding Considerations Justifying Project Approval

In accordance with CEQA Guidelines Section 15093, the City Council has, in determining whether or not to approve the Project, balanced the economic, social, technological, and other benefits of the Project against its unavoidable environmental risks, and has found that the benefits of the Project outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels, for the reasons set forth below. The following statements identify the reasons why, in the City Council's judgment, the benefits of the Project outweigh its unavoidable significant effects. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a Court were to conclude that not every reason is supported by substantial evidence, the City Council will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, and in the documents found in the Record of Proceedings, as defined in Part I.

After review of the entire administrative record, including, but not limited to, the Final EIR, the staff reports, applicant submittals, and the oral and written testimony and evidence presented at public hearings, the City Council finds that specific economic, legal, social, technological and other anticipated benefits of the Project outweigh the significant and unavoidable impacts, and therefore justify the approval of this Project notwithstanding the identified significant and unavoidable impacts. (Pub. Resources Code, § 21081; CEQA Guidelines, § 15093.) The City Council, after review of the entire administrative record, does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits:

The Project Would Provide Land Uses That Are Economically Beneficial to the City of Stockton, and Would Generate Sales and Property Tax Revenues.

The sales generated by the Project would generate greater sales tax and property tax revenues for the City than would otherwise be generated by the site. Further, the Project would increase the proportion of local income invested and spent locally. These revenues would go to the City's General Fund, which is the primary funding source for the construction, operation and maintenance of a number of essential City services, programs and facilities including fire and police services, recreation programs, transit operations, library services, public infrastructure such as water and sanitary sewer service, and administrative functions, among other things.

The Project Would Increase Retail Activity in the Project Area.

An updated retail sales leakage analysis was performed to determine the extent to which Stockton residents currently shop within Stockton or travel to other destinations to make their retail purchases.

A leakage analysis evaluates an area's retail market performance by comparing the actual reported retail sales made in an area to the potential purchases that residents would be expected to make, based on average shopper behavior. If actual sales are greater than would be expected, this "sales surplus" suggests that the area is attracting people from outside to shop within the area and/or that the local residents have a higher than average amount of per capita retail spending. Conversely, a "retail leakage" (i.e., when actual sales are less than would otherwise be predicted) indicates that local residents are making their retail purchases outside their local shopping area. As explained in the Final EIR, Stockton is a sales attractor for most retail categories. General merchandise and food categories also show a high degree of sales attraction. (See Final EIR, Chapter 4, section 4.4., Urban Decay, discussion of "Current Retail Leakage Analysis".)

Interviews with City economic development specialists and local commercial realtors suggest that north Stockton's strong regional retail attraction effect may be obscuring significant ongoing retail leakage, particularly among south Stockton residents. Several local real estate brokers have suggested that much of Stockton's current shopping attraction is being generated from Lodi and residents of unincorporated San Joaquin County areas, particularly the northern and eastern areas. Additional retail sales may be coming from Sierra foothill residents traveling significant distances westward to shop in Stockton due to the limited retail options locally. Stockton retail real estate brokers also stated that residents of south and central Stockton that are currently underserved by retailers may do a major portion of their retail shopping at other locations outside Stockton such as Tracy or Livermore. This spending behavior is considered particularly likely to be prevalent among recently relocated homeowners who commute daily to typically higher-paying jobs in Contra Costa or Alameda Counties. Local real estate brokers expect that new and more convenient retail development in south Stockton could recapture a major proportion of these Stockton residents' spending that is currently lost from the Stockton economy. (See Ibid.)

Further, in the early 2000s, Stockton experienced major housing construction boom and large influx of new residents who are purchasing homes and moving into the area. Between 2000 and 2004, San Joaquin County's population grew by approximately 3.1 percent annually; nearly half of that population growth was the result of domestic immigration as new residents moved to San Joaquin County from other areas of California, while the remaining population growth came from other immigration and new births (California Department of Finance, 2004). These new residents added considerable new customer demand for Stockton retailers. The Stockton General Plan projects future population growth at an average of 2.5% per year.

According to local realtors, the majority of these new residents are derived from the Bay Area and many commute daily to work in the Bay Area (Hodgeson, 2005). Real estate analysis by Grubb & Ellis estimated that in 2004, more than 10 percent of San Joaquin County's population identified themselves as county residents commuting to the Bay Area for work as a result of the housing/employment imbalance in the Bay Area (Grubb & Ellis, 2004). At least an estimated

60,000 commuters travel daily from San Joaquin westward to jobs in the Bay Area (San Joaquin Partnership, 2005). Generally, these new residents have significantly higher average per capita incomes than typical Stockton residents. As a result of their higher incomes, these new residents can generally support greater retail spending. Considerable new retail demand is expected to be associated with the continuing population growth anticipated in Stockton over the foreseeable future. The proposed Project would provide substantial retail services to help meet this anticipated demand. (See Final EIR, Chapter 4, section 4.4., Urban Decay, discussion of “Retail Demand Trends.”)

The Project Would Create Employment Opportunities For City Residents.

Within the City of Stockton, 105,500 people are currently employed. The unemployment rate for the City is currently 10.1 percent which is more than the County estimate of 8.4 percent. (Draft EIR, p. 4.5-2.) The Project would generate employment opportunities, including temporary construction jobs as well as hundreds of permanent full-time and part-time jobs. The project site is located within an area planned for new job creation and commercial development under the City’s 2035 General Plan Update. The commercial development would provide new job opportunities, prompting employees to either move or commute to the area or transfer from other businesses in and around Stockton. The project is particularly expected to create jobs for the City’s unemployed, student, and retired sectors. The provision of new jobs that could result from development of the proposed Project, including the proposed Wal-Mart, the major retail stores, retail pad stores, restaurants (including quick service and traditional restaurants), and fuel centers, would result in an increase in employment opportunities in the area.

The Project Would Provide Retail and Commercial Services at a Currently Underutilized Site.

The Project would develop a currently vacant site. The Project location would be safe and convenient for customer access because it would be located immediately adjacent to an existing regional interchange with Interstate 5, where economic viability can be sustained. The Project’s convenient location will minimize travel lengths and utilize existing infrastructure to the extent possible. Further, the Project would provide sufficient development area to allow a mixture of uses in outlying parcels in addition to major anchor tenants, in order to create a destination commercial center that will attract various types of customers to the City. The Project would result in economically beneficial uses; new retail buildings of high quality architecture, landscape and hardscape design; and improved vehicular and pedestrian circulation in the area. Further, the proposed retail activities will complement existing smaller scale retail activities located throughout the City.

The Project Would Provide All Necessary Infrastructure to Serve the Development.

The project would include installation of all necessary infrastructure to serve the development. It is anticipated that new (proposed) adjoining streets; existing and proposed streets within the project site; realigned streets; and utilities would be improved in conjunction with development

of the project site, as required by adopted mitigation measures and/or conditions of approval by the City Department of Public Works, and in accordance with the Development Agreement. The Preliminary Site Plan and area of circulation plan is schematic and subject to revision/modification as part of the Use Permit and design review process. Relevant improvements expected to be completed prior to or in conjunction with development of the project include:

- Lighting for streets, parking, and other outdoor areas.
- Landscaping of the project site and street frontages.
- Signage, including monument signs.
- Improvements to circulation and access to the site (see further discussion, below).
- Installation of off-street bikeways, curbs, gutters, and sidewalks in appropriate areas.
- Installation of streetlights, landscaping, signs, and signals in appropriate areas.
- Extension of sewer, water, and storm drain lines as required and in accordance with the Use Permit and Project Plan and Development Agreements for the project, and
- Installation/relocation of underground electrical, telephone, natural gas, and other utilities in the project site.

The Project Would Provide a Defined Gateway into the City.

Stockton's two major freeways (I-5 and SR-99) serve as regional entry points to the City. As visitors enter the City, their first impressions of what lies ahead are often formed at these important gateways. The project is defined as a gateway to the City and has been designed in accordance with the design standards contained in the Citywide Design Guidelines. A landscape plan is part of the project and subject to approval by the City. (Final EIR, Revised Table 4.2-1, General Plan Consistency.)

The Project Would Provide Quality Goods and Services Desired By City Residents.

The Project would provide quality goods and services to the Project area and surrounding neighborhoods. For example, although Wal-Mart is a national retailer, it specifically tailors the merchandising mix of its individual stores in order to meet the demands and needs of the surrounding area. In addition, the project will bring additional quality goods and services in the form of the major retail stores, in-line shops, retail pad stores, restaurant and fuel centers.

The Project Would Feature Numerous Energy Conserving Measures.

The Project would include sustainable features. For example, the proposed Wal-Mart would include (among others) following energy efficiency features: a daylighting system; night dimming; energy efficient HVAC units; central energy management; light sensors in non-sales floor areas; a dehumidifying system that allows Wal-Mart to operate the store at a higher temperature, use less energy, and allow the refrigeration system to operate more efficiently; white roofs; an interior lighting retrofit program; LED signage illumination; and will be built using a significant amount of recycled materials. (See Final EIR, Chapter 4, section 3.3. Description of the Project.) Further, as shown in Table 3-4 of the Final EIR, the Project includes numerous features consistent with the policies

and implementation measures adopted as part of the City of Stockton 2035 General Plan Update to reduce the City's cumulative impact on global climate change.

Conclusion

As explained earlier, the City Council has balanced these benefits and considerations against the significant unavoidable environmental effects of the Project and has concluded that the impacts are outweighed by these benefits, among others. After balancing environmental costs against Project benefits, the City Council has concluded that the benefits the City of Stockton community and economy will derive from the Project outweigh the risks. The City Council believes the Project benefits outlined above override the significant and unavoidable environmental costs associated with the Project.

Part V – Mitigation Monitoring and Reporting Program

In accordance with CEQA and the CEQA Guidelines, the City Council must adopt a mitigation monitoring and reporting program (MMRP) to ensure that the mitigation measures adopted herein are implemented for the Project. Such a Mitigation Monitoring and Reporting Program must identify the entity responsible for monitoring and implementation, and the timing of such activities. The Mitigation Monitoring and Reporting Program for the Weston Ranch project is attached to Resolution No. _____ The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

**WESTON RANCH TOWNE CENTER PROJECT
CITY OF STOCKTON, CALIFORNIA
TABLE A TO CEQA FINDINGS**

TABLE OF IMPACTS, MITIGATION MEASURES AND CEQA FINDINGS

| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
|--|--|--|---|
| SIGNIFICANT AND UNAVOIDABLE IMPACTS | | | |
| Land Use and Agricultural Resources – Significant and Unavoidable Impacts | | | |
| <p>Impact 4.2.5. The project would convert economically viable prime farmland to a non-agricultural use. Implementation of the project would convert 42.24 acres of prime farmland to commercial use. Significant unavoidable environmental impacts resulting from conversion of agricultural land in the project site have been addressed in previous documents and have been considered and accepted through previous Statements of Overriding Considerations in connection with the approval of Weston Ranch Annexation. Nevertheless, the project, if implemented, would result in direct conversion of prime farmland to a non-agricultural use, and the impact is therefore considered potentially significant.</p> | <p>Mitigation Measure 4.2.5. The applicant shall be required to mitigate for converted farmland by obtaining agricultural conservation easements on farmland of equal quality at a ratio of 1:1 acre. The land on which the easements are acquired shall be located not more than twenty miles from the project site, and shall be of equal or greater quality as the farmland converted by the project.</p> <p>Prior to approval of the final map, the applicant must acquire agricultural conservation easements. The easements, which will remove the development rights from the subject agricultural lands, shall be granted to an appropriate third party, as directed by the Community Development Department. The land on which easements are acquired must be designated for agricultural use and must consist of farmland of equal or better quality as the project site, and shall not be within the sphere of influence of an incorporated city.</p> <p>The agricultural conservation easement may overlap a habitat easement acquired under Mitigation Measure 4.11.1a or 4.11.1b. However, an existing habitat easement does not meet the requirement for mitigating the loss of agricultural land.</p> <p>1:1 mitigation, where the easement land is of equal or greater agricultural value as the project site, is roughly proportional to the impact of the project to prime farmland. A ratio greater than 1:1 would not be roughly proportional. (See CEQA Guidelines, §15041.)</p> <p>Should the City of Stockton approve an agricultural mitigation fee program prior to approval of the final map, the developer may meet this requirement by paying the appropriate in-lieu fee to the City.</p> | SU | <p><u>Finding:</u> As originally proposed, the project would convert 59.68 acres of prime farmland to commercial uses. The reduction in the project's size has reduced the amount of land converted from prime farmland to commercial uses by 17.44 acres (for a total of 42.24 acres converted). Further, implementation of Mitigation Measure 4.2.5 would protect important farmland, and therefore partially offset effects of urban conversion to local and regional agricultural resources and production. However, because agricultural conservation easements would be acquired on existing farmland, there would still be a net loss of important farmland within the county.</p> <p>No mitigation is available to render the effects less than significant. The effects (or some of the effects) therefore remain significant and unavoidable. The City Council hereby directs that mitigation measure 4.2.5 be adopted. The City Council concludes, however, that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> |
| Transportation and Circulation – Significant and Unavoidable Impacts | | | |
| <p>Impact 4.7.9. Mathews Road/I-5 Northbound Ramps intersection is projected to operate at a deficient LOS F in the Near-Term condition during both the AM and PM peak hours. Average delay would increase through this intersection by more than 5 seconds with the addition of project traffic during both peak hours.</p> | <p>Mitigation Measure 4.7.9. Signal installation would result in LOS D conditions during the AM and PM peak hours. Caltrans has determined that it is infeasible for this project to install a traffic signal. The County of San Joaquin may program this signal as a future improvement. If this occurs, the project applicant shall contribute its fair share to the County.</p> | SU | <p>With signal installation, this impact would be reduced to a less than significant level, as shown in Table 4.7-24 of the Final EIR. However, this intersection is currently in San Joaquin County and implementation of this measure cannot be assured by the City of Stockton. Therefore, this impact would remain</p> |
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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| This impact is considered significant. | | | <p>significant and unavoidable. No mitigation is available to render the effects less than significant. The effects (or some of the effects) therefore remain significant and unavoidable. The City Council hereby directs that mitigation measure 4.7.10 be adopted. The City Council concludes, however, that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations. Although monitoring of the traffic signals to ensure minimal vehicle queues through the I-5/French Camp Road interchange area may minimize queue spillover, implementation of this measure can not be ensured. Therefore, the impact would remain significant and unavoidable.</p> <p>No mitigation is available to render the effects less than significant. The effects (or some of the effects) therefore remain significant and unavoidable. The City Council hereby directs that mitigation measure 4.7.14 be adopted. The City Council concludes, however, that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> |
| <p>Impact 4.7.14. The addition of project traffic would result in vehicle queue spillback at the French Camp Road/I-5 interchange. This impact is considered significant.</p> | <p>Mitigation Measure 4.7.14. Monitoring of the traffic signals to ensure arterial progression through the interchange area could reduce the amount of queue spillback in the area. It should be noted that all intersections in the French Camp Road/I-5 interchange area are projected to operate at acceptable service levels during the morning and evening peak hours in 2035.</p> | SU | |
| Air Quality – Significant and Unavoidable Impacts | | | |
| <p>Impact 4.8.3. The project would result in an increase in operational emissions of criteria air pollutants (ROG, NOx and PM10) from on-road motor vehicle traffic traveling to and from the project area and onsite area sources associated with the project. This impact would be significant.</p> | <p>Mitigation Measure 4.8.3a: To reduce the operational impacts of the project, feasible mitigation measures from the following table shall be implemented as required by the City: See revised section 4.8 (Chapter 4 of the FEIR) for the full text of this measure.</p> <p>Mitigation Measure 4.8.3b: Implementation Plans for the project shall comply with Rule 9510 Indirect Source Review. Compliance with Rule 9510 will require reductions of 33.3% of the NOx operational emissions, 45% of the PM10 construction emissions and 50% of the PM10 construction operation emissions, or payment of fees (as calculated in Rule 9510) to offset NOx or PM10 operational emissions not reduced to the specified levels.</p> | SU | <p>Depending on the level of implementation, the above mitigation measures would reduce the operational impacts of the project by reducing motor vehicle trips generated by the project. It is likely that the mitigation measure could reduce ROG and NOx emissions to less-than-significant. However, the residual impact would still be significant and unavoidable due to PM10 emissions that would exceed the significance criterion.</p> <p>No mitigation is available to render the effects less than significant. The effects (or some of the effects) therefore remain significant and unavoidable. The City Council hereby directs that mitigation measure 4.8.3 be adopted. The City Council concludes, however, that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations. Although ROG, NOx, and CO emissions decline in future years for project operations and countywide (see Tables 4.8-5 through 4.8-7), the project individually has significant air quality impacts</p> |
| <p>Cumulative Impact 4.8.6. The project would contribute to a cumulative air quality impact in the project area. This impact is considered significant.</p> | <p>Mitigation Measure 4.8.6: Implement Mitigation Measure 4.8.3a and Mitigation Measure 4.8.3b.</p> | SU | |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
|---|--|--|---|
| <p>(estimated emissions of the project would exceed the significance criteria of 10 tons per year for ROG, NOx, and PM10 in 2009 and 2025), and thus the project's incremental impact on air quality of the region would be considered cumulatively considerable, and thus significant, for cumulative analysis year 2025.</p> <p>No mitigation is available to render the effects less than significant. The effects (or some of the effects) therefore remain significant and unavoidable. The City Council hereby directs that mitigation measure 4.7.14 be adopted. The City Council concludes, however, that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> | | | |
| <p>Cumulative Impacts – Significant and Unavoidable Impacts</p> | | | |
| <p>Air Quality As discussed in Section 4.8, Air Quality, of the EIR the SJVAB is currently designated as extreme nonattainment for the national one-hour ozone standard, serious nonattainment for the national eight-hour ozone standard, nonattainment for the national PM2.5 standard, and serious nonattainment for the national PM10 standard (SJVAPCD, 2005). Cumulative impacts to air quality are discussed in Impact 4.8.6.</p> | <p>See discussion of Air Quality, above.</p> | <p>SU</p> | <p>Although ROG, NOx, and CO emissions are expected to decline in future years for project operations and countywide, the project individually would have significant air quality impacts (estimated emissions of the project would exceed the significance criteria of 10 tons per year for ROG and NOx in 2007 and 2025, and PM10 in 2007, and 2025), and thus the project's incremental impact on air quality in the region would be considered cumulatively significant for cumulative analysis year 2025.</p> <p>The project's incremental impact on air quality in the region would be considered cumulatively significant, even with implementation of feasible mitigation measures.</p> <p>No mitigation is available to render the effects less than significant. The effects (or some of the effects) therefore remain significant and unavoidable. The City Council hereby directs that mitigation measures identified for air quality impacts be adopted. The City Council concludes, however, that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.</p> |
| <p>IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION</p> | | | |
| <p>Land Use and Agricultural Resources – Less than Significant After Mitigation</p> | | | |
| <p>Impact 4.2.1. The project has the potential to physically divide an established community.</p> | <p>No mitigation is required.</p> | <p>LS</p> | <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.</p> |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
|--|----------------------------|--|---|
| <p>The project site is located within the City of Stockton planning area boundary. The project site is also located within the Urban Service Area. Adjacent lands are designated for low density residential, administrative professional and commercial, and are zoned for Residential, Low Density and Commercial, General. The proposed commercial uses of the project site would not result in the physical division of the existing community. The commercial development would be a compatible use and would support the existing and planned residential uses of the surrounding area.</p> | No mitigation is required. | LS | Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| <p>Impact 4.2.2. The project would conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.</p> <p>The development of commercial uses at the project site is consistent with the land use designation of Commercial as identified in the City of Stockton 2035 General Plan Update. (See also Final EIR, Revised Table 4.2-1, "General Plan Consistency," providing an overall assessment of the project's consistency with current General Plan policies.)</p> <p>However, the project is inconsistent with the zoning of the entire project site as Residential, Low Density. As part of the project, the entire site will be rezoned from Residential, Low Density to Commercial, Large Scale. The rezone will eliminate the inconsistency between the proposed uses and the land uses allowed in the existing zoning.</p> | No mitigation is required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| <p>Impact 4.2.3. The project would conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.</p> <p>Impacts of the project related to land use compatibility could result in short-term construction related impacts and long-term traffic related impacts. Implementation of the project would result in temporary conflicts and construction-related nuisances during construction of each phase of the project. Residents located adjacent to the project site could experience traffic, noise, and air quality impacts associated with construction-related activities proposed under the project.</p> | No mitigation is required. | LS | No mitigation measures are required under land use. See the environmental impacts of Transportation and Circulation, Air Quality, and Noise sections of these findings for a discussion of impacts and related mitigation as they relate to other impact areas. |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
|--|---|--|--|
| <p>Residents could also experience long-term traffic related impacts associated with expected traffic at the commercial businesses proposed under the project. Each of these potential nuisance related impacts for project construction and operation are addressed in greater detail in the relevant sections of these CEQA Findings.</p> <p>Impact 4.2.4. The project could conflict with an applicable habitat conservation plan (HCP) or natural community conservation plan (NCCP). Construction activities in the project area could conflict with the San Joaquin County Multispecies Habitat Conservation and Open Space Plan (SJMSCP). The SJMSCP covers 97 special status plant, fish, and wildlife species in five designated zones. The project area is located entirely within the Central Zone. To the extent that construction activities would not avoid, minimize, or mitigate impacts to special-status species, riparian habitat, or other sensitive natural communities, the project would conflict with the goals of the SJMSCP. Refer to findings related to Biological Resources for a more detailed discussion of biological resources impacts and mitigation measure.</p> | <p>Mitigation Measure 4.2.1. Implement Mitigation Measure 4.11-1a or 4.11-1b.</p> | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation Measure 4.2.1, which has been required or incorporated into the project, will reduce this impact to a less than significant level, by mitigating any conflicts with the SJMSCP. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Mitigation Measure 4.2.1 requires implementation of Mitigation Measure 4.11-1a or 4.11-1b. Mitigation Measure 4.11-1a requires the applicant to comply with the terms of the SJMSCP, thereby eliminating any potential conflict. Alternatively, Mitigation Measure 4.11-1b requires the project to implement pertinent avoidance and mitigation measures commensurate with those described in the SJMSCP (Sections 5.2 and 5.3), subject to review and approval by the appropriate regulatory agencies. Implementation of the mitigation measures commensurate with the SJMSCP will ensure that the project does not conflict with the SJMSCP.</p> |
| <p>Aesthetics – Less than Significant After Mitigation</p> <p>Impact 4.3.1. Aesthetic Resources – Degradation of Local Visual Character. This impact is potentially significant.</p> | <p>Mitigation Measure 4.3.1. Impacts will be reduced by the project’s compliance with all municipal design guidelines (e.g., design review, landscaping, building articulation, etc.).</p> | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation Measure 4.3.1, which has been required or incorporated into the project, will reduce this impact to a less than significant level, by ensuring that development of the project adheres to certain aesthetic guidelines, which will serve to mitigate the aesthetic impact of the development. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Under the applicable thresholds</p> |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| Impact 4.3.2. Aesthetic Resources - Create new source of light or glare. This impact is less than significant. | No mitigation is required. | LS | established by Appendix G, the project would only create a significant impact if it "substantially degraded the visual character or quality of the site and its surroundings." Although conversion of the site from agricultural land to a commercial development alters the character of the property, it does not "substantially degrade" it. The City of Stockton General Plan and Municipal Design Codes provide standards and policies of urban design and development to ensure that new development adheres to certain aesthetic guidelines, which will serve to mitigate the aesthetic impact of the development. Therefore, impacts related to the degradation of the local visual character from agricultural to commercial due to development of the project are considered less than significant with mitigation. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| Impact 4.3.3. Architecture and Design – Consistency with City of Stockton 2035 General Plan Update, This impact is less than significant. | No mitigation is required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| Urban Decay – Less than Significant After Mitigation | | | |
| Impact 4.4.1. The project would introduce retail uses that would add \$118.8 million in new sales to the Stockton retail market - equivalent to up to 5.2 percent of existing (2006) retail sector sales. Combined with the other recent new retail development at Stonecreek Shopping Center, the project would add \$140.2 million in new sales to the Stockton retail market – equivalent to up to 6.2 percent of existing (2006) retail sales. The net projected "sales shift" impact from the project on existing retailers would be more than offset by future retail demand growth. This shift is not expected to result in a substantial number of existing business closures. If some business closures were to occur and to result in vacancies, the EIR analysis indicates that vacated properties would be re-tenanted or redeveloped and thus unlikely to deteriorate physically. The project in itself would not result in | No mitigation required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |

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| <p>significant urban decay impacts. (See Final EIR, chapter 4, discussion under impact 4.4-1 for further explanation.)</p> <p>Impact 4.4.2. Combined with other major new retail developments proposed in Stockton and considered reasonably foreseeable, the project would result in up to a net 2.5 percent net shift in retail sales away from existing Stockton retailers. A sales shift of this magnitude would not be expected to result in a substantial number of business closures among existing competing retailers. The EIR analysis also suggests that most of any vacated properties would be re-tenanted due to the current relatively stable commercial real estate demand in Stockton. In the event that vacant properties were not reoccupied in the near term, City of Stockton economic development, oversight and code-enforcement would ensure that vacant properties would not be permitted to deteriorate. The project would not result in a cumulatively considerable adverse change in the physical condition of any shopping area in Stockton. This impact is less than significant. (See Final EIR, chapter 4, discussion under impact 4.4-2 for further explanation.)</p> | No mitigation is required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| Population, Housing, and Employment – Less than Significant After Mitigation | | | |
| <p>Impact 4.5.1. Induce substantial population growth. The project could directly and/or indirectly induce substantial population growth in the City of Stockton by creating new employment opportunities through commercial development. This impact is considered less than significant.</p> | No mitigation is required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| Public Services and Utilities – Less than Significant After Mitigation | | | |
| <p>Impact 4.6.1. The project would increase the need for law enforcement services from the City of Stockton Police Department. This impact is considered less than significant.</p> | No mitigation is required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| <p>Impact 4.6.2. The project has the potential to impact the stormwater drainage system. This impact is considered potentially significant.</p> | Implement Mitigation Measure 4.10.5 (see Hydrology, below). | LS | <p>Finding: Implementation of Mitigation 4.10.5, which has been required or incorporated into the project, will reduce this impact to a less than significant level by requiring the applicant to prepare a Master Drainage Plan for the site and requiring the applicant to implement measures provided in the Master Drainage Plan. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations</p> |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| <p>Impact 4.6.3. The project has the potential to impact energy distribution facilities and infrastructure. This impact is considered potentially significant.</p> | <p>Mitigation Measure 4.6.3. The project applicant and/or developer shall coordinate with PG&E to ensure that all upgrades to the energy distribution facilities and infrastructure comply with state and federal energy standards.</p> | <p>LS</p> | <p>have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Mitigation Measure 4.10.5 requires that the Applicant prepare a Master Drainage Plan for the Project site. The Drainage Plan should incorporate measures to minimize the increased runoff during peak conditions. The Applicant will implement the measures provided in the Drainage Plan. A detailed drainage report shall be prepared by a registered civil engineer prior to site development. The report shall include the following items:</p> <ul style="list-style-type: none"> • An assessment of existing drainage facilities within the project vicinity, and an inventory of necessary upgrades, replacements, redesigns, and/or rehabilitation. • A description of the proposed maintenance program for the onsite drainage system. • Standards for drainage systems to be installed on a project-specific basis. • The drainage system shall be designed to meet standards in the Stockton Municipal Code and the City of Stockton Department of Public Works Standard Specifications (current edition). <p>The Drainage Plan shall include, and the Applicant shall implement, a schedule for identified drainage improvements. In addition, when approving specific developments that may result in increased drainage flows on the project site, the Applicant shall concurrently implement any necessary drainage improvements such that new development does not exceed the capacity of Master-Planned drainage facilities.</p> <p>Implementation of the Master Drainage Plan will ensure that impacts to the stormwater drainage system are less than significant.</p> <p><u>Finding:</u> Implementation of Mitigation Measure 4.6.3, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> |

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| <u>Explanation:</u> Implementation of Mitigation Measure 4.6.3 will ensure that the Applicant that all upgrades to the energy distribution facilities and infrastructure comply with state and federal standards, which, in turn will ensure that impacts to the energy distribution facilities and infrastructure within the project area are less than significant. | | | |
| Transportation and Circulation – Less than Significant After Mitigation | | | |
| <p>Impact 4.7.1. The project would contribute to the need to construct planned roadway improvements under Near-Term conditions.</p> <p>The proposed project, as revised, would generate 11,140 new daily trips, 395 new AM peak hour trips, and 1,173 new PM peak hour trips, which would accelerate the need for construction of planned improvements along French Camp Road. This impact is considered significant.</p> | <p>Mitigation Measure 4.7.1. Mitigation Measures:</p> <p>The project applicant shall implement the following improvement:</p> <ul style="list-style-type: none"> Widen French Camp Road along the project frontage from two lanes to four lanes | LS | <p><u>Finding:</u> Implementation of Mitigation Measure 4.7.1, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Based on the results of the revised traffic study prepared for the revised project (Final EIR Appendix A), implementation of mitigation measure 4.7.1 would reduce this impact to less than significant.</p> |
| <p>Impact 4.7.2. The French Camp Turnpike/Downing Avenue intersection is projected to operate at a deficient LOS F in the Near-Term condition during the PM peak hour prior to the addition of project traffic. The proposed project is not projected to increase traffic through this intersection in the near-term condition. Therefore, this impact is less than significant.</p> | No mitigation is required. | LS | <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> |
| <p>Impact 4.7.3. The addition of traffic generated by the project in conjunction with traffic shifts associated with the vacation of Henry Long Boulevard, proposed to occur with the project, would result in deficient service levels at the worst movement in the French Camp Road/McDougald Road intersection in the Near-Term With Project condition during the PM peak hour. Levels of service for average traffic at this intersection maintains an acceptable LOS A with and without the revised project traffic for AM and PM peak hours. This impact is considered less than significant.</p> | No mitigation is required. | LS | <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> |
| <p>Impact 4.7.4. The French Camp Road/Manthey Road (east) intersection is projected to operate at a deficient LOS F in the Near-Term condition during both peak hours prior to the addition of project traffic.</p> | <p>Mitigation Measure 4.7.4. The project applicant shall contribute its fair share towards the planned interchange improvements at the French Camp Road/I-5 interchange through the payment of traffic impact fees. With construction of the French Camp Road</p> | LS | <p><u>Finding:</u> Implementation of Mitigation Measure 4.7.4, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that</p> |

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| Average delay would increase through this intersection by more than 5 seconds with the addition of project traffic. This impact is considered significant. | <p>interchange improvement project, the southern leg of Manthey Road intersection would be relocated approximately 800 feet from the I-5 southbound ramps/French Camp Road intersection and become the western edge of the project site (it was assumed that as part of the project, the northern leg of the intersection would be realigned and that French Camp Road would be widened to provide two lanes in each direction along the project frontage). With implementation of these planned improvements, this intersection would operate at an acceptable service level.</p> <p>Should construction of the planned interchange improvements be scheduled for completion subsequent to project completion, the project applicant shall make the following interim improvements:</p> <ul style="list-style-type: none"> • Signalize the French Camp Road/Manthey Road (east) intersection and provide a 270-foot westbound left-turn pocket • Interconnect and coordinate the traffic signals at the following intersections along French Camp Road: Secondary Project Driveway, Manthey Road (east), I-5 southbound ramps, and I-5 northbound ramps. <p>No mitigation is required.</p> | LS | <p>this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> The Synchro 6.0/SimTraffic analyses conducted for the revised project indicate that as an interconnected system, these intersections would operate acceptably, as shown on Table 4.7-24 of the Final EIR and Table 11 of Final EIR Appendix A.</p> |
| <p>Impact 4.7.5. The French Camp Road/I-5 Southbound Ramps intersection is projected to operate at an acceptable overall service level of LOS B in the Near-Term condition during both peak hours prior to the addition of project traffic. The addition of project traffic would result in overall LOS C conditions. This impact is considered less than significant.</p> | <p>Mitigation Measure 4.7.6. The project applicant shall contribute its fair share towards the planned interchange improvements at the French Camp Road/I-5 interchange through the payment of traffic impact fees.</p> <p>Should construction of the planned interchange improvements be scheduled for completion subsequent to project completion, the project applicant shall modify the eastbound approach to extend the eastbound left-turn storage to Manthey Road (east intersection). This improvement can be implemented within the existing right-of-way. With this improvement, the intersection would operate at an overall acceptable service level. Vehicle queue spillback could still occur with extension of the single eastbound left-turn lane, although vehicle queues would clear within one to two signal cycles.</p> <p>Conversion of the through lane to a second eastbound left-turn lane could create trap vehicles intending to travel through the intersection and create construction staging problems during reconstruction of the interchange, although vehicle queues would be</p> | LS | <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> <p><u>Finding:</u> Implementation of Mitigation Measure 4.7.6, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> With implementation of interim improvements, this impact would be reduced to a less-than-significant level, as shown in Table 4.7-24 of the Final EIR. (See also Final EIR Appendix A.)</p> |

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| <p>Impact 4.7.7. The French Camp Road/Val Dervin Parkway intersection is projected to operate at a deficient LOS F in the Near-Term condition during the AM peak hours prior to the addition of project traffic. Average delay would increase through this intersection by more than 5 seconds with the addition of project traffic during the AM peak hour. The addition of project traffic would also result in overall LOS E conditions during the PM peak hour. This impact is considered significant.</p> | <p>minimized under this alternative.</p> <p>Mitigation Measure 4.7.7. The project applicant shall contribute its fair share towards the planned interchange improvements at the French Camp Road/I-5 interchange through the payment of traffic impact fees. With planned improvements at this interchange, Val Dervin Parkway would be closed at French Camp Road, and a new roadway constructed connecting the business park at the new French Camp Road/Sperry Road intersection. Should construction of the planned interchange improvements be scheduled for completion subsequent to project completion, the project applicant shall install a traffic signal at this intersection. This signal shall be interconnected and coordinated with the adjacent traffic signals on French Camp Road. However, as this intersection would operate acceptably in the Existing Plus Project condition in both the AM and PM peak hours, and this intersection would be relocated and reconstructed as part of the interchange project, the Project Applicant shall monitor operations of this intersection to determine the timing of installation of an interim traffic signal. Prior to the issuance of the first building permit for the site, the Project Applicant shall retain a qualified traffic engineering firm from the City's list of approved firms to conduct peak period (AM and PM) traffic counts at the intersection. The intersection service levels shall be calculated and peak hour volume and delay traffic signal warrants evaluated. Should signal warrants be satisfied, the Project Applicant shall design and install an interim signal at this location. Should the warrants not be satisfied, trips generated by the permitted uses under construction shall be added to the existing traffic counts based on the trip generation rates and trip distribution percentages presented in the Final Environmental Impact Report (FEIR). If the intersection is projected to operate at an overall deficient service level and peak hour traffic signal warrants are satisfied, the Project Applicant shall design and install an interim signal at this location. The monitoring requirement would be terminated when reconstruction of the I-5/French Camp interchange begins.</p> <p>No mitigation is required.</p> | LS | <p><u>Finding:</u> Implementation of Mitigation Measure 4.7.7, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> With implementation of interim improvements, this impact would be reduced to a less-than-significant level, as shown in Table 4.7-24 of the Final EIR.</p> |
| <p>Impact 4.7.8. Impact 4.7.8. Mathews Road/Manthey Road intersection is projected to operate at B in the Near-Term condition during the AM and PM peak hours prior to the addition of project traffic. This impact is considered less than significant.</p> | <p>No mitigation is required.</p> | LS | <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> |
| <p>Impact 4.7.10. Northbound I-5, north of Downing Avenue is projected to operate at LOS D during the</p> | <p>No mitigation is required.</p> | LS | <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.</p> |

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| <p>PM peak hour prior to and after the addition of project traffic for the Near-Term condition. The addition of project traffic would increase total freeway volumes by more than 3 percent. This impact is considered less-than-significant.</p> <p>Impact 4.7.11. The proposed project would contribute to the need to construct planned roadway improvements under Future 2025 conditions. This impact is considered significant.</p> | <p>Mitigation Measure 4.7.11. The project applicant shall contribute its fair share towards the implementation of the following improvements:</p> <ul style="list-style-type: none"> • Widening of I-5 to eight lanes from French Camp Road to Charter Way • Widening of French Camp Road to six lanes from Wolfe Road to Manthey Road • Widening of French Camp Road to eight lanes from Manthey Road to Val Dervin Parkway • Construction of an L-9 interchange including loop on-ramps in the southeast and northwest quadrants. In conjunction with this improvement, Manthey Road would be realigned to the west and Val Dervin Parkway to the east across from the Sperry Road/French Camp Road intersection • Widening of El Dorado Street to six lanes north of the proposed Sperry Road extension to McKinley Avenue and four lanes south of the proposed Sperry Road extension to I-5 • Widening of Sperry Road/Arch-Airport Road to eight lanes from French Camp Road to Airport Way <p>This measure may be satisfied by payment of adopted impact fee programs to the extent the improvements are included in the programs, or other means deemed appropriate by the City</p> <p>No mitigation is required.</p> | <p>LS</p> | <p>Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> <p><u>Finding:</u> Implementation of Mitigation Measure 4.7.11, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Based on the results of the revised traffic study prepared for the reduced project (Final EIR Appendix A), implementation of mitigation measure 4.7.11 would reduce this impact to less than significant. (Final EIR discussion of Future 2025 conditions.)</p> |
| <p>Impact 4.7.12. The addition of project traffic would increase average intersection delay by less than five seconds at the Manthey Road/Mathews Road intersection, which is projected to operate at an acceptable LOS B in the Future 2025 Without Project and With Project condition for the AM peak hour. The intersection is projected to operate at an acceptable LOS C in the Future 2025 Without Project and With Project condition for the PM peak hour. This impact is considered less-than-significant.</p> | <p>Mitigation Measure 4.7.13. The project applicant shall contribute its fair share towards the implementation of the following improvements:</p> <ul style="list-style-type: none"> • Widening of I-5 to ten lanes from Roth Road to French Camp Road and from French Camp Road to Charter Way | <p>LS</p> | <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> <p><u>Finding:</u> Implementation of Mitigation Measure 4.7.13, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations</p> |

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| <p>Impact 4.7.15. The proposed project site access would result in safety and operational deficiencies. This impact is considered potentially significant.</p> | <ul style="list-style-type: none"> • Widening of French Camp Road to eight lanes between Manthey Road and Sperry Road • Widening of French Camp Road to six lanes between Wolfe Road and Manthey Road • Construction of an L-9 interchange including loop on-ramps in the southeast and northwest quadrants. In conjunction with this improvement, Manthey Road would be realigned to the west and Val Dervin Parkway to the east across from the Sperry Road/French Camp Road intersection • Widening of Manthey Road to four lanes from Carolyn Weston Boulevard to south of Mathews Road • Widening of El Dorado Street to six lanes north of the proposed Sperry Road extension and four lanes south of the proposed Sperry Road extension • Widening of Sperry Road/Arch-Airport Road to eight lanes from French Camp Road to Airport Way • Widening of Mathews Road to six lanes between Wolfe Road and Manthey Road, and eight lanes between Manthey Road and I-5 • Construction of a diamond interchange with a seven lane cross section (including turn lanes) under the freeway, and northbound and southbound free right-turn lane at the Mathews Road/I-5 interchange <p>This measure may be satisfied by payment of adopted impact fee programs to the extent the improvements are included in the programs, or other means deemed appropriate by the City.</p> <p>Mitigation Measure 4.7.15. The project applicant shall modify the site plan as described below and shown in Figures 4.7-17, 4.7-18a, and 4.7-18b.</p> <ol style="list-style-type: none"> 1. Full access driveway on Manthey Road (west) between Shop 5 and Shop 6 – Provide separate left and right-turn lanes to reduce the 95th percentile vehicle queue to 4 vehicles. (The southbound left-turn pocket would accommodate projected vehicle queues). 2. Manthey Road (west)/Right-in only Service Driveway – This driveway is proposed to serve as a right-in only driveway to the service area behind Major 6. Modifications would be needed at this driveway to accommodate the turning radii of large trucks, as shown on Figure 4.7-18b. 3. Consult with the City of Stockton fire department to ensure adequate emergency access. | <p>LS</p> | <p>have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Based on the results of the revised traffic study prepared for the reduced project (Final EIR Appendix A), implementation of mitigation measure 4.7.13 would reduce this impact to less than significant. (See Final EIR discussion of Future 2035 conditions.)</p> <p><u>Finding:</u> Implementation of Mitigation Measure 4.7.15, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Based on the results of the revised traffic study prepared for the reduced project (Final EIR Appendix A), implementation of mitigation measure 4.7.15 would reduce this impact to less than significant. (See Final EIR discussion of Site Plan Review.)</p> |

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| | <ol style="list-style-type: none"> 4. Conduct a detailed review of the final site plan to ensure pedestrian crossings are provided, pedestrian paths are identified throughout the site, and pedestrian crossings are in appropriate locations to ensure pedestrian safety. 5. Schedule large semi-truck deliveries for off-peak periods to minimize conflicts between delivery trucks and passenger vehicles. 6. Design project driveways and internal roadways to accommodate the turning movements of large delivery vehicles. 7. Provide sufficient bicycle parking designed to City standards to satisfy City code requirements. 8. Coordinate with SJRTD and City staff to identify the location of potential transit features and modify the site plan accordingly. 9. Designate Park and Ride parking locations adjacent to planned transit facilities. | | |
| Air Quality – Less than Significant After Mitigation | | | |
| <p>Impact 4.8.1. Construction activities associated with development of the project would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter (PM10) and equipment exhaust emissions. This impact would be significant.</p> | <p>Mitigation Measure 4.8.1a: The applicant shall comply with Regulation VIII Rule 8011 and implement the following control measures during construction:</p> <ul style="list-style-type: none"> • 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. <p>Specific control measures for construction, excavation, extraction, and other earthmoving activities required by the Valley Air District include:</p> <ul style="list-style-type: none"> • 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 | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation 4.8.1a, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> As compared to the project described in the Draft EIR, this revised project has a reduced construction acreage. With implementation of the above mitigation measures, the air quality impact from construction of the revised project would be less than significant.</p> |
| <p style="text-align: center;">Less than Significant = LS Beneficial = B Significant = S Cumulative Significant = CS Significant and Unavoidable = SU Potentially Significant = PS</p> | | | |

| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| <p>Impact 4.8.2. Construction activities associated with development of the Barkett property would potentially produce short-term emissions of suspended asbestos. This impact would be potentially significant.</p> | <p>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.</p> <ul style="list-style-type: none"> • 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. <p>Enhanced and additional control measures for construction emissions of PM10 shall be implemented where feasible. These measures include:</p> <ul style="list-style-type: none"> • 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. <p>Mitigation Measure 4.8.2. Before any site work is done on the Barkett Property parcels, the property owner shall contact the SJVAPCD Compliance Division and follow all appropriate asbestos cleanup procedures.</p> | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation Measure 4.8.2 which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the</p> |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| <p>Impact 4.8.4: Project traffic would increase localized carbon monoxide concentrations at intersections in the project vicinity. This impact would be less than significant. (See Final EIR, Chapter, 4, discussion under Impact 4.8.4.)</p> <p>Impact 4.8.5. Emissions of diesel particulate matter from truck traffic and operations within the loading dock and toxic air contaminants from the service station area could pose a risk to human health. This impact would be less than significant.</p> | <p>No mitigation is required.</p> | <p>LS</p> | <p>project that avoid the significant environmental effect as identified in the Final EIR. <u>Explanation:</u> As stated in the SJVAQCD Guide for Assessing and Mitigating Air Quality Impacts, strict compliance with existing asbestos regulations will normally prevent asbestos from being considered a significant adverse impact. Here, implementation of appropriate asbestos cleanup procedures would reduce the potential impact to less than significant. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> |
| <p>Impact 4.8.5. Emissions of diesel particulate matter from truck traffic and operations within the loading dock and toxic air contaminants from the service station area could pose a risk to human health. This impact would be less than significant.</p> | <p>Because this impact is less than significant, no mitigation is required. Although not required, the following mitigation measure would restrict time for heavy vehicles, further reducing air emissions from diesel-powered engines. Mitigation Measure 4.8.5a: All diesel truck operators shall be monitored to strictly abide by the applicable state law requirements for idling, as described in the air borne toxic control measure (CCR, Title 13, section 2485), which limits vehicles with gross vehicular weight ratings of more than 10,000 pounds to no more than 5 minutes of idling of the primary engine or the diesel-fueled auxiliary power system at any location. This limit shall be posted onsite.</p> | <p>LS</p> | <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) Implementation of Mitigation Measure 4.8.5a would further reduce this already less than significant impact.</p> |
| <p>Noise – Less than Significant After Mitigation</p> | | | |
| <p>Impact 4.9.1. Construction and grading activities associated with the development of the project would temporarily and intermittently increase noise levels at nearby sensitive receptor locations. This impact would be potentially significant.</p> | <p>Mitigation Measure 4.9.1a. The applicant shall implement the following measures:</p> <ul style="list-style-type: none"> • Construction activities shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Saturday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on Sundays and holidays. • Construction equipment noise shall be minimized during project construction by muffling and shielding intakes and exhaust on construction equipment (per the manufacturer's specifications) and by shrouding or shielding impact tools. • Construction contractors shall locate fixed construction equipment (such as compressors and generators) and construction staging areas as far as possible from nearby residences. • Construction contractors shall prohibit material haul trucks from using William Moss Boulevard and the segment of Manthey Road north of William Moss Boulevard to access the project site. Instead, haul trucks shall exit Interstate 5 at | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation Measures 4.9.1a and 4.9.1b, which have been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. <u>Explanation:</u> Given the temporary nature of construction noise impacts and implementation of the above mitigation measures, this impact would be reduced to a less-than-significant level. (See Final EIR, discussion under Impact 4.9.1.)</p> |
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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| <p>Impact 4.9.2. Operational activities (non-transportation) associated with the project could increase ambient noise levels at nearby existing and planned residences. This impact would be potentially significant.</p> | <p>French Camp Road and approach the project site via French Camp Road, Henry Long Boulevard, and/or the segment of Manthey Road between French Camp Road and Carolyn Weston Boulevard.</p> <p>Mitigation Measure 4.9.1b. To further address the nuisance impact of project construction, construction contractors shall implement the following:</p> <ul style="list-style-type: none"> • Signs will be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number with the City of Stockton in the event of problems. • An onsite complaint and enforcement manager shall track and respond to noise complaints. <p>Mitigation Measure 4.9.2a. The project applicant shall incorporate the following design features into the final site plans:</p> <ul style="list-style-type: none"> • Building equipment (e.g., HVAC units) 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 sight of the source from the nearest receptors to the west • For the proposed major retailers that would be located on the western edge of the project site, appropriate wing-walls around the truck wells, rubberized gaskets at the loading bays, and acoustically absorptive materials shall be implemented at the primary loading docks of each facility to reduce noise • A sound wall shall be maintained along the entire western edge of the property, to reduce noise that would reach the existing and planned residences to the west of the project. Note that a sound wall has been constructed to the west of the project site as part of the residential subdivision. • Noise levels from operations (including the loading docks) on the northern edge of the property shall not exceed the commercial standards in the 2035 General Plan. The project applicant shall be responsible for landscaping and maintaining their portion of the wall on the re-routed Henry Long Blvd. Landscaping will occur on the south side of the re-routed Henry Long Blvd. and will include a mix of berm and landscaping with trees (at least 15 gallons) and shrubs to be installed for screening purposes. • Screen or enclose trash compactor. • Minimize truck idling per Mitigation Measure 4.8.5a. | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation Measures 4.9.2a and 4.9.2b, which have been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Implementation of mitigation measure 4.9.2b would restrict site maintenance equipment to the daytime hours. Implementation of Mitigation Measure 4.9.2a would result in HVAC compliance with the City's daytime and nighttime exterior noise limits. In addition, the existing 7 foot sound wall to the west of the project site would reduce all loading dock, and maintenance equipment Leq and Lmax noise levels at existing and future approved residents along the western edge of the project site by approximately 7 dBA thereby achieving compliance with the City's daytime and nighttime exterior noise level limits. Thus, with implementation of the above mitigation measures, the operational (non-transportation) noise impacts of the project would be reduced to less-than-significant levels.</p> |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| <p>Impact 4.9.3. Traffic associated with operation of the project would result in an increase in ambient noise levels on nearby roadways used to access the shopping center. This impact would be less than significant.</p> <p>Cumulative Impact 4.9.4. Increases in traffic from the project in combination with other development would result in cumulative noise increases. This impact would be less than significant.</p> | <ul style="list-style-type: none"> Design delivery areas so that loading and unloading occur within the structure. Post delivery areas prior to the issuance of a Certificate of Occupancy to inform delivery personnel that noise reduction efforts are in effect at all times. <p>Mitigation Measure 4.9.2b. The following activities shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., per section 16-340.030 of the City of Stockton Noise Ordinance:</p> <ul style="list-style-type: none"> Use of loudspeakers or loudspeaker systems. Garbage removal activities including trash compaction. Use of parking lot sweeping units (e.g., air system sweeping devices, truck-mounted parking lot sweeping devices or other similar devices) and landscape equipment (e.g., leaf blowers). Minimize truck idling per Mitigation Measure 4.8.5a. | LS | <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> |
| Hydrology and Water Quality – Less than Significant After Mitigation | | | |
| <p>Impact 4.10.1. Construction of the project could potentially degrade water quality and/or violate water quality standards. This impact is considered potentially significant.</p> | <p>Mitigation Measure 4.10.1. All construction plans and activities shall implement multiple BMPs to provide effective erosion, runoff, and sediment control. These BMPs shall be selected to achieve maximum soil protection and sediment removal; and represent the best available technology that is economically achievable. BMPs to be implemented as part of this mitigation measure shall include, but are not limited to, the following measures:</p> <ul style="list-style-type: none"> Temporary erosion control measures (such as staked straw bales/wattles, soil mats, earthen berms, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) will be employed for disturbed areas. Onsite storm drain inlets and in downstream offsite areas will be protected from sediment with the use of BMPs acceptable to Stockton Municipal Utilities Department. Dirt and debris will be swept from paved streets in the | LS | <p>Finding: Implementation of Mitigation Measure 4.10.1, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p>Explanation: As shown in Table 4.10-1, of the Draft EIR, multiple BMPs used in combination, assuming proper installation and maintenance, can achieve nearly complete sediment removal. Implementation of Mitigation Measure 4.10.1 will require multiple BMPs that will effectively control erosion, runoff, and sediment, reducing this impact to less than significant.</p> |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| <p>Impact 4.10.2. Project operation could increase non-storm and stormwater runoff, thereby potentially transporting contaminants to nearby surface waters. This impact is considered potentially significant.</p> | <p>construction zone on a regular basis, particularly before predicted rainfall events.</p> <ul style="list-style-type: none"> Grass or other vegetative cover will be established on the construction site as soon as possible after disturbance. At minimum, vegetative application shall be done by September 15th to allow for plant establishment. No disturbed surfaces will be left without erosion control measures in place during the wet season (October 15 to April 15). Hazardous materials such as fuels and solvents used on the construction sites shall be stored in covered containers and protected from rainfall, runoff, vandalism, and accidental release to the environment. All stored fuels and solvents will be contained in an area of impervious surface with containment capacity equal to the volume of materials stored. A stockpile of spill cleanup materials shall be readily available at all construction sites. Employees shall be trained in spill prevention and cleanup, and individuals shall be designated as responsible for prevention and cleanup activities. Equipment shall be properly maintained in designated areas with runoff and erosion control measures to minimize accidental release of pollutants. <p>Mitigation Measure 4.10.2a. To minimize the amount of pollutants entering the storm drain system, project roadways and parking areas will be cleaned regularly using street sweeping equipment. Additionally, litter and debris that may accumulate on the project site will be regularly collected and properly disposed. Collection and disposal activities shall be the responsibility of the City provider (Sunrise Sanitation).</p> <p>Mitigation Measure 4.10.2b. The Applicant shall develop and implement a pesticide and fertilizer management plan for landscaped areas with the goal of reducing potential discharge of such chemicals, chlorpyrifos, and diazinon in particular, to adjacent waterways. The Applicant will ensure that the Plan is issued to all future owners and tenants.</p> <p>Mitigation Measure 4.10.2c. As required by the Stormwater Quality Control Criteria Plan, the owners, developers, and/or successors-in-interest must establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of the stormwater best management practices.</p> <p>Mitigation Measure 4.10.2d. The property owners, developers, and/or successors-in-interest shall comply with any and all requirements, and pay all associated fees, as required by the City's Stormwater Pollution Prevention Program as set forth in its</p> | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation Measures 4.10.2a through 4.10.2e, which have been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Because much of the site would be covered by impervious surfaces following construction, most stormwater would runoff rather than infiltrate into the soil column. This process tends to minimize stormwater treatment generally provided in permeable soil surfaces. To minimize these impacts to water quality, a combination of treatment features would be needed as required by City design standards as well as a proper maintenance schedule to ensure success. With implementation of the prescribed mitigation, long-term impacts water quality would be less than significant.</p> |

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| | <p>NPDES Stormwater Permit.</p> <p>Mitigation Measure 4.10.2e. The Drainage Plan for the project will include BMPs to maximize non-storm and stormwater quality. The Drainage Plan will include both BMPs that will address the project site as a whole, as well as guidance for BMPs to be implemented for future tenants. These BMPs shall be selected to achieve maximum contaminant removal and represent the best available technology that is economically achievable. The BMPs will include a combination of source control, structural improvements, and treatment systems. BMPs will include, but not be limited to the following:</p> <ul style="list-style-type: none"> • Water quality units to be located within the storm drain system. The selected units will provide effective water quality control for the pollutants that are commonly present in stormwater runoff generated by retail centers. These pollutants include trash and debris, oil and grease, and limited amounts of sediment. The water quality units will be periodically inspected and maintained to the levels and at the frequencies that are recommended by the product manufacturers. The units will accommodate the following parameters: <ol style="list-style-type: none"> 1. Treatment capabilities for the expected pollutants (trash and debris, oil and grease, and limited amounts of sediment). 2. Ability to treat the amount of runoff generated by the low-flow storm event that is specified by the local jurisdiction. 3. Ability to accommodate or bypass the flood control design storm event as determined by the local jurisdiction. <ul style="list-style-type: none"> • Grass strips, high infiltration substrates, and grassy swales shall be used where feasible throughout the project site to reduce runoff and provide initial storm water treatment. This type of treatment will apply particularly to parking lots. • Small settling, treatment, and/or infiltration devices will be installed beneath large parking areas to provide initial filtration prior to discharges into flood control basins. This will include the use of oil and grease separators. • Roof drains shall drain to natural surfaces or swales where possible to avoid excessive concentration and channelization of storm water. | | |

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| Impact 4.10.3. Implementation of the project would not substantially interfere with groundwater recharge or result in adverse impacts to groundwater quality. This impact is considered less than significant. | <p>Roof drains may be directly connected to the storm drain system, if treatment control measures are provided downstream.</p> <ul style="list-style-type: none"> All drain inlets shall be permanently stamped with the message "NO DUMPING, FLOWS TO DELTA." Permanent energy dissipaters will be included for drainage outlets. <p>Because the assimilative capacity of the receiving waters is impaired, the Applicant shall remove the maximum level of pollutants from stormwater discharges using the best available technology to maintain ambient water quality. To achieve this goal, the Applicant shall select a combination of BMPs that is expected to reach a target goal of 100 percent removal of suspended solids, nitrogen, phosphorus, pathogens, and metals from stormwater discharges, given the lowest expected pollutant removal efficiencies identified in Table 4.10-1 or elsewhere. While 100 percent contaminant removal is often not feasible, the final selection and design of BMPs shall provide maximum contaminant removal, represent the best available technology that is economically achievable, and shall explicitly identify the expected level of effectiveness at contaminant removal. A monitoring program shall be implemented to verify BMP effectiveness and compliance with water quality standards for the San Joaquin River, as outlined in the Central Valley RWQCB's Basin Plan (1998). In the event that the BMPs are not meeting the identified performance standards, BMPs shall be redesigned, or new BMPs implemented, to achieve this result. The Drainage Plan shall include, and the Applicant shall implement, a schedule that implements BMPs prior to or concurrent with new development such that water quality is maintained. The City shall require the incorporation of these BMPs into project designs as a condition of project approval. No mitigation is required.</p> | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| Impact 4.10.4. Domestic water demands generated by the project could deplete groundwater supplies. This impact is considered less than significant. | No mitigation is required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| Impact 4.10.5. Development of the project would increase the amount of impervious surfaces, which in | Mitigation Measure 4.10.5. The Applicant shall prepare a Master Drainage Plan for the project site. The Drainage Plan | LS | <u>Finding:</u> Implementation of Mitigation Measure 4.10.5, which has been required or incorporated into |

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| turn would increase local storm runoff volumes that could exceed the capacity of on- and offsite drainage systems, and create localized flooding or contribute to a cumulative flooding in downgradient locations. This impact is considered potentially significant. | <p>should incorporate measures to minimize the increased runoff during peak conditions. The applicant will implement measures provided in the Drainage Plan.</p> <p>A detailed drainage report shall be prepared by a registered civil engineer prior to site development. The report shall include the following items:</p> <ul style="list-style-type: none"> • An assessment of existing drainage facilities within the project vicinity, and an inventory of necessary upgrades, replacements, redesigns, and/or rehabilitation. • A description of the proposed maintenance program for the onsite drainage system. • Standards for drainage systems to be installed on a project-specific basis. • The drainage system shall be designed to meet standards in the Stockton Municipal Code and the City of Stockton Department of Public Works Standard Specifications (current edition). <p>The Drainage Plan shall include, and the Applicant shall implement, a schedule for identified drainage improvements. In addition, when approving specific developments that may result in increased drainage flows on the project site, the Applicant shall concurrently implement any necessary drainage improvements such that new development does not exceed the capacity of Master-Planned drainage facilities.</p> | | <p>the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> In developing the original Weston Ranch Master Storm Drain Plan (1998), runoff coefficients of 0.90 (commercial) were used for portions of the project site based on build-out of the 1988 zoning map. As proposed, the project site would be developed with commercial uses, consistent with the assumptions used in the development of the 1998 Master Storm Drain Plan, and would generate runoff comparable to that accounted for in the 1988 Master Storm Drain Plan. However, in consultations with City staff, other prior land use modifications would necessitate additional review of conveyance capacity, depending on where drainage flows are routed on the project site. Therefore, a project-specific drainage plan would be required to minimize offsite runoff and impacts to the City's stormwater conveyance system. Mitigation Measure 4.10.5 requires the Applicant to prepare such a project specific drainage plan. Implementation of the prescribed mitigation would reduce drainage impacts to a less than significant level.</p> <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> |
| Impact 4.10.6. Construction of the project could place structures within a 100-year flood area and expose people or structures to a significant risk of loss, injury, or death involving flooding. This impact is considered less than significant. | No mitigation is required. | LS | |
| Biological Resources – Less than Significant After Mitigation | | | |
| Impact 4.11.1. Construction activities in the project area could result in adverse impacts to special-status species, including Swainson's hawks, burrowing owls, Greater western mastiff-bat and Yuma myotis bat, Ferruginous hawk, Mountain plover, White-tailed (black shouldered) kite, Greater sandhill crane, and Loggerhead shrike. This impact is potentially significant. | Mitigation Measure 4.11.1. The SJMSCP provides a means of providing mitigation for species covered by the plan. Regulatory agencies (USFWS, DFG) have approved the SJMSCP. All of the special-status species potentially present at the site are covered species under the SJMSCP. Thus, compliance with the SJMSCP would provide adequate mitigation for the project's impacts to special-status species. As an alternative, the applicant could provide mitigation for each of the special-status species potentially present at the site, without complying with the SJMSCP. Either approach would provide adequate mitigation. | LS | <p><u>Finding:</u> Implementation of Mitigation Measure 4.11.1, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> The San Joaquin County Multi-Species</p> |

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| | <p>Accordingly, the Applicant shall mitigate impacts to special status species by one of the following approaches:</p> <p>a) The Applicant shall comply with the terms of the SJMSCP. In the event the Applicant complies with the SJMSCP, the Applicant shall implement one of the following measures:</p> <p>Pay the applicable in-lieu fee to the JPA, as indicated in section 7.4.1 of the SJMSCP. The site is currently categorized as agricultural land under the SJMCSP.</p> <p>Dedicate conservation easements, fee title, or in-lieu dedications.</p> <p>Purchase approved mitigation bank credits as specified in section 5.3.2.4.</p> <p>Propose an alternative mitigation plan consistent with SJMSCP goals and equivalent in biological value to the other options, subject to SPA approval.</p> <p>These measures may also be combined, provided the combined measures provide equivalent biological value, subject to confirmation of compliance with this standard by the JPA. (See SJMSCP, p. 5-52). Or;</p> <p>b) The project shall implement pertinent avoidance and mitigation measures commensurate with those described in Sections 5.2 and 5.3 of the SJMSCP subject to review and approval by the appropriate regulatory agencies. Mitigation measures shall include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Pre-construction clearance surveys for presence of special-status species, particularly nesting Swainson's hawks, Loggerhead Shrikes, burrowing owls, and other raptors, and roosting special-status bats. <ul style="list-style-type: none"> • Surveys for nesting Swainson's hawk shall be conducted in accordance with the Swainson's Hawk Technical Advisory Committee (2000) guidelines in the project area and within one-half mile of the project area. This survey consists of six visits during the breeding season. • A preconstruction clearance survey shall be | | <p>Habitat Conservation Plan (SJMSCP) provides a means of providing mitigation for species covered by the plan. Regulatory agencies (USFWS, DFG) have approved the SJMSCP. All of the special-status species potentially present at the site are covered species under the SJMSCP. Thus, compliance with the SJMSCP would provide adequate mitigation for the project's impacts to special-status species. As an alternative, the applicant could provide mitigation for each of the special-status species potentially present at the site, without complying with the SJMSCP. Either approach would provide adequate mitigation to reduce this impact to less than significant. Accordingly, implementation of Mitigation Measure 4.11.1 will reduce impacts to special-status species resulting from construction activities to less than significant.</p> |

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| | <p>completed for Loggerhead Strikes in the project area and within one-half mile of the project area. This survey consists of six visits during the breeding season.</p> <ul style="list-style-type: none"> • Surveys for burrowing owl shall be conducted in accordance with the CDFG (1995) guidelines in the project area and a 150-meter buffer area. Surveys shall be conducted during both the wintering and nesting seasons, unless burrowing owls are detected on the first survey, to determine if the site is occupied. A subsequent survey within 30 days prior to the construction shall be performed to ensure that the site has not become occupied since the previous surveys. <p>2. Specified construction timing to avoid impacts to migratory or seasonal species or breeding periods.</p> <ul style="list-style-type: none"> • Construction activities shall be avoided within one-quarter mile of an active nest of a Swainson's hawk from March 1 to September 15 in accordance with the CDFG (1994) guidelines unless the approval of a local CDFG biologist is obtained. • If the project site is occupied by burrowing owls, a buffer area of 250 feet shall be maintained around the occupied burrow, unless a qualified biologist determines that the birds have not begun egg-laying and incubation or the juveniles are foraging independently and capable of independent survival, in accordance with CDFG (1995) guidelines. If owls must be moved away from the area, passive relocation techniques rather than trapping shall be used. <p>3. Replacement of lost habitat.</p> <ul style="list-style-type: none"> • Swainson's hawk foraging habitat shall be replaced at a ratio specified in the November 1994 CDFG Staff Report on Mitigation for Impacts to Swainson's Hawks in the Central Valley of California. This includes a 1:1 ratio for lands within 1 mile of an active nest tree, | | |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| | <p>0.75:1 for lands within 1 to 5 miles of an active nest tree, and 0.5:1 for areas within 5 to 10 miles of an active nest tree. This may include purchase of credits at an approved mitigation bank.</p> <ul style="list-style-type: none"> • To offset the loss of burrowing owl foraging and burrow habitat, preservation of 6.5 acres per owl pair or unpaired resident bird shall be acquired and permanently protected in accordance with the CDFG (1995) guidelines. If occupied burrows cannot be avoided, existing unsuitable burrows shall be enhanced or new burrows created on these protected lands at a ratio of 2:1. This may include purchase of credits at an approved mitigation bank. A monitoring plan and reports for the protected lands shall be submitted to CDFG. • Construction activities within 250 feet of other active raptor nests shall be prohibited unless approval from CDFG biologists is obtained. <p>4. Swainson's hawk nest trees shall not be removed for the project unless there is no feasible way to avoid them and a Management Authorization from CDFG is received. Swainson's hawk nest trees shall be removed between October 1 and February 1.</p> <p>5. If roosting special-status bat species are detected, one-way exclusion devices shall be implemented so that bats may exit but not reenter structures prior to demolition.</p> <p>6. Construction monitoring shall be performed by a qualified biologist to ensure compliance with all of the above avoidance, protection, and mitigation measures. Swainson's hawk monitoring shall be performed in accordance with the CDFG (1994) guidelines. Burrowing owl monitoring shall be performed in accordance with the CDFG (1995) guidelines.</p> | | |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| Impact 4.11.2. The project may result in impacts to heritage and other oak trees as defined in the Stockton Municipal Code. This impact is considered less than significant. | No mitigation is required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| Cultural and Historic Resources – Less than Significant After Mitigation | | | |
| Impact 4.12.1. Implementation of the project could result in damage to previously unidentified buried archaeological and/or human remains during project construction. This impact is considered potentially significant. | <p>Mitigation Measure 4.12.1. Pursuant to CEQA Guidelines 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project proponent and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist and/or paleontologist would meet to determine the appropriate avoidance measures or other appropriate mitigation, with the ultimate determination to be made by the City. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.</p> <p>In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, City Planning Staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.</p> <p>If the discovery includes human remains, CEQA Guidelines 15064.5 (e)(1) shall be followed, which is as follows:</p> <p>(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <p>(1) There shall be no further excavation or disturbance of</p> | LS | <p>Finding: Implementation of Mitigation 4.12.1, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p>Explanation: Implementation of Mitigation Measure 4.12.1 will ensure that in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, impacts to archaeological and/or human remains during project construction would be less than significant through the implementation of the mitigation measures set forth in CEQA Guidelines, § 15064.5 subds. (e) and (f).</p> |
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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| | the site or any nearby area reasonably suspected to overlie adjacent human remains until: | | |
| | (A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and | | |
| | (B) If the coroner determines the remains to be Native American: | | |
| | 1. The coroner shall contact the Native American Heritage Commission within 24 hours. | | |
| | 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. | | |
| | 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or | | |
| | (2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. | | |
| | (A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. | | |
| | (B) The descendant identified fails to make a recommendation; or | | |
| | (C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. | | |
| Hazards and Hazardous Materials – Less than Significant After Mitigation | | | |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| <p>Impact 4.13.1. Construction of the project would occur in an area with wells and septic systems. This impact is considered potentially significant.</p> | <p>Mitigation Measure 4.13.1. All onsite water supply wells and sewage disposal systems shall be properly destroyed by the project applicant in accordance with applicable permit and inspection by the San Joaquin County Environmental Health Department.</p> | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation Measure 4.13.1, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Due to the historically rural residential and agricultural nature of the project site, it is likely that the site contains water wells and septic systems. The septic systems are unlikely to have affected subsurface soils with hazardous materials, based on expected residential as opposed to commercial or industrial wastewater discharges. Implementation of Mitigation Measure 4.13.1 will ensure that all onsite water supply wells and sewage disposal will be properly destroyed by the Applicant in accordance with applicable permit and inspection by the San Joaquin County Environmental Health Department. Implementation of this measure will ensure this impact is less than significant.</p> |
| <p>Impact 4.13.2. Construction activities associated with the project could uncover areas of unknown contamination by hazardous substances. This impact is considered potentially significant.</p> | <p>Mitigation Measure 4.13.2. If contaminated soil and/or groundwater are encountered or suspected contamination is encountered during project construction, work shall be stopped in the suspected area of contamination, and the type and extent of the contamination be identified by the project applicant or the applicant's consultant. If necessary, a remediation plan shall be implemented in conjunction with continued project construction. A contingency plan shall be developed and implemented to dispose of any contaminated soil or groundwater. In addition, if groundwater is encountered and any dewatering is to occur at this location, the RWQCB would need to be consulted for any special requirements such as containing the water until it can be sampled and analyzed to ensure that no contaminants are in the groundwater.</p> | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation Measure 4.13.2, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Implementation of Mitigation Measure 4.13.2 will ensure that if construction activities at the project site result in the disturbance of unknown contaminated soil and/or groundwater associated with previous activities on the site, such disturbance would not result in a significant environmental impact because work shall be stopped in the suspected area of contamination, and the type and extent of the contamination be identified by the project applicant or the applicant's consultant. If necessary, a</p> |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
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| <p>Impact 4.13.3. Construction of the project may involve the temporary use and storage of hazardous materials such as gasoline, diesel fuel, solvents, hydraulic fluids, oils, paints, and other materials. This impact is considered potentially significant.</p> | <p>Mitigation Measure 4.13.3a. The project applicant shall ensure, through the enforcement of contractual obligations, that all contractors transport, store and handle construction-related hazardous materials in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by the DOT, California RWQCB, SJCEMD, and the Stockton Fire Department. Recommendations may include, but are not limited to, transporting and storing materials in appropriate and approved containers, maintaining required clearances, and handling materials using the applicable federal, state and/or local regulatory agency protocols. In addition, all precautions required by the RWQCB issued NPDES construction activity stormwater permits would be taken to ensure that no hazardous materials enter any nearby waterways.</p> <p>Mitigation Measure 4.13.3b. The project applicant shall ensure, through the enforcement of contractual obligations, that all contractors immediately control the source of any leak and immediately contain any spill utilizing appropriate spill containment and countermeasures. If required by the SJCEMD, Stockton Fire Department, or any other regulatory agency, contaminated media shall be collected and disposed of at an offsite facility approved to accept such media.</p> | LS | <p>remediation plan would be implemented in conjunction with continued project construction. A contingency plan would be developed and implemented to dispose of any contaminated soil or groundwater. In addition, if groundwater is encountered and any dewatering is to occur at this location, the RWQCB would need to be consulted for any special requirements such as containing the water until it can be sampled and analyzed to ensure that no contaminants are in the groundwater. With implementation of Mitigation Measure 4.13.2, this impact would be reduced to less than significant.</p> <p>Finding: Implementation of Mitigation Measures 4.13.3a and 4.13.3b, which have been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p>Explanation: With implementation of the precaution measures and other measures set forth in Mitigation Measure 4.13.3a and 4.13.3b, impacts related to any temporary use and storage of hazardous materials such as gasoline, diesel fuel, solvents, hydraulic fluids, oils, paints, and other materials would be reduced to less than significant.</p> |
| <p>Impact 4.13.4. A natural gas well was identified on the project site at the northwest corner of Manthey Road and Henry Long Boulevard that has not been in use for 15 to 20 years. This impact is considered potentially significant.</p> | <p>Mitigation Measure 4.13.4. The natural gas well shall be properly abandoned by the project applicant in consultation with and in accordance with the regulations of the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources and the San Joaquin County Environmental Health Department. As the applicant does not control the well property, should abandonment prove infeasible, the applicant shall comply with all state and local building</p> | LS | <p>Finding: Implementation of Mitigation Measure 4.13.4, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect</p> |

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| <p>Impact 4.13.5. The project site is located within the Stockton Metropolitan Airport Area of Influence Boundary and the Conical Surface Outer Boundary. This impact is considered potentially significant.</p> | <p>setback requirements.</p> <p>Mitigation Measure 4.13.5. The project applicant shall ensure that the design of structures and other features of the project include the following land use guidelines as provided in the San Joaquin County Airport Land Use Plan (adopted 1983):</p> <ul style="list-style-type: none"> • Non-reflective materials • No transmissions (such as communication towers) • No visual distractions • No very tall structures | <p>LS</p> | <p>as identified in the Final EIR.</p> <p><u>Explanation:</u> Mitigation Measure 4.13.4 requires that the natural gas well at the northwest corner Manthey Road and Henry Long Boulevard will be properly abandoned by the project applicant in consultation with and in accordance with the regulations of the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources and the San Joaquin County Environmental Health Department. With implementation of Mitigation Measure 4.13.4, this impact will be reduced to less than significant.</p> <p><u>Finding:</u> Implementation of Mitigation Measure 4.13.5, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> |
| <p>Impact 4.13.6. During construction, equipment and vehicles may come in contact with vegetated areas and accidentally spark and ignite dry vegetation. This impact is considered potentially significant.</p> | <p>Mitigation Measure 4.13.6. The Stockton Fire Department provides fire protection and emergency services to the project site. However, the following mitigation measures are recommended to reduce this potentially significant impact:</p> <ul style="list-style-type: none"> • The project applicant shall ensure, through the enforcement of contractual obligations that during construction, staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. The contractor shall keep these areas clear of combustible materials in order to maintain a firebreak. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. | <p>LS</p> | <p><u>Explanation:</u> By following the land use guidelines as provided by the San Joaquin County Airport Land Use Plan (as required by Mitigation Measure 4.13.5), impacts related to the project location within the Stockton Metropolitan Airport Area of Influence Boundary and the Conical Surface Outer Boundary will be reduced to less than significant.</p> <p><u>Finding:</u> Implementation of Mitigation Measure 4.13.6, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Implementation of Mitigation Measure 4.13.6 will ensure that the risk of fire resulting from accidental ignition of dry vegetation during construction is less than significant by requiring the avoidance measures contained in bullet point one and requiring the Applicant to consult with the</p> |

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| Impact 4.13.7. Exposure of individuals to asbestos-containing dust and lead-based paint. This impact is considered potentially significant. | <ul style="list-style-type: none"> The project applicant, in consultation with the Stockton Fire Department, shall create fire-safe landscaping near the structures, develop a maintenance plan, and develop a plan for emergency response and evacuation at the project site. <p>Mitigation Measures 4.13.7. An asbestos survey and a lead-based paint survey shall be completed by the project applicant on all of the structures located on the project site prior to any demolition activities.</p> <p>All asbestos work must comply with the NESHAP, California Occupational Safety and Health Administration (Cal/OSHA) regulations, San Joaquin Valley Unified Air Pollution Control District, and/or California Air Resources Board (CARB) regulations, as well as any local ordinances.</p> <p>The California Department of Health Services (DHS) recommends that a contractor who is State certified be hired to perform lead-related construction work. Cal/OSHA requires contractors and workers to be state-certified for high exposure lead work. Prior to renovation or demolition of any structures on the project and alternative sites, painted surfaces should be tested by a State certified lead inspector to determine if the paint contains lead and what action, according to DHS recommendations and Cal/OSHA requirements, are recommended and required for the project and alternatives.</p> | LS | <p>Stockton Fire Department create fire-safe landscaping near the structures, develop a maintenance plan, and develop a plan for emergency response and evacuation at the project site. With implementation of Mitigation Measure 4.13.6, this impact will be less than significant.</p> <p><u>Finding:</u> Implementation of Mitigation Measure 4.13.7, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Implementation of Mitigation Measure 4.13.7 will ensure that removal or disturbance of asbestos-containing material during demolition of existing residential structures within the project site will not result in the exposure of construction workers, the general public, or the environment to friable asbestos and/or lead-based paint chips and dust. Implementation of Mitigation Measure 4.13.7 will reduce this impact to less than significant.</p> |
| Impact 4.13.8. An asbestos landfill has been identified on the project site that if disturbed could result in a release of asbestos fibers into the air. This impact is considered potentially significant. | <p>Mitigation Measure 4.13.8a. Until the asbestos landfill has been remediated and approved for development by the California Integrated Waste Management Board, State of California Department of Toxic Substance Control and the San Joaquin Valley APCD, the asbestos landfill shall be sectioned off from the rest of the project site by a fence (chain-link or better) so that the area cannot be accessed by construction workers or the public.</p> <p>Mitigation Measure 4.13.8b. Pursuant to 27 CCR, Section 21190, all proposed land use of the asbestos landfill must be submitted to the Enforcement Agency (EA) section of the CIWMB for review and approval, including any future excavation of this former disposal site.</p> <p>Mitigation Measure 4.13.8c. Prior to development of any uses on the Barkett property (the asbestos landfill), the developer shall supply the City of Stockton with a report showing that either the asbestos has been removed from the site (constituting "a clean closure") or evidence that the site would be adequately capped so that the buried asbestos would have no potential to</p> | LS | <p><u>Finding:</u> Implementation of Mitigation Measures 4.13.8a through 4.13.8c, which have been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> The adjacent asbestos landfill will not be disturbed as a part of the project. The landfill area will be sectioned off from the rest of the project site by a fence so that the area cannot be accessed by construction workers or the public. The current owners of the property entered into a Voluntary Cleanup Agreement with DTSC in May, 2005. The purpose of the agreement is to prepare a removal action work plan (RAW) and implement the remedial strategy for the property under DTSC oversight.</p> |

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| | expose future users of the site. The City of Stockton must accept the report prior to approval of a Use Permit for the Barkett property. | | Implementation of Mitigation Measures 4.13.8a through 4.13.8c will ensure that until the asbestos landfill has been remediated, impacts that could occur from disturbances of the landfill will be less than significant. |
| Impact 4.13.9. Exposure of individuals to agricultural chemical residue in the soils on the project site. This impact is considered less than significant. | No mitigation is required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| Impact 4.13.10. The project itself, once developed, would involve the use of underground fuel storage tanks at the two proposed fuel centers (gasoline stations). This impact would be less than significant. | No mitigation is required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| Energy – Less than Significant After Mitigation | | | |
| Impact 4.14.1. Construction of the project would result in use of non-renewable energy resources. This impact is less than significant. | No mitigation is required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |
| Impact 4.14.2. Over the long term, the project would result in increased energy consumption from vehicle trips and building operations. | Implement Mitigation Measure 4.8.3a | LS | <u>Finding:</u> Implementation of Mitigation Measure 4.8.3a, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR. <u>Explanation:</u> Mitigation Measure 4.8.3a provides measures to reduce the number of trips generated by the project and reduce trip length that would also serve to reduce transportation energy used by the project. Mitigation Measure 4.8.3a also addresses energy conservation in project buildings. With implementation of Mitigation Measure 4.8.3a, this impact would be reduced to less than significant. |
| Cumulative Impact 4.14.3. The project would incrementally contribute to cumulative energy | Mitigation Measure 4.14.3. The owners, developers and/or successors-in-interest (ODS) shall implement the following | LS | <u>Finding:</u> Implementation of Mitigation Measure 4.14.3, which has been required or incorporated into |

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| consumption | <p>measures:</p> <ol style="list-style-type: none"> 1. GCC-1. All commercial buildings (over 5,000 square feet) within the project site will comply with LEED-Certified standards in effect at the time of construction. The ODS will not be required to participate in the formal LEED inspection and certification process, but will be required to demonstrate to the City the ability to be certified to LEED standards. 2. GCC-2. The ODS shall address the impacts from project-related emissions through implementation of the following measures: <ol style="list-style-type: none"> a. Implement Mitigation Measure 4.8.3b (Rule 9510 Indirect Source Rule) b. Implement Mitigation Measure 4.8.5a (Impose idling time restrictions for delivery vehicles) 3. GCC-3. The following measures shall be used in combination to accomplish an overall reduction in energy consumption relative to the requirements of Title 24 (California Code of Regulations): <ol style="list-style-type: none"> a. Contractors shall minimize and recycle construction-related waste. b. Implement Mitigation Measure 4.8.3a (energy-saving features) 4. GCC-4: The ODS is required to prepare a water conservation plan for the proposed project to the satisfaction of the Director of Municipal Utilities. The plan shall address the following, as appropriate: <ol style="list-style-type: none"> a. Water-efficient landscapes shall be provided for all public landscaped areas, including roadway medians and roadside landscaping. b. Water-efficient irrigation systems and devices shall be required in all landscaped areas. 5. GCC-5. The ODS is required to implement the following to reduce the solid waste impacts from the proposed project. <ol style="list-style-type: none"> a. Implement Mitigation Measure GGC-3.a. b. Provide interior and exterior storage areas for | | <p>the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Implementation of the measures listed above would help reduce the project's energy demand to a level that would not be considered excessive and wasteful. By implementing feasible conservation measures (as described in Mitigation measure 4.8.3a), the project's contribution to energy usage would be less than cumulatively considerable.</p> |

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| | <p>recyclables and green waste and adequate recycling containers located in public areas.</p> <p>6. GCC-6. Implement the bicycle, pedestrian, and transit improvements described in Mitigation Measure 4.8.3a.</p> | | |
| Growth-Inducement – Less than Significant After Mitigation | | | |
| <p>For the reasons identified in Draft EIR, Chapter 6 (pages 6-1 through 6-2) the proposed commercial development of the site is in response to growth and not growth inducing.</p> | <p>No mitigation is required.</p> | <p>LS</p> | <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> |
| Cumulative Impacts – Less than Significant After Mitigation | | | |
| Land Use and Agricultural Resources | | | |
| <p>Impact 4.2.5, conversion of agricultural prime farmland, should be considered a cumulative impact, as well as a direct impact, based on the ongoing conversion of agricultural land within San Joaquin County. In 1990, San Joaquin had 437,859 acres of prime farmland. By 2002, this number was 415,527 acres. This is a net loss of 22,332 acres, more than 1800 acres per year. Farmland of statewide importance showed a similar decline, from 100,277 acres to 92,521. Unique farmland showed a slight increase in acreage, from 46,863 acres to 61,849 acres. This increase in unique farmland is most likely due to the conversion of unirrigated lands to vineyards. However, the net loss among all types of agricultural land (including grazing land) was 20,904 acres during this period (DOC 2002).</p> | <p>Implementation Mitigation Measure 4.2.5</p> | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation Measure 4.2.5, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant cumulative environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Implementation of Mitigation Measure 4.2.5 would reduce the cumulative impacts of development by preserving an equal amount of farmland to that converted by the project. Therefore, while the direct loss of farmland is significant, by preserving land on a regional level, the cumulative impact is reduced to a less than significant level.</p> |
| Urban Decay | | | |
| <p>The project's potential to cause urban decay, an indirect impact of economic change, is discussed in Section 4.4 of the EIR. The project's potential urban decay impact, when combined with future regional retail and residential development, is identified in Impact 4.4.2 as less than significant.</p> | <p>No mitigation is required.</p> | <p>LS</p> | <p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> |
| Transportation and Circulation | | | |
| <p>As discussed in Section 4.7 of the EIR, Transportation and Circulation, the project will contribute to</p> | <p>See discussion of Impacts 4.7.11 and 4.7.12 above.</p> | <p>LS</p> | <p>See discussion of Impacts 4.7.11 and 4.7.12 above.</p> |
| <p style="text-align: center;">Less than Significant = LS Beneficial = B Significant = S Cumulative Significant = CS Significant and Unavoidable = SU Potentially Significant = PS</p> | | | |

| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
|---|--|--|---|
| <p>cumulative traffic impacts. Impacts 4.7.11 and 4.7.12 describe cumulative impacts (year 2025) that the project would contribute to, and the mitigation measures which would reduce the project impacts.</p> | | | |
| <p>Noise</p> <p>Cumulative noise impacts are discussed in Section 4.9, Noise. Cumulative impacts can result from individually minor but collectively significant impacts, meaning that the project's incremental effects must be viewed in connection with the effects of past, current, and probable future projects. A cumulative impact arises when two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Impact 4.9.4 addresses the increase in traffic noise from the project in combination with other development.</p> | <p>Implement Mitigation Measures 4.9.4</p> | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation Measure 4.9.4, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant cumulative environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Mitigation Measure 4.9.4 would require installation of sound walls along certain street segments. With implementation of this mitigation, the cumulative impact of the project would be reduced to a less-than-significant level.</p> |
| <p>Hydrology and Water Quality</p> <p>As discussed in EIR Section 4.10, Hydrology and Water Quality, the runoff generated by the project would be conveyed to the San Joaquin River and downstream waterways such as the Deep Water Ship Channel and the Delta (Impact 4.10.1). These waterways are identified in the SWRCB's 303(d) list as impaired for a variety of constituents, and their ability to assimilate additional pollutants is limited. This would represent a cumulatively considerable impact. To minimize the project's impact on water quality, a combination of treatment features will be required as required by City design standards and a proper maintenance schedule to ensure success. These features are described in Mitigation Measures 4.10.1</p> <p>With implementation of mitigation, the project's contribution to a cumulative impact would be less than significant. Impact 4.10.4, water supply is based on the water supply assessment prepared for the project.</p> <p>Per the requirements of SB 610, cumulative effects (future water demand) are inherent in the water supply assessment. The potential cumulative effects</p> | <p>Implement Mitigation Measures 4.10.1.</p> | <p>LS</p> | <p><u>Finding:</u> Implementation of Mitigation Measure 4.10.1, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that this mitigation measure be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant cumulative environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> With implementation of Mitigation Measure 4.10.1, this cumulative impact would be less than significant.</p> |

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| Environmental Impact (Significance Before Mitigation) | Mitigation Measures | Level of Significance After Mitigation | Findings of Fact |
|---|--|--|---|
| of the project on water supply are therefore less than significant, as described in Impact 4.10.4. | | | |
| <p>Biological Resources</p> <p>As discussed in Section 4.11 of the EIR, Biological Resources, the project would remove potential breeding and/or foraging habitat for special-status species, specifically the Swainson's hawk and burrowing owl (Impact 4.11.1). Other projects identified in the cumulative setting have the potential to eliminate habitat. This represents a cumulative impact to habitat, to which the project would contribute. The SJMSCP is a regional conservation plan that addresses the cumulative impacts of development.</p> | Implement Mitigation Measures 4.11.1a and 4.11.1b. | LS | <p><u>Finding:</u> Implementation of Mitigation Measures 4.11.1a and 4.11.1b, which have been required or incorporated into the project, will reduce this impact to a less than significant level. The City Council hereby directs that these mitigation measures be adopted. The City Council, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant cumulative environmental effect as identified in the Final EIR.</p> <p><u>Explanation:</u> Mitigation Measures 4.11.1a and 4.11b require that the project comply with the SJMSCP or meet the equivalent standards for habitat mitigation. Implementation of these measures will reduce the project's contribution to a cumulative impact to less than significant.</p> |
| <p>Aesthetics</p> <p>The aesthetic impacts of the project are discussed in EIR Section 4.3, Aesthetics. Impact 4.3.1 identifies the degradation of local visual character as a significant impact. Implementation of Mitigation Measure 4.3.1 would reduce the impact to a less than significant level.</p> <p>Degradation of visual character is also a cumulative effect, as individual parcels are developed. The project, however, is substantially surrounded by urban development, and is located between existing development and a major freeway (I-5) and frontage road (Manthey Road). The project's contribution to visual impacts, as mitigated, would not be cumulative considerable.</p> | No mitigation is required. | LS | Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) |

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