



# FINDING OF FACT / STATEMENT OF OVERRIDING CONSIDERATION

FOR THE

**SOUTH STOCKTON COMMERCE CENTER**  
(SCH: 2020090561)

**APRIL 2023**

*Prepared for:*

City of Stockton  
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Stockton, CA 95202

*Prepared by:*

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**D e N o v o P l a n n i n g G r o u p**

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A Land Use Planning, Design, and Environmental Firm





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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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# FINDINGS FOR THE SOUTH STOCKTON COMMERCE CENTER

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

## I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requires the City of Stockton (City), as the CEQA lead agency, to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR. (Pub. Resources Code, § 21081.)

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

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

The Final EIR (which includes the Draft EIR, comments, responses to comments, and revisions to the Draft EIR) for the Project, examined the proposed Project and three alternatives to the Project including: (1) No Project (No Build) Alternative; (2) Reduced Project Alternative; and (3) Agriculture Protection Alternative.

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

## II. GENERAL FINDINGS AND OVERVIEW

### **Project Overview**

The proposed Project site is comprised of 422.22 acres located in the southern portion of the City of Stockton, south of and adjacent to the Stockton Airport. The Project site is located west of the 99 Frontage Road and State Route (SR) 99 and east of Airport Way. The Union Pacific Railroad (UPRR) extends south from Airport Way bisecting the western portion of the site. French Camp Slough extends southeast from Airport Way across the southwestern portion of the site. It continues east under the UPRR and then south across the southwestern portion of the site, before continuing south off-site.

The SSCC Project proposes a Tentative Map for the 422.22-acre site to create 13 development lots, two basin lots, one park lot, one open space lot, one sewer pump station lot, and off-site sewer improvements. Of the 13 development lots, 12 will be for development of a mix of industrial uses and one will be for development of commercial uses. Although a Site Plan is not currently proposed, for planning purposes a conceptual site plan was prepared to establish a target Floor Area Ratio (FAR) that was used to generate the maximum square footage of building area for the Tentative Map and for purposes of environmental review. As described in Chapter 2.0, Project Description, the Project would result in a maximum of 6,091,551 square feet of industrial type land uses, 140,350 square feet of commercial land uses, 54 acres of open space, 41 acres of public facilities, and 18 acres of right-of-way circulation improvements.

Although the proposed SSCC Project is consistent with the site's existing General Plan and Zoning designations, due to limitations caused by the floodway along French Camp Slough and the location of drive entrances for surrounding developments, the alignment of the future Commerce Drive requires a General Plan Amendment and Rezone of the two areas between Airport Way and the Union Pacific Railroad right-of-way. These areas are currently designated Commercial and Industrial and are zoned CG (Commercial, General) and IL (Industrial, Light), respectively. The current boundaries of the designations will be modified to be consistent with the future Commerce Drive right-of-way center line. The area to the north of the Commerce Drive right-of-way centerline will be designated Commercial and zoned CG and the area to the south of the Commerce Drive right-of-way centerline will be designated Industrial and zoned IL.

The principal objective of the proposed Project is to implement and achieve the goals and objectives of the General Plan through the approval and subsequent implementation of the SSCC Project. The development of approximately 422-acres of land will include industrial uses, commercial uses, open space, public facilities, and public roadway right-of-way land uses and meet the objectives of the General Plan.

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



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## PROCEDURAL BACKGROUND

**Notice of Preparation Public Circulation:** The City of Stockton circulated an Initial Study (IS) and Notice of Preparation (NOP) of an EIR for the proposed Project on September 30, 2020 to State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, Organizations and Interested Persons. A public scoping meeting was held via WebEx on October 26, 2020 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses to the NOP by interested parties are presented in Appendix A of the Draft EIR. The commenters are provided below.

- California Air Resources Board;
- California Department of Conservation, Division of Geology and Mines;
- California Department of Conservation, Division of Land Resource Protection;
- California Department of Justice;
- California Department of Transportation;
- California Water Board. Central Valley Regional Water Quality Control Board;
- Center for Biological Diversity;
- Delta-Sierra Group;
- Marvin Norman;
- Native American Heritage Commission; and
- San Joaquin Valley Air Pollution Control District.

**Notice of Availability and Draft EIR:** The City published a public Notice of Availability (NOA) for the Draft EIR on October 15, 2021 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2020090561) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The original 45-day public review period for the Draft EIR began on October 15, 2021 and would have ended on November 29, 2021 at 5:00 p.m. However, the City opted to extend the public review period for the Draft EIR an additional 15 days (for 60 days total). The Draft EIR was available for public review and comment from October 15, 2021 through December 14, 2021.

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

**Final EIR:** The City of Stockton received six comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the comments

received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Errata.

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

### RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

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

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

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

<http://www.stocktongov.com/government/departments/communityDevelop/cdSouth.html>

### FINDINGS REQUIRED UNDER CEQA

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

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

CEQA Guidelines § 15091 provides the following direction regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
  - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

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

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

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the project’s benefits outweigh its significant unavoidable adverse environmental effects. (Pub. Resources Code, §§ 21001, 21002.1(c), 21081(b).)

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

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to § 15091.

### MITIGATION MONITORING PROGRAM

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

### CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

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

### SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

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

#### A. AESTHETICS AND VISUAL RESOURCES

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

- (a) Potential Impact. The potential for the Project to result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character is discussed on pages 3.1-7 through 3.1-9 of the Draft EIR and determined to be significant.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. Although the Project site is not designated as a scenic vista by the General Plan, the site does contain some of the significant visual features discussed in the General Plan, such as agricultural fields and riparian area along French Camp Slough. The above-referenced public views are primarily available to motorists traveling along the major transportation corridors, some of which travel at highway speed (such as along Airport Way and SR 99). In addition, these public views of agricultural fields and riparian areas are characteristic of San Joaquin County, and the exist throughout the region.

The proposed Project would result in the conversion of the land from agricultural uses, which would contribute to changes in the regional landscape and visual character of the area. In order to reduce visual impacts, development within the Project site is required to be consistent with the General Plan and the Stockton Zoning Ordinance which includes design standards in order to ensure quality and cohesive design of the Project site and ensure the public views from the transportation corridors would be of high quality. These standards include specifications for exterior lighting, landscaping, and architectural design and compatibility. Implementation of the design standards would ensure quality design throughout the Project site, and result in a Project that would be internally cohesive while maintaining aesthetics similar to surrounding uses.

Nevertheless, the loss of the visual appearance of the existing agricultural land on the site will change the visual character of the Project site in perpetuity. Compliance with the requirements within the General Plan and Zoning Code would reduce visual impacts to the greatest extent feasible; however, the proposed Project would permanently convert the agricultural uses to urbanized uses.

This is considered a significant and unavoidable impact. There is no additional feasible mitigation available that would reduce this impact to a less than significant level.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
  - (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to scenic vistas and scenic quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
2. IMPACT 4.2: CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION.
- (a) Potential Impact. The potential for the Project to have a cumulative impact on the existing visual character of the region is discussed on page 4.0-4 of the Draft EIR.
  - (b) Mitigation Measures. No feasible mitigation measures were identified.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
    - (1) Remaining Impacts. Under cumulative conditions, buildout of the General Plan for Stockton and the surrounding jurisdictions could result in changes to the visual character and quality of the City of Stockton through development of undeveloped areas and/or changes to the character of existing communities. Development of the proposed Project, in addition to other future projects in the area, would change the existing visual and scenic qualities of the City. It is noted that although the Project site is undeveloped and currently occupied by agricultural uses, the General Plan designates a majority of the site for Industrial and Commercial uses. Additionally, the surrounding areas to the north, east, south, and west are designated for urban uses (including mainly Institutional and Industrial uses) by the General Plan. As such, the General Plan and associated EIR anticipated development of the Project area for similar uses as proposed by the Project.

Development within the City would be required to be consistent with the General Plan policies and City Municipal Code, both of which cover aesthetics and visual characteristics. Further, the Municipal Code contains development standards that address the visual character of a development project, such as building height, massing, setbacks, lighting, and landscaping. Although implementation of these requirements would reduce the impacts associated with development, the impacts

would remain significant and unavoidable. As such, this is a cumulatively considerable contribution and a significant and unavoidable impact.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to the existing visual character of the region, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## B. AGRICULTURAL RESOURCES

1. IMPACT 3.2-1: THE PROPOSED PROJECT WOULD RESULT IN THE CONVERSION OF FARMLANDS, INCLUDING PRIME FARMLAND AND FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USES.
  - (a) Potential Impact. The potential for the Project to result in the conversion of Farmlands, including Prime Farmland and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses is discussed on pages 3.2-10 and 3.2-11 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
    - (1) Effects of Mitigation and Remaining Impacts. Development of the proposed Project would result in the permanent conversion of 158.6 acres of Prime Farmland, 259.3 acres of Farmland of Statewide Importance, and 4.3 acres of Unique Farmland, as shown on Figure 3.2-1, to non-agricultural use. The loss of Important Farmland as classified under the Farmland Mapping and Monitoring Program (FMMP) is considered a potentially significant environmental impact.

The City's Agricultural Land Mitigation Program requires that projects provide "agricultural mitigation land" on a 1:1 basis for each acre of land converted, including administrative costs of approximately \$1,000 per acre, or pay the

established Agricultural Land Mitigation Fee of \$12,822 (SJCOG-SJMSCP Habitat Fees, 2020 subject to escalation) per acre. The Project would pay the established Agricultural Land Mitigation Fee of \$12,822 per acre (or fee in effect at time of payment), as required by Mitigation Measure 3.2-1. The San Joaquin Council of Governments (SJCOG) would then use these funds to purchase conservation easements on agricultural and habitat lands that are placed over agricultural land, such as alfalfa and row crops in the Project vicinity. As such, the Project fees paid to SJCOG as administrator of the SJMSCP would result in the preservation of agricultural lands in perpetuity. The purchase of conservation easements and/or deed restrictions through the City's Agricultural Land Mitigation Program and the SJMSCP allows the agricultural landowner to retain ownership of the land and continue agricultural operations, and preserves such lands in perpetuity.

While the proposed Project will contribute fees toward the purchase of conservation easements on agricultural lands through the SJMSCP (as required by Mitigation Measure 3.2-1), those fees and conservation easements would not result in the creation of new farmland to offset the loss that would occur with Project implementation. Implementation of the Project would result in a net loss of farmland, even with implementation of mitigation. As such, consistent with the conclusion of the General Plan EIR, the loss of Important Farmland would be a significant and unavoidable impact relative to this topic.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to Important Farmlands, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## 2. IMPACT 4.2: CUMULATIVE IMPACT ON AGRICULTURAL RESOURCES.

- (b) Potential Impact. The potential for the Project to have a cumulative impact on agricultural resources is discussed on page 4.0-5 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:



- (1) Effects of Mitigation and Remaining Impacts. Mitigation of agricultural land conversion losses would be provided through the county-wide adoption of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and its local adoption by the City of Stockton. The SJMSCP requires the payment of a per-acre fee for loss of wildlife habitat, which in San Joaquin County is largely integral with agricultural use. The City's Agricultural Land Mitigation Program requires that future development pay the agricultural mitigation fee, currently \$12,822 per acre, to mitigate the conversion of agricultural land to urban use. The San Joaquin Council of Governments (SJCOG) would then use these funds to purchase conservation easements on agricultural and habitat lands that are placed over agricultural land, such as alfalfa and row crops in the Project vicinity.

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

While the proposed Project will contribute fees toward the purchase of conservation easements on agricultural lands, as required by Mitigation Measure 3.2-1, those fees and conservation easements would not result in the creation of new farmland to offset the loss that would occur with Project implementation. As such, the loss of Important Farmland would be a cumulatively considerable contribution and a significant and unavoidable impact.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## C. AIR QUALITY

1. IMPACT 3.3-1: PROJECT OPERATIONS WOULD RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS IN NON-ATTAINMENT, OR CONFLICT OR OBSTRUCT IMPLEMENTATION OF THE DISTRICT'S AIR QUALITY PLAN.
  - (a) Potential Impact. The potential for the Project to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment,

or conflict or obstruct implementation of the District's air quality plan as a result of Project operations is discussed on pages 3.3-30 through 3.3-34 of the Draft EIR and determined to be significant.

- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-1 through 3.3-28.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. The San Joaquin Valley Air Pollution Control District (SJVAPCD) is tasked with implementing programs and regulations required by the Federal Clean Air Act (FCAA) and the California Clean Air Act (CCAA). The SJVAPCD has established their thresholds of significance by which the Project emissions are compared against to determine the level of significance. The SJVAPCD has established operations related emissions thresholds of significance as follows: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO<sub>x</sub>), 10 tons per year of reactive organic gases (ROG), 27 tons per year of sulfur oxides (SO<sub>x</sub>), 15 tons per year particulate matter of 10 microns or less in size (PM<sub>10</sub>), and 15 tons per year particulate matter of 2.5 microns or less in size (PM<sub>2.5</sub>). If the proposed Project's emissions will exceed the SJVAPCD's threshold of significance for operational-generated emissions, the proposed Project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions to the extent feasible.

Operational emissions would exceed the SJVAPCD thresholds of significance for NO<sub>x</sub>, ROG, and PM<sub>10</sub>. Therefore, the proposed Project is required to implement all feasible mitigation to reduce criteria pollutant emissions to below the applicable SJVAPCD thresholds of significance. Therefore, the proposed Project would be required to implement Mitigation Measure 3.3-1 through 3.3-27. These measures would, among other things, ensure that individual Projects within the footprint of the proposed Project would reduce emissions to less the applicable SJVAPCD thresholds of significance.

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

associated with impacts to air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. **IMPACT 3.3-2: PROPOSED PROJECT CONSTRUCTION ACTIVITIES WOULD RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS IN NON-ATTAINMENT, OR CONFLICT OR OBSTRUCT IMPLEMENTATION OF THE DISTRICT'S AIR QUALITY PLAN.**

- (a) **Potential Impact.** The potential for the Project to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, or conflict or obstruct implementation of the District's air quality plan as a result of Project construction is discussed on pages 3.3-34 through 3.3-36 of the Draft EIR and determined to be significant.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-1 through 3.3-27.
- (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
  - (1) **Effects of Mitigation and Remaining Impacts.** Project annual NOx construction emissions would exceed the SJVAPCD thresholds of significance. Nevertheless, regardless of emission quantities, the SJVAPCD requires construction related mitigation in accordance with their rules and regulations. Implementation of the Mitigation Measure 3.3-2 through 3.3-27 would further reduce proposed Project construction related emissions to the extent possible.

The proposed Project would comply with pre-existing requisite federal, State, SJVAPCD, and other local regulations and requirements, as well as implement the mitigation measures provided by the SJVAPCD for construction-related PM10 emissions, including those provided in Mitigation Measure 3.3-1 through 3.3-27. Mitigation requires the Project to demonstrate that individual projects that are part of the proposed Project demonstrate that the individual projects do not exceed the applicable SJVAPCD criteria pollutant thresholds for construction activities, or, if the SJVAPCD criteria pollutant thresholds for an individual project is exceeded, the project applicant must develop a reasonably feasible offsite mitigation strategy or pay the SJVAPCD to fund offsite mitigation. However, even with implementation of all feasible mitigation, it may not be feasible for all individual projects within the Project site may to reduce operational emissions at full Project buildout below the applicable thresholds. Therefore, the Project's criteria pollutant emissions would be considered to have a significant and unavoidable impact.

- (2) **Changes or alterations** have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as

identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

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

### 3. IMPACT 4.5: CUMULATIVE IMPACT ON THE REGION'S AIR QUALITY.

- (c) Potential Impact. The potential for the Project to have a cumulative impact on the region's air quality is discussed on pages 4.0-6 and 4.0-7 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-1 through 3.3-27.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

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

As discussed under Impact 3.3-1 in Section 3.3, operational emissions would exceed the SJVAPCD thresholds of significance for NO<sub>x</sub>, ROG, and PM<sub>10</sub>. Therefore, the proposed Project is required to implement all feasible mitigation to reduce criteria pollutant emissions to below the applicable SJVAPCD thresholds of significance. The proposed Project would implement Mitigation Measure 3.3-1 included in Section 3.3, which would ensure that individual projects that are approved as part of the proposed Project would reduce emissions to less than the applicable SJVAPCD thresholds of significance.

As discussed in Impact 3.3-2 in Section 3.3, Project annual NO<sub>x</sub> construction emissions would exceed the SJVAPCD thresholds of significance. Nevertheless, regardless of emission quantities, the SJVAPCD requires construction related mitigation in accordance with their rules and regulations. Implementation of the Mitigation Measure 3.3-1 through 3.3-27 included in Section 3.3 would further reduce proposed Project construction related emissions to the extent possible.

This Project is located in an area that is designated attainment and attainment-unclassified for carbon monoxide. No Project-level conformity analysis is necessary for CO. Substantial concentrations of carbon monoxide are not expected at or along any streets or intersections affected by the development of the Project site.

Additionally, as discussed in Impact 3.3-4 of Section 3.3, a health impact analysis has been prepared for the proposed Project to analyze the potential health risks associated with increased trucks to the Project site and surrounding roadways associated with the development and operation of the proposed industrial and commercial uses. The source of TACs for this type of project can be attributed to diesel exhaust from the trucks (including from truck refrigeration units, or TRUs). As shown in Table 3.3-9 in Section 3.3, the proposed Project, in and of itself, would not result in a significant increased exposure of receptors to localized concentrations of TACs. Risk of residential cancer risk, workplace cancer risk, and chronic and acute non-cancer risks are below the applicable SJVAPCD thresholds.

Overall, even with the application of the mitigation measures included in Section 3.3, emissions levels would remain above the defined thresholds of significance. As such, implementation of the proposed Project would have a cumulatively considerable contribution and significant and unavoidable impact from air emissions.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to the region's air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## D. GREENHOUSE GASES, CLIMATE CHANGE, AND ENERGY

1. IMPACT 3.7-1: PROJECT IMPLEMENTATION WOULD GENERATE GREENHOUSE GAS EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT TO CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GREENHOUSE GASES.
  - (a) Potential Impact. The potential for the Project to generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment is discussed on pages 3.7-30 through 3.7-33 of the Draft EIR.

- (b) Mitigation Measure. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1 through 3.3-27 from Section 3.3 Air Quality, which functionally effect greenhouse gas emissions.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Effects of Mitigation and Remaining Impacts. Short-term annual construction emissions of GHG associated with the Project are estimated to be a maximum of approximately 10,728 metric tons (MT) carbon dioxide equivalents (CO<sub>2</sub>e) per year. Construction GHG emissions are a one-time release and are, therefore, not expected to generate a significant contribution to global climate change in the long-term. The annual mitigated operational GHG emissions associated with the proposed Project would be approximately 72,615.9 MT CO<sub>2</sub>e.

According to U.S. Energy Information Agency,<sup>1</sup> the ratio of workers for “Warehouse and Storage” land uses is approximately 2,055 square feet per job. With a total Project warehouse square footage of approximately 6,091,551 square feet, the proposed project would require approximately 3,200 new jobs (2,880 industrial, 130 food and 190 retail) to the southern part of the City, calculated using the Transportation Engineers’ (ITE) Trip Generation Manual, 10th Edition, consistent with the Traffic Study prepared for the proposed Project (Fehr & Peers, 2021). Dividing this number of estimated workers by the total annual operational GHG emissions at Project buildout yields approximately 24.50 MT CO<sub>2</sub>e/SP/Year, which far exceeds the 4.84 MT CO<sub>2</sub>e/SP/year in 2040 threshold based on emissions for the land use-driven emission sectors in the CARB GHG Inventory.

Although the implementation of the mitigation measures presented in Section 3.3: Air Quality of this EIR would reduce the overall annual GHG emissions associated with the proposed Project, the proposed Project would be required to implement additional mitigation to ensure emissions are reduced to below the applicable threshold. The proposed Project is required to implement Mitigation Measure 3.3-1 through 3.3-27 in an effort to reduce GHG emissions to the extent possible. However, even with implementation of all feasible mitigation, it may not be feasible for all individual projects to reduce operational emissions at full Project buildout below the applicable thresholds. Therefore, the proposed Project’s criteria

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<sup>1</sup> See here for more detail: <https://www.eia.gov/consumption/commercial/data/2012/bc/cfm/b2.php>

pollutant emissions would be considered to have a significant and unavoidable impact.

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

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

## 2. IMPACT 4.9: CUMULATIVE IMPACT ON CLIMATE CHANGE FROM INCREASED PROJECT-RELATED GREENHOUSE GAS EMISSIONS.

(d) Potential Impact. The potential for the Project to have a cumulative impact on climate change from increased Project-related GHG emissions is discussed on pages 4.0-9 and 4.0-11 of the Draft EIR.

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

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

(1) Remaining Impacts. Greenhouse gas emissions from a single Project will not cause global climate change; however, greenhouse gas emission from multiple projects throughout a region or state could result in a cumulative impact with respect to global climate change.

As presented in Table 3.7-2 in Section 3.7, short-term construction emissions of GHGs are estimated at a maximum of approximately 13,236 metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>e) per year. As shown in Table 3.7-3, the annual mitigated operational emissions of GHGs associated with the proposed Project would be approximately 125,072 MT CO<sub>2</sub>e. The Project would generate GHG emissions, directly and indirectly, that would exceed the 4.84 MT CO<sub>2</sub>e/SP/year in 2040 threshold based on emissions for the land use-driven emission sectors in the CARB GHG Inventory. Although the implementation of the mitigation measures presented in Section 3.3: Air Quality of this EIR would reduce the overall annual GHG emissions associated with the proposed project, the proposed project would be required to implement additional mitigation to ensure emissions are reduced to below the applicable threshold.

The proposed project is required to implement Mitigation Measures that would require the applicant to demonstrate that the individual project does not exceed the applicable SJVAPCD GHG thresholds for project operations. If the SJVAPCD GHG thresholds for an individual project is exceeded, the project applicant would be required to develop a reasonably feasible offsite mitigation strategy to reduce long-term air quality impacts to below the applicable SJVAPCD thresholds of significance. However, even with implementation of all feasible mitigation, it may not be feasible for all individual projects within the South Stockton Commerce Center to reduce operational emissions below the applicable thresholds. Therefore, implementation of the proposed Project would have a significant and unavoidable cumulative impact relative to this environmental topic. As such, impacts related to climate change and greenhouse gas emissions would result in a cumulatively considerable contribution.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts related to climate change and GHG emissions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

### E. TRANSPORTATION AND CIRCULATION

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1. IMPACT 3.13-1: PROJECT IMPLEMENTATION WOULD CONFLICT WITH OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B).
  - (b) Potential Impact. The potential for the Project to conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) is discussed on pages 3.13-17 through 3.13-20 of the Draft EIR.
  - (b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-1 and 3.13-2.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
    - (1) Effects of Mitigation and Remaining Impacts. The Project proposes 6,091,551 gross square feet of industrial and warehousing space, with up to 2,880 employees, and 140,350 gross square feet of food and retail space, with up to 320 employees. Based



on the location of the Project site in the southeast area of the City of Stockton, the distance to and from existing and future workers who both live and work in the City of Stockton results in an average travel distance that is greater than Baseline (Existing) conditions.

Therefore, per the Technical Advisory, non-residential/non-office projects that results in a net increase in total VMT may indicate a significant transportation impact.

Implementation of the proposed Project would result in additional vehicle travel generated by the food, retail/commercial, and industrial/warehousing land uses. This would result in the average home-based work VMT per worker of 21.05 miles. This is greater than the Baseline (Existing) of 18.56 miles or Envision Stockton 2040 goal of 15.88 miles. Therefore, the impact of the proposed Project on VMT would be potentially significant.

Mitigation Measures requires travel demand management (TDM) strategies. Implementation of Mitigation Measure 3.13-1 and 3.13-2 is feasible because it is within the applicant's purview to implement and has been found effective in previous academic studies. However, the precise effectiveness of specific TDM strategies can be difficult to accurately measure due to a number of external factors such as types of tenants, employee responses to strategies, and changes to technology. Additionally, it is noted that with the current planned growth and development in the City of Stockton, the City's jobs-housing ratio is expected to increase in 2040, and city-wide home-based work VMT per worker is projected to increase. TDM strategies alone cannot eliminate VMT increases caused by land use imbalance in the rest of the City and greater San Joaquin County geographic area.

Within the City of Stockton and San Joaquin County, there is a requirement to prepare a TDM plan for large employers (over 150 employees). However, specific vehicle trip reduction targets or monitoring of the effectiveness of the Project-specific TDM Plan are not required by San Joaquin County as of February 2021.

The City of Stockton is currently developing Transportation Impact Analysis Guidelines (TIAG Draft 2021) that will include strategies that are intended to reduce vehicular travel to meet the requirements of SB 743. The TIAG includes provisions for TDM strategies to reduce the amount of vehicle traffic generated by new employment development by creating measures, strategies, incentives, and policies to shift employees from driving alone and have these employees be aware of and look into the ability of using other travel modes including carpooling, transit (bus and commuter tail), cycling, and walking. In addition, employees who initially arrive in a vehicle would also be encouraged to use alternative travel modes (walking and bicycling).

As part of this on-going effort, a TDM Plan will be developed based on California Air Pollution Control Officers Association (CAPCOA) strategies that evaluate any project against mode split targets and other elements outlined by the City of Stockton.

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

As part of Mitigation Measure 3.13-1 and 3.13-2, the proposed Project would be required to monitor and evaluate the effectiveness of the Project's TDM Plan and provide the results to the City of Stockton. Based on the results of the evaluation, modifications to the TDM Plan may be required by the City in order to improve effectiveness toward achieving the home-based work VMT per worker target identified in the City's TIAG.

Based on the current status of the City of Stockton's TIAG, even with the implementation of Mitigation Measure 3.13-1 and 3.13-2, the impact would remain significant and unavoidable when compared to the City of Stockton's VMT goal of reducing average home-based work VMT per worker from 18.56 miles to 15.66 miles.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
  - (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to conflicts with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), as more fully stated in the Statement of Overriding Considerations in Section VII, below.
2. **IMPACT 4.18: UNDER CUMULATIVE CONDITIONS, THE PROPOSED PROJECT WOULD CONFLICT WITH OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B).**
- (e) **Potential Impact.** The potential for the Project to have a cumulative impact related to CEQA Guidelines Section 15064.3, subdivision (b) is discussed on page 4.0-20 of the Draft EIR.
  - (b) **Mitigation Measure.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-1 and 3.13-2.

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

- (1) Effects of Mitigation and Remaining Impacts. Analysis for the cumulative scenarios was completed using the Envision Stockton 2040 General Plan Travel Demand Model. The cumulative year model reflects roadway improvements and land use projections consistent with the SJCOG Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), City of Stockton General Plan, and the surrounding San Joaquin County General Plan, City of Manteca General Plan, and City of Lathrop General Plan.

Table 3.13-3 in Section 3.13 summarizes the results of the VMT analysis for home-based work trips per employee for Baseline and Cumulative With Project Conditions. The following key findings are derived from the VMT analysis:

- According to the City of Stockton Baseline (Existing) Travel Demand Model, the Citywide average daily home-based work VMT per worker is 18.56 miles. This includes a mix of employees who both live and work in the City of Stockton and employees that travel to and from neighboring cities to work in the City of Stockton.
- According to the Envision Stockton 2040 General Plan Travel Demand Model, the City is projected to add a mix of jobs that would increase employment opportunities for both existing and future residents. This would improve the jobs/housing balance in the City of Stockton and theoretically reduce the Citywide average daily home-based work VMT per worker.
- On the other hand, the General Plan – Envision Stockton 2040 Travel Demand Model is projected to generate an average daily home-based work VMT per worker (19.73) that is greater than the City of Stockton’s Baseline (existing) average daily home-based work VMT per worker (18.56).
- Regardless of this projected increase in the average daily home-based work VMT per worker, the goal of the City of Stockton is to decrease the Citywide average daily home-based work VMT per worker from 18.56 miles to 15.78 miles, a 15.0 percent reduction when compared to Baseline (Existing) Conditions.
- According to the Envision Stockton 2040 General Plan Travel Demand Model, the proposed Project would result in a total of 3,200 new jobs (2,880 industrial, 130 food and 190 retail). The Project’s average daily home-based work VMT per worker is projected to be 21.05 mile. This is 2.49 miles (13.4 percent) higher when compared to Baseline (Existing) Conditions.

Mitigation Measure 3.13-1 and 3.13-2, which requires travel demand management (TDM) strategies to reduce the increase in VMT associated with the proposed

Project, would be required. Nevertheless, the impact is considered significant and unavoidable and cumulatively considerable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts related to CEQA Guidelines Section 15064.3, subdivision (b), as more fully stated in the Statement of Overriding Considerations in Section VII, below.

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

##### A. AESTHETICS AND VISUAL RESOURCES

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1. IMPACT 3.1-3: PROJECT IMPLEMENTATION MAY RESULT IN LIGHT AND GLARE IMPACTS.
  - (a) Potential Impact. The potential for the Project to result in light and glare impacts is discussed on page 3.1-9 and 3.1-10 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.1-1.
  - (c) Findings. Implementation of the proposed Project would introduce new sources of light and glare into the vacant Project site. New sources of glare would occur primarily from the windshields of vehicles travelling to and from the Project site and from vehicles parked at the site. There is also the potential for reflective building materials and windows to result in increases in daytime glare. A detailed lighting plan has not been prepared for the proposed Project, but for the purposes of this analysis, it has been conservatively assumed that nighttime street lighting, exterior lighting around the warehouses and buildings, and safety lighting will be installed throughout areas of the Project site. It is assumed that security lighting will be installed within the various parking areas surrounding the warehouses and buildings. Therefore, light and glare could adversely affect day or nighttime views in the area.

Section 16.32.070, Light and Glare, of Chapter 16.32, General Performance Standards, of the City Municipal Code contains standards and provisions related to exterior lighting

for both commercial and residential development. The primary purpose of this section is to regulate exterior lighting to balance the safety and security needs for lighting with the City's desire to prevent emissions of light or glare beyond the property line, or upward into the sky. Implementation of Mitigation Measure 3.1-1 requires a detailed lighting plan to meet applicable standards.

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

## B. BIOLOGICAL RESOURCES

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

- (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status reptile and amphibian species is discussed on page 3.4-26 and 3.4-27 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1.
- (c) Findings. There are two special-status amphibians and two special-status reptiles that are documented within the nine-quadrangle area for the Project site according to the CNDDDB, including: Giant garter snake (*Thamnophis couchi gigas*), Northern California legless lizard (*Anniella pulchra*), California tiger salamander (*Ambystoma californiense*), and western spadefoot (*Spea hammondi*). The Giant garter snake, California tiger salamander, and western spadefoot are covered species under the SJMCP; Northern California legless lizard is not covered.

Powerlines and trees located in the region represent potentially suitable nesting habitat for a variety of special-status birds. Additionally, the agricultural land represents potentially suitable nesting habitat for some ground-nesting birds. Further, common raptors, may nest in or adjacent to the Project site. New sources of noise and light during the construction and operational phases of the project could adversely affect nesters if they located adjacent to the Project site in any given year. Mitigation Measure 3.4-1 requires participation in the SJMSCP. As part of the SJMSCP, SJCOG requires preconstruction surveys for projects that occur during the avian breeding season (March 1 – August 31). When active nests are identified, the biologists develop buffer zones around the active nests as deemed appropriate until the young have fledged. SJCOG also uses the fees to purchase habitat as compensation for the loss of foraging habitat.

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

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

- (a) **Potential Impact.** The potential for the Project to have direct or indirect effects on special-status bird species is discussed on pages 3.4-27 and 3.4-28 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1.
- (c) **Findings.** There are two special-status mammals that are documented within the nine-quadrangle area for the Project site, including: Riparian brush rabbit (*Sylvilagus bachmani riparius*) and Pallid bat (*Antrozous pallidus*). Riparian brush rabbit is a covered species under the SJMSCP, while Pallid bat is not.

The Project site does not provide roosting habitat for bats, although roosting habitat is found throughout the region. The nearest CNDDDB occurrence for the Pallid bat is located approximately 12.7 miles east of the Project site, although it is anticipated that there may be numerous undocumented individuals throughout the region. Development of the Project site would eliminate foraging habitat for special status bats by removing the open agricultural areas. With the exception of Pallid bat, these bat species are covered species under the SJMCP and participation in the SJMSCP will provide the coverage for the incidental take of a species if it were to occur. SJCOG, Inc. as administrator of the SJMSCP will impose appropriate avoidance and minimization measures as part of the incidental take permit. Mitigation Measure 3.4-1, previously listed, will ensure coverage under the SJMSCP.

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

3. **IMPACT 3.4-6: THE PROPOSED PROJECT WOULD NOT AFFECT PROTECTED WETLANDS AND JURISDICTIONAL WATERS (LESS THAN SIGNIFICANT)**

- (a) **Potential Impact.** The potential for the Project to affect protected wetlands and jurisdictional waters is discussed on page 3.4-30 through 3.4-31 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-2 and 3.4-3.
- (c) Findings. The proposed Project is consistent with the Land Use and Safety Elements of the General Plan which establishes numerous policies and implementation measures related to biological resources. French Camp Slough extends southeast from Airport Way across the southwestern portion of the site. It continues east under the UPRR and then south across the southwestern portion of the site, before continuing south off-site. The Project would include creation of 54 acres of open space along and surrounding the Slough in order to avoid disturbance and other urban activities. However, an outfall from a proposed storm drain basin to French Camp Slough would be constructed as part of the Project. According to the Impacts to Aquatic Resources figures (see Figure 3.4-3) (Madrone Ecological Consulting, 2019), the proposed outfall would impact 0.036 acres of perennial creek and 0.007 acres of roadside ditch, for a total of 0.043 acres of impacts to aquatic resources.

The USACE has regulatory responsibility for navigable waters as well as "all other waters such as...streams ...wetlands...and natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce" (33 CFR 323.2) under Section 404 of the Clean Water Act. A formal jurisdictional determination must be made by the USACE relative to the wetlands delineated on the Project site. Additionally, a Nationwide Permit would be required from the USACE. Further, the project will be subject to the RWQCB permit activities for controlling pollution during construction and operational activities under a NPDES permit. Compliance with existing RWQCB and USACE procedures and regulations would ensure the impact is less than significant. Mitigation Measure 3.4-2 and 3.4-3 requires compliance with the USASCE and RWQCB permit requirements.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-2 and 3.4-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance will be mitigated to a less than significant level.

**4. IMPACT 3.4-10: THE PROPOSED PROJECT HAS THE POTENTIAL TO CONFLICT WITH LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE.**

- (a) Potential Impact. The potential for the Project to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance is discussed on page 3.4-32 through 3.4-34 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-4.
- (c) Findings. The proposed Project is consistent with the Land Use and Safety Elements of the General Plan which establishes numerous policies and implementation measures related to biological resources. The Stockton Municipal Code, Title 16 Development Code protects Heritage Oak Trees through permit requirements. Section 16.130.020 provides the Director with Review Authority for permits to remove heritage trees. The Project site contains numerous orchard trees in the agricultural areas, and shade trees along French Camp Slough. It may be possible for specific trees to be incorporated into the final design of the development once the more detailed engineering effort begins. Mitigation Measure 3.4-4 requires compliance with the Stockton Municipal Code for removal and replacement of Heritage Oak Trees.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-4 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance will be mitigated to a less than significant level.

### C. CULTURAL AND TRIBAL RESOURCES

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1. IMPACT 3.5-2: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT ARCHAEOLOGICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5, OR A SIGNIFICANT TRIBAL CULTURAL RESOURCE, AS DEFINED IN PUBLIC RESOURCES CODE §21074.
  - (a) Potential Impact. The potential for the Project to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074 is discussed on pages 3.5-18 through 3.5-20 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1 through 3.5-3.
  - (c) Findings. The Project site is located in an area known to have archaeological, cultural, and tribal cultural resources. As noted above, a CHRIS search was requested from the Central California Information Center (CCIC), which included the Project site and a 0.125-mile radius (CCIC File #11422L). The results indicated that the Project site does not contain any recorded prehistoric resources. Additionally, a letter was sent to the Native American Heritage Commission (NAHC) requesting a check of the Sacred Lands



files. The Sacred Lands file check failed to reveal any resources on the Project site. The NAHC also provided a list of individuals and tribal groups to contact regarding the site. The tribal groups were contacted on August 21, 2020. All consultation letters and response letters and are included in Appendix 3 of Appendix C.

As with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown archaeological resources and cultural resources, including prehistoric or historic artifacts. The implementation of Mitigation Measures 3.5-1 through 3.5-3 would ensure that this potential impact is reduced to a less than significant level.

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

2. **IMPACT 3.5-3: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES.**

- (a) **Potential Impact.** The potential for the Project to disturb human remains, including those interred outside of formal cemeteries is discussed on page 3.5-20 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-3.
- (c) **Findings.** Indications suggest that humans have occupied Sacramento County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

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

While no human remains are documented on or near the Project site, implementation of the following mitigation measure would ensure that all construction activities which inadvertently discover human remains implement state-required consultation methods to determine the disposition and historical significance of any discovered human remains. Mitigation Measure 3.3-3 would ensure that any discovered human remains are evaluated and addressed in compliance with State law and would reduce this impact to a less-than-significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.3-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to disturb human remains, including those interred outside of formal cemeteries will be mitigated to a less than significant level.

### D. GEOLOGY AND SOILS

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1. IMPACT 3.6-2: IMPLEMENTATION AND CONSTRUCTION OF THE PROPOSED PROJECT MAY RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL.

- (a) Potential Impact. The potential for the Project to result in substantial soil erosion or the loss of topsoil is discussed on pages 3.6-16 and 3.6-17 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.9-1.
- (c) Findings. The Project site contains high clay content surface soils; therefore, the Project site would potentially be subject to water erosion. As previously mentioned, a Custom Soil Survey was completed for the Project site using the NRCS Web Soil Survey program, which identified the erosion factor K for on-site soils. Within the Project site, the erosion factor Kf varies from 0.20 to 0.28, which is considered a low potential for erosion. Furthermore, because the Project site is essentially flat, the erosion potential is slight. Regardless of the potential for erosion, there is always the potential for human caused erosion associated with construction activities or through the operational phase of a project. However, grading, excavation, removal of vegetation cover, and loading activities associated with construction activities could temporarily increase runoff, erosion, and sedimentation. Construction activities also could result in soil compaction and wind erosion effects that could adversely affect soils and reduce the revegetation potential at construction sites and staging areas. Additionally, there is the potential for erosion associated with stormwater runoff throughout the operational phase of the project. The potential for erosion is associated with the design of the improvements, structures, and landscaping.

In accordance with the NPDES Stormwater Program, projects in California must prepare a Stormwater Pollution Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP is reviewed by the Regional Water Quality Control Board as part of the permitting process. Mitigation Measure 3.9-1 in Section 3.9, Hydrology and Water Quality, requires an approved SWPPP for the Project designed to control erosion and the loss of topsoil

to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The RWQCB has stated that these erosion control measures are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. The specific controls are subject to the review and approval by the RWQCB and are existing regulatory requirements.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.9-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in substantial soil erosion or the loss of topsoil will be mitigated to a less than significant level.

2. **IMPACT 3.6-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF PROJECT IMPLEMENTATION, AND POTENTIALLY RESULT IN LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE.**

- (a) **Potential Impact.** The potential for the Project to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse is discussed on pages 3.6-17 through 3.6-19 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
- (c) **Findings.** The Project site does not have a significant risk of becoming unstable as a result landslide, liquefaction, subsidence, or soil collapse; however, the potential does still exist. Mitigation Measure 3.6-1 requires the preparation of a final geotechnical evaluation of soils at a design-level, consistent with the requirements of the CBC. Implementation of this mitigation measure would ensure that all on-site fill soils are properly compacted and comply with the applicable safety requirements established by the CBC to reduce risks associated with unstable soils and excavations and fills, and that any issues associated with unstable soils are addressed at the design level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse will be mitigated to a less than significant level.

3. IMPACT 3.6-4: THE PROPOSED PROJECT HAS THE POTENTIAL FOR EXPANSIVE SOILS TO CREATE SUBSTANTIAL RISKS TO LIFE OR PROPERTY.

- (a) Potential Impact. The potential for expansive soils to create substantial risks to life or property is discussed on page 3.6-19 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
- (c) Findings. According to the NRCS Web Soil Survey, the soils in the Project site have a high shrink-swell potential due to their clayey composition. The NRCS Web Soil Survey indicated that near surface soils within the Project site have medium plasticity, and the expansion potential of the soils would respond to fluctuations in moisture content.

The California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 requires specific geotechnical evaluation when a preliminary geotechnical evaluation determines that expansive or other special soil conditions are present, which, if not corrected, would lead to structural defects. The City of Stockton also requires a final geotechnical evaluation to be performed at a design-level to ensure that the foundations, structures, roadway sections, sidewalks, and other improvements can accommodate the specific soils, including expansive soils, at those locations. Mitigation Measure 3.6-1, presented above, provides the requirement for a final geotechnical evaluation in accordance with the standards and requirements outlined in the California Building Code, Title 24, Part 2, Chapter 16, Chapter 17, and Chapter 18, which addresses structural design, tests and inspections, and soils and foundation standards. The final geotechnical evaluation would include design recommendations to ensure that soil conditions do not pose a threat to the health and safety of people or structures. The grading and improvement plans, as well as the storm drainage and building plans, are required to be designed in accordance with the recommendations provided in the final geotechnical evaluation.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for expansive soils to create substantial risks to life or property will be mitigated to a less than significant level.

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

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

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-2.
- (c) Findings. The Project site is located in an area known to have paleontological resources. As previously mentioned, the Envision Stockton 2040 General Plan Update EIR included a search of the database of the UC Museum of Paleontology at Berkeley, which identified over 800 documented fossil localities within San Joaquin County. While only a handful were identified within the Stockton Planning Area, it is possible that undiscovered paleontological resources could be encountered during ground-disturbing activities from development of the Project site.

Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. Implementation of Mitigation Measure 3.6-2 would ensure steps would be taken to reduce impacts to paleontological resources in the event that they are discovered during construction, including stopping work in the event potential resources are found, evaluation of the resource by a qualified paleontologist and appropriate handling of any potential resource.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to directly or indirectly destroy a unique geological feature or paleontological resource will be mitigated to a less than significant level.

## E. HAZARDS AND HAZARDOUS MATERIALS

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1. IMPACT 3.8-1: POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.
- (a) Potential Impact. The potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.8-17 through 3.8-21 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1 through 3.8-5 and 3.9-1.
- (c) Findings. Construction workers and the general public could be exposed to hazards and hazardous materials as a result of improper handling or use during construction

activities (particularly by untrained personnel); transportation accidents; or fires, or other emergencies. Construction workers could also be exposed to hazards associated with accidental releases of hazardous materials, which could result in significant impacts to the health and welfare of people and/or wildlife. Additionally, an accidental release into the environment could result in the contamination of water, habitat, and countless resources. Mitigation Measure 3.9-1 contained in Section 3.9, Hydrology and Water Quality, ensures compliance with existing regulatory requirements of the Regional Water Quality Control Board, which require the preparation a project specific SWPPP. The SWPPP is required to include project specific best management measures that are designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, and runoff during construction activities.

Contractors would be required to comply with Cal-EPA's Unified Program; regulated activities would be managed by San Joaquin County Department of Environmental Health, the designated Certified Unified Program Agency for San Joaquin County, in accordance with the regulations included in the Unified Program (e.g., hazardous materials release response plans and inventories, California UFC hazardous material management plans and inventories). Additionally, in the event that hazardous materials are discovered during construction, a Soils Management Plan (SMP) will need to be submitted and approved by the San Joaquin County Department of Environmental Health, as required by Mitigation Measure 3.8-1. The SMP will establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. Such compliance would reduce the potential for accidental release of hazardous materials during construction of the proposed project. As a result, it would lessen the risk of exposure of construction workers and the public to accidental release of hazardous materials, as well as the demand for incident emergency response.

Like most agricultural and farming operations in the Central Valley, agricultural practices in the area have used agricultural chemicals including pesticides and herbicides as a standard practice. Although no contaminated soils have been identified on the Project site or the vicinity above applicable levels, residual concentrations of pesticides may be present in soil as a result of historic agricultural application and storage. Continuous spraying of crops over many years can potentially result in a residual buildup of pesticides, in farm soils. Of highest concern relative to agrichemicals are chlorinated herbicides, organophosphate pesticides, and organochlorine pesticides (OCPs), such as such as Mecoprop (MCP), Dinoseb, chlordane, dichloro-diphenyltrichloroethane (DDT), and dichloro-diphenyl-dichloroethylene (DDE).

Mitigation Measure 3.8-2 provides a requirement for future developments within the subdivided lots to conduct site-specific soil sampling to determine if chemicals of potential concern associated with the historical agricultural uses at the Project site are present in shallow soil at concentrations that would pose a threat to human health. This sampling should be performed after agricultural operations cease, and development is

anticipated to occur. If results of the soil sampling identify concentrations of hazardous materials exceeding appropriate ESLs, on-site remediation would be required in coordination with the San Joaquin County Department of Environmental Health. Implementation of Mitigation Measure 3.8-2 would ensure the redevelopment of the active agricultural land would not result in accidental release of or exposure to hazardous materials.

Additionally, depending on the future industrial uses on-site, the Project has the potential to routinely transport, use, or dispose of hazardous materials, and/or present a reasonably foreseeable release of hazardous materials. Any operations that involve the use of hazardous materials would be required to have the hazardous material transported, stored, used, and disposed of in compliance with local, state, and federal regulations. The San Joaquin County Department of Environmental Health is the CUPA for San Joaquin County and is responsible for the implementation of statewide programs within the City including Hazardous Materials Business Plan (HMBP) requirements, among numerous other programs. Additionally, businesses are regulated by Cal/OSHA and are therefore required to ensure employee safety. Specific requirements include identifying hazardous materials in the workplace, providing safety information to workers that handle hazardous materials, and adequately training workers. To further ensure the safety of employees and reduce the potential for accidental release of hazardous materials into the environment, the applicant must submit a HMBP to San Joaquin County Department of Environmental Health (CUPA) for review and approval prior to bringing hazardous materials onsite, as required by Mitigation Measure 3.8-3 through 3.8-5.

Mitigation Measure 3.8-3 requires, prior to bringing hazardous materials onsite, the applicant must submit a Hazardous Materials Business Plan (HMBP) to San Joaquin County Environmental Health Division (CUPA) for review and approval. If during the construction process the applicant or his subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).

Mitigation Measure 3.8-4 requires new businesses on the project site that may handle quantities of hazardous materials equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at any given time to submit a Hazardous Materials Business Plan to the Certified Unified Program Agency (CUPA) of San Joaquin County. The Hazardous Materials Business Plan shall include an inventory of hazardous materials and hazardous wastes and an emergency response plan for incidents involving hazardous materials and wastes

Mitigation Measure 3.8-5 requires proposed business uses that involve the manufacture, storage, handling, or processing of hazardous materials in sufficient quantities that would require Hazardous Materials Business Plan and the use is within 1,000 feet of a residential zoning district, to comply with Stockton Municipal Code

Section 16.36.080, which governs use, handling, storage, and transportation of hazardous materials.

Implementation of the mitigation measures in Section 3.8 and 3.9 will ensure that these potential impacts are reduced to a less than significant level. In accordance with Public Resources Code, § 21081, Measures 3.8-1 through 3.8-5 and 3.9-1 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be mitigated to a less than significant level.

### F. HYDROLOGY AND WATER QUALITY

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2. IMPACT 3.9-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUND WATER QUALITY.
  - (a) Potential Impact. The potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality is discussed on pages 3.9-21 through 3.9-24 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.9-1 and 3.9-2.
  - (c) Findings. To ensure Project construction activities are covered under General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ), the Project would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards (Mitigation Measure 3.9-1). Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP is reviewed by the Regional Water Quality Control Board as part of the permitting process. The SWPPP, once approved, is kept on site and implemented during construction activities and must be made available upon request to representatives of the RWQCB and/or the lead agency. Upon completion of the Project, the applicant would be required to submit a Notice of Termination to the State Regional Water Quality Control Board to indicate that construction is completed. Mandatory compliance with the SWPPP would ensure that the proposed Project would not violate any water quality standards or waste discharge requirements during construction activities. Additionally, the Project will be required to comply with Stockton Municipal Chapter 13.16, Stormwater Management and Discharge Control, which



establishes limitations and regulations for discharges into the City's stormwater system, and Chapter 13.20, Stormwater Quality Control Criteria Plan, which establishes requirements that control the discharges of pollutants.

According to the City of Stockton Stormwater Quality Control Criteria Plan (SWQCCP), the Project is considered a priority project as it would result in the development of more than 5,000 square feet of industrial/commercial developments. Priority projects are required to prepare and submit a Project Stormwater Quality Control Plan that demonstrates the Project incorporates site design measures, landscape features, and engineered treatment facilities (typically bioretention facilities) that will minimize imperviousness, retain or detain stormwater, slow runoff rates, and reduce pollutants in post-development runoff. In particular, the Project Stormwater Quality Control Plan will need to specify BMPs the Project will use and design specifications for selected BMPs. The Project Stormwater Quality Control Plan must be submitted for review and approval by the City of Stockton Department of Municipal Utilities, as required by Mitigation Measure 3.9-2.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.9-1 and 3.9-2 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality will be mitigated to a less than significant level.

## G. NOISE

1. **IMPACT 3.11-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO GENERATE A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.**
  - (a) **Potential Impact.** The potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies is discussed on pages 3.11-11 through 3.11-17 of the Draft EIR.
  - (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.11-1 through 3.11-3.
  - (c) **Findings.** Some noise-sensitive receptors located along the Project area roadways are currently exposed to exterior traffic noise levels exceeding the City of Stockton 60 dB Ldn exterior noise level standard for residential uses, as well as the San Joaquin County

65 dBA Ldn exterior noise standard. These receptors would continue to experience elevated exterior noise levels with implementation of the proposed Project. For example, under Existing conditions, existing sensitive receptors located adjacent to the Project area roadways currently experience exterior noise level of 68.6 to 73.6 dB Ldn. This exceeds the City's 60 dB exterior noise standard, as well as County's 65 dB Ldn standard. Under Existing Plus Project conditions, exterior traffic noise levels are predicted to be approximately 69.5 to 77.0 dB Ldn. This would also exceed the City and County exterior noise level standards. Under Existing Plus Project conditions, the proposed Project's contribution ranges between 1.0 dB and 4.1 dB, with three roadway segments experiencing increases that would exceed the 3 dB increase threshold. Mitigation Measure 3.11-1 requires quiet pavement along various lengths of the three roadway segments.

Noise generated by construction would be temporary, and would not add to the permanent noise environment or be considered as part of the cumulative context. Compliance with the City's permissible hours of construction, as well as implementing the best management noise reduction techniques and practices (both outlined in Mitigation Measure 3.11-2), would ensure that construction noise would not result in a substantial temporary increase in ambient noise levels that would result in annoyance or sleep disturbance of nearby sensitive receptors.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.11-1 through 3.11-3 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies will be mitigated to a less than significant level.

## H. UTILITIES

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1. IMPACT 3.14-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT AND/OR COLLECTION PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IS DOES NOT HAVE ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS.
  - (a) Potential Impact. The potential for the proposed Project to result in a determination by the wastewater treatment and/or collection provider which serves or may serve the Project that is does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments is discussed on pages 3.14-9 and 3.14-10 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-1.
- (c) Findings. Municipal wastewater collection and treatment will be provided by the City of Stockton. The site is within the City Urban Service Area and has been included in the City's Wastewater Collection System Master Plan. The proposed Project would be located within System 8 sub-area of the City of Stockton wastewater collection system. This plan has anticipated the extension of municipal wastewater collection and treatment service for the Project site. Certain unit processes within the City's wastewater treatment facility are approaching their functional capacity, and expansion of the treatment facility to meet anticipated demands resulting from growth in Stockton is the subject of an ongoing planning and engineering effort. The treatment plant has adequate capacity to serve anticipated short-term development within the City, and expansion plans provide for creation of additional capacity over time to meet anticipated demands generated from the annexation area and other growth areas of the City.

Occupancy of the proposed Project would be prohibited without sewer allocation, as required by section 13.12.100, Mandatory Sanitary Service Required, of the City's Municipal Code. An issuance of sewer allocation from the City's available capacity would ensure that there would be a final determination by the wastewater treatment and/or collection provider that there is adequate capacity to serve the proposed Project's projected demand in addition to the provider's existing commitments. Additionally, any planned expansion to the RWCF with a subsequent allocation of capacity to the proposed Project would ensure that there would not be a determination by the wastewater treatment and/or collection provider that there is inadequate capacity to serve the proposed Project's projected demand in addition to the provider's existing commitments. Mitigation Measure 3.14-1 requires the Project proponent to secure adequate wastewater treatment capacity/allocation prior to occupancy of any building which would require wastewater treatment services.

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

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

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

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

**Agricultural Resources:** The following specific impact was found to be less than significant: 3.2-2.

**Air Quality:** The following specific impacts were found to be less than significant: 3.3-3, 3.3-4, and 3.3-5.

**Biological Resources:** The following specific impacts were found to be less than significant: 3.4-1, 3.4-4, 3.4-5, 3.4-7, 3.4-8, and 3.4-9.

**Cultural and Tribal Resources:** The following specific impact was found to be less than significant: 3.5-1.

**Geology and Soils:** The following specific impact was found to be less than significant: 3.6-1.

**Greenhouse Gases, Climate Change, and Energy:** The following specific impact was found to be less than significant: 3.7-2.

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

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

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

**Noise:** The following specific impacts were found to be less than significant: 3.11-2 and 3.11-3.

**Public Services:** The following specific impacts were found to be less than significant: 3.12-1, 3.12-2, 3.12-3, 3.12-4, 3.12-5, and 3.12-6.

**Transportation and Circulation:** The following specific impacts were found to be less than significant: 3.13-2, 3.13-3, 3.13-4, and 3.13-5.

**Utilities:** The following specific impacts were found to be less than significant: 3.14-1, 3.14-3, 3.14-4, 3.14-5, 3.14-6, and 3.14-7.

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

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

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

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

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

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

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

**Land Use and Population:** The following specific impact was found to be less than cumulatively considerable: 4.15.

**Noise:** The following specific impact was found to be less than cumulatively considerable: 4.16.

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

**Transportation and Circulation:** The following specific impact was found to be less than cumulatively considerable: 4.19.

**Utilities:** The following specific impacts were found to be less than cumulatively considerable: 4.20, 4.21, 4.22, and 4.23.

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

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

## VI. PROJECT ALTERNATIVES

### A. IDENTIFICATION OF PROJECT OBJECTIVES

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

The principal objective of the proposed Project is to implement and achieve the goals and objectives of the General Plan through the approval and subsequent implementation of the SSCC Project. The objective of the proposed Project involves the development of approximately 422-acres of land which will include: industrial uses, commercial uses, open space, public facilities, and public roadway right-of-way land uses, as described below.

The Project area aims to develop in multiple phases, a well-planned industrial type project that will attract businesses to the City of Stockton and provide for local employment opportunities. The Project also provides for a seamless expansion of the existing industrial area located in southeast Stockton, in the vicinity of the Stockton Airport, and will create the opportunity for rail served parcels from the adjacent Union Pacific rail line.

The following objectives have been identified for the proposed SSCC Project:

- Logical Expansion of Industrial Area: Seamless expansion of the existing industrial area around the Stockton Airport and being positioned to easily access multiple forms of transportation (i.e., rail, air, multiple state highways (I-5 and SR-99) and local road network).
- Develop a Class A Industrial Complex and Amenities: The large-scale development (298 acres of industrial uses) provides for a class A-type industrial complex with a variety of building sizes suited for a variety of end users, landscaped roadways and open space elements along French Camp Slough.
- Employment Opportunities: Provide for local and regional employment opportunities that take advantage of the Project area’s high level of accessibility, allow for the expansion of the City’s economic base, help create a jobs/housing balance, and reduce the commute for regional residents.
- Improve Circulation: Create safe access to the industrial area by constructing an overpass of the Union Pacific Railroad line.
- Enhance Transportation: Create the ability to develop rail service to the three largest parcels within the SSCC Project Area, if needed.
- Public Facilities and Services: Provide infrastructure and services that meet City standards and integrate with existing and planned facilities.

- Phasing: Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards, while maintaining the functionality and feasibility of the Project.

## B. ALTERNATIVES ANALYSIS IN EIR

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The alternatives analysis provides a summary of the relative impact levels of significance associated with each alternative for each of the environmental issue areas analyzed in the Draft EIR. The environmental analysis for each of the alternatives is included in Chapter 5.0.

### 1. NO PROJECT (NO BUILD) ALTERNATIVE:

The **No Project (No Build) Alternative** is discussed on pages 5.0-3, and 5.0-5 through 5.0-10 of the Draft EIR. Under the No Project (No Build) Alternative, development of the Project site would not occur, and the Project site would remain in its current existing condition. The Project site is currently comprised of active agricultural fields. The majority of the fields produce watermelons, with a walnut orchard located in the eastern portion of the site. It is noted that the No Project (No Build) Alternative would fail to meet the Project objectives identified by the City of Stockton.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics and Visual Resources, Agricultural Resources, Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, Transportation and Circulation, and Utilities. Impacts related to Land Use and Population would be increased under this alternative. The remaining resources areas would have equal or similar impacts to the Project.

While the City recognizes the environmental benefits of the No Project (No Build) Alternative, this alternative would not achieve any of the Project objectives. Specifically, this alternative would not result in: seamless expansion of the existing industrial area around the Stockton Airport and being positioned to easily access multiple forms of transportation (i.e., rail, air, multiple state highways (I-5 and SR-99) and local road network); the large-scale development (298 acres of industrial uses) provides for a class A-type industrial complex with a variety of building sizes suited for a variety of end users, landscaped roadways and open space elements along French Camp Slough; provide for local and regional employment opportunities that take advantage of the Project area's high level of accessibility, allow for the expansion of the City's economic base, help create a jobs/housing balance, and reduce the commute for regional residents; create safe access to the industrial area by constructing an overpass of the Union Pacific Railroad line; create the ability to develop rail service to the three largest parcels within the SSCC Project Area, if needed; or provide infrastructure and services that meet City standards and integrate with existing and planned facilities.

Additionally, this alternative would not realize the project benefits of increased industrial areas, additional employment opportunities, or new tax revenue. For all of

these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

### 2. REDUCED PROJECT ALTERNATIVE:

The **Reduced Project Alternative** is discussed on pages 5.0-3, 5.0-4, and 5.0-10 through 5.0-17 of the Draft EIR. Under the Reduced Project Alternative, the proposed Project would be developed with the same types of commercial, industrial, open space, and public facility uses as described in the Project Description, but the commercial and industrial square footage would decrease by 25 percent, the amount of proposed, on-site open space would decrease by 25 percent, and the amount of developed land would decrease by 25 percent. Under the Reduced Project Alternative, the total Project area would decrease from 422.22 acres under the proposed Project to 316.67 acres. The remaining 105.55 acres outside of the Reduced Project Alternative area would remain in their current condition (agricultural and open space uses). The 105.55 acres, which would not be included in the development area for this alternative, would be located in the western and southern portions of the site in order to ensure continued preservation of French Camp Slough.

The amount of commercial uses would decrease from 467,834 square feet (sf) to 350,875 sf, the amount of industrial uses would decrease from 12,960,747 sf to 9,720,560 sf, and the open space area would decrease from 54 acres to 40.5 acres. Because the amount of urban development would decrease, the size of the storm basins would also decrease. This would result in a decrease from 41 acres of public facility uses to 30.75 acres. The areas developed with urban uses would be located in the eastern portion of the Project site. In order to maintain the proposed rail service under this alternative, the industrial uses would be located adjacent east of the Union Pacific Railroad (UPRR) line.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction and/or slight reduction of impacts to Aesthetics and Visual Resources, Agricultural Resources, Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hydrology and Water Quality, Noise, Transportation and Circulation, and Utilities. The remaining resources areas would have equal or similar impacts to the Project.

On balance, the alternative is less desirable than the Project and does not lessen the overall environmental impacts nor provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. The Project objectives which this alternative does achieve are achieved to a lesser extent than the proposed Project. This alternative would provide a 25 percent reduction in commercial and industrial area, which would result in fewer job opportunities for Stockton residents. This would also reduce the property tax and sales tax revenue generation as compared to the Project.

In conclusion, this alternative would not provide the amount of new commercial or industrial opportunities for the City. For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.



### 3. AGRICULTURE PROTECTION ALTERNATIVE:

The **Agriculture Protection Alternative** is discussed on pages 5.0-4 and 5.0-17 through 5.0-24 of the Draft EIR. Under the Agriculture Protection Alternative, the proposed Project would be developed in such a way to protect some of the on-site Important Farmland by reducing the overall footprint of the developed areas to a greater extent than the Reduced Project Alternative. The reasoning behind this alternative is to present an alternative to protect some of the agricultural land on the Project site. Development of the proposed Project would result in the permanent conversion of 158.6 acres of Prime Farmland, 259.3 acres of Farmland of Statewide Importance, and 4.3 acres of Unique Farmland.

Under this alternative, the proposed Project would be developed with the same components as described in the Project Description, but the size of the industrial and commercial areas would be reduced resulting in an increase of undeveloped land beyond the Reduced Project Alternative. The commercial and industrial uses would be two-story in order to reduce the developed area footprint by approximately 50 percent while providing the same square footage as the Project. The 11.0-acre commercial area would be reduced to 5.5 acres, the 298.0-acre industrial area would be reduced to 149.0 acres, and the 54.0-acre open space area would be reduced to 27.0 acres. The total acreage dedicated to the proposed Project would be reduced by approximately 50 percent. The total acreage developed would be 211.11 acres, with 211.11 acres remaining in its current state. The 211.11 acres which would not be included in the development area for this alternative would be located in the western portion of the site in order to ensure continued preservation of French Camp Slough. Because the development areas would be contained within the eastern half of the Project site, the UPRR would not be utilized under this alternative.

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

On balance, the alternative is less desirable than the Project and does not provide the same level of benefits as the proposed Project. This alternative would not achieve all of the Project objectives. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. The Project objectives which this alternative does achieve are achieved to a lesser extent than the proposed Project. For example, the Agriculture Protection Alternative would provide expansion of the existing industrial area, but the UPRR line would not be utilized. As such, this alternative would partially meet Objectives 1, 4, or 5. On balance, the minor environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the Project.

This alternative is also potentially economically unfeasible due to the elimination of approximately half of the Project site. This landowner, or landowners, would be left with fully or partially undeveloped parcels. Additionally, the two-story building developed

under this alternative would likely substantially increase construction costs while limiting the type of end user that could utilize the building. For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

#### 4. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

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

As shown on Table 5.0-1 of the Draft EIR (on page 5.0-25), a comparison of alternatives is presented. The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Reduced Project Alternative and Agriculture Protection Alternative both rank higher than the proposed Project. The Reduced Project Alternative would have equal impacts in three areas, slightly less impacts in seven areas, and less impacts in four areas. The Agriculture Protection Alternative would have equal impacts in nine areas and less impacts in five areas. Therefore, the Reduced Project Alternative would be the next environmentally superior alternative.

It should be noted that the Reduced Project Alternative does not meet all of the Project objectives. This alternative would result in fewer job opportunities for Stockton residents. This would also reduce the property tax and sales tax revenue generation as compared to the Project. While the City recognizes the environmental benefits of the Reduced Intensity Alternative, this alternative would not result in the amount of industrial and commercial uses that are identified in the Project objectives under full buildout of the Project site.

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

## VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE SOUTH STOCKTON COMMERCE CENTER FINDINGS

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

- Impact 3.1-1: Project implementation may result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character
- Impact 3.2-1: The proposed Project would result in the conversion of Farmlands, including Prime Farmland and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses
- Impact 3.7-1: Project implementation would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment to conflict with

an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases

- Impact 3.13-1: Project implementation would conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)
- Impact 4.2: Cumulative Degradation of the Existing Visual Character of the Region
- Impact 4.4: Cumulative Impact on Agricultural Resources
- Impact 4.5: Cumulative Impact on the Region's Air Quality
- Impact 4.9: Cumulative Impact on Climate Change from Increased Project-Related Greenhouse Gas Emissions
- Impact 4.18: Under Cumulative conditions, the proposed Project would conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)

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

Additionally, the proposed Project would generate tax revenue that the City would not otherwise benefit from if the Project was not developed. The job creating uses, additional employment opportunities, and tax benefits discussed above would ultimately improve the overall quality of life in the City of Stockton.

Based on the entire record and the EIR, the City Council has determined that the economic and social benefits of the Project in Stockton outweigh and override the significant unavoidable environmental effects that would result from future Project implementation as more fully described in Section III, Findings and Recommendations Regarding Significant and Unavoidable Impacts. The City Council has determined that any environmental detriment caused by the proposed Project has been minimized to the extent feasible through the mitigation measures identified herein, and, where mitigation is not feasible, has been outweighed and counterbalanced by the significant social, environmental, and land use benefits to be generated within the region. The City Council finds that any one of the benefits set forth above is sufficient by itself to warrant approval of the Project. This determination is based on the findings herein and the evidence in the record. Having balanced the unavoidable adverse environmental impacts against each of the benefits, the City Council hereby adopts this Statement of Overriding Considerations for the above reasons.