

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

CITY OF STOCKTON CLIMATE ACTION PLAN AND RELATED ACTIONS

PREPARED FOR:

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Findings of Fact and Statement of Overriding Considerations

Introduction

To support a decision on a project for which an environmental impact report (EIR) is prepared, a lead or responsible agency must prepare written findings of fact (Findings) for each significant environmental impact identified in the EIR (Section 15091 of the California Environmental Quality Act [CEQA] Guidelines). The City of Stockton, as the lead agency, has prepared these Findings for the City of Stockton Climate Action Plan and Related Actions (Proposed Project). The Findings must be adopted by the Stockton City Council after certification of the Final Subsequent EIR (SEIR) and at the time of approval of the project.

Section 15091 of the CEQA Guidelines states that no public agency shall approve or carry out a project for which an EIR has been certified 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. Based on the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), the possible findings are as follows:

- Changes or alternatives have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- Such changes or alternatives are within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the measures or project alternatives identified in the Final EIR.

After considering the Final EIR in conjunction with making the Findings, the lead agency must not approve the project for which the EIR was prepared unless the project as approved will not have a significant effect on the environment; or all avoidable significant effects on the environment have been eliminated or substantially lessened, and any remaining significant effects on the environment are determined to be unavoidable and acceptable based on the Findings described above.

As the EIR prepared for the Proposed Project is a SEIR to the previously certified EIR for the Stockton General Plan (GPEIR), the requirement for additional findings is limited to those new significant impacts or substantially more severe impacts identified in the SEIR beyond those disclosed in the GPEIR. The findings adopted by the City of Stockton for the GPEIR are hereby incorporated by reference. Where the Proposed Project would not result in new significant impacts or substantially more severe impacts than those addressed by the GPEIR and the findings adopted pursuant to the GPEIR, there is no need for additional findings for the Proposed Project.

Separately, CEQA requires decision-makers to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable (State CEQA Guidelines 15093). In this case, the lead agency must state in writing the specific reasons to support its action. This “statement of overriding considerations” shall be supported by substantial evidence in the record, shall be included in the record of the project approval, and should be mentioned in the notice of determination. Pursuant to Section 15093 of the CEQA Guidelines, a Statement of Overriding Considerations has been prepared for the project.

As noted above, a SEIR to the GPEIR was prepared for the Proposed Project. Thus, the statement of overriding considerations is limited to only those new significant and unavoidable impacts identified in the EIR. Significant unavoidable impacts identified in the GPEIR were addressed in a prior statement of overriding considerations adopted at the time of adoption of the existing General Plan. Where the Proposed Project would not result in new significant unavoidable impacts or substantially more severe significant unavoidable impacts than those addressed by the GPEIR and the statement of overriding considerations adopted pursuant to the GPEIR, there is no need for additional statements of overriding considerations for the Proposed Project.

Project Description

The EIR prepared for this project analyzed three related actions:

- Climate Action Plan containing measures to reduce greenhouse gas (GHG) emissions through 2020.
- Transit Plan/Program to promote and/or retain transit service in Stockton.
- A funding program for the items related to implementation of a Settlement Agreement between the city, the Sierra Club and the California Attorney General concerning the existing General Plan CEQA compliance.

Climate Action Plan

The City has prepared a CAP for reducing its GHG emissions by 2020 to a level approximately 10%¹ below 2005 levels. The CAP was prepared in consultation with the CAPAC, the stakeholder group appointed by the City Council to represent various stakeholders and to advise the City on implementation of the Settlement Agreement including preparation of the CAP.

The CAP is organized as follows.

- The *Executive Summary* summarizes the key findings of the document.
- *Introduction: Summary of the Settlement Agreement* provides relevant regulatory information (AB 32, etc.) and the science concerning climate change.
- *GHG Emissions Inventory and Forecast Summary* includes the latest emissions inventory and forecasts.

¹ As described in the CAP, the actual goal is 10.12%, but is referred to as “approximately 10%” in the SEIR

- *GHG Reduction Strategies and Measures and Cost/Benefit Analysis* includes the analysis and conclusions from the quantification of GHG reduction measures and cost/benefit analysis and addresses include the following sectors:
 - Building energy use.
 - Land use and transportation.
 - Waste generation.
 - Water consumption.
 - Wastewater treatment.
 - Urban forestry.
 - High global warming potential GHGs.
 - Off-road vehicles.
- *Implementation Strategies* identifies key implementation tasks to be pursued in full by the City at the time of implementation as well as the financing options for different measures.

The entire CAP (available on the City's website) is hereby incorporated by reference as part of this SEIR. The CAP is summarized further below. For a full description of the CAP and the GHG-reduction measures, please refer to the CAP document itself.

Transit Plan/Program

The Transit Plan/Program (included as Appendix D to the CAP) recognizes that transit will play a part in meeting the GHG reduction targets set in the CAP and has been developed in consultation with the San Joaquin RTD. The Transit Plan/Program is incorporated by reference. A summary is provided below.

The Transit Plan/Program includes actions intended to accomplish the following.

- Improve the public transit network.
- Eliminate potential last mile barriers that keep people from using transit.
- Adopt transit-supportive policies.
- Identify long-term funding solutions to support the existing and future transit system and transit-oriented development.

The final outcome of this effort is a comprehensive plan, with a program of specific actions and quantifiable measures, which the City can use to address issues in the CAP and assist the San Joaquin RTD in identifying future policies and/or programs and related revenue sources to increase transit system utilization.

Settlement Agreement Work Program Funding Program

As described in the NOP for this SEIR, the City is considering funding sources to offset the costs related to compliance with the Settlement Agreement, including the following items.

- Implementing the existing Green Building Ordinance, including inspections.

- Implementing proposed energy efficiency, transportation, waste reduction, water conservation, and other measures in the CAP, including requirements for new development review and for monitoring and reporting of CAP implementation over time.
- Implementing the proposed transit improvements in the Transit Plan/Program.

Chapter 4 of the CAP includes an identification of a variety of federal, state, and local public and private funding sources for implementation of the CAP. Local sources of public funding include the capital improvement plan (CIP) for certain City infrastructure improvements (e.g., street lights); utility rates as a source of funding of water, waste, and wastewater measures; and an AB 811 financing district for energy efficiency and renewable energy. Chapter 4 of the CAP also describes potential future funding options. However, given the current economic climate in the city, these future options are not being proposed as this time.

Implementation of a funding program will only enable implementation of other proposed actions included in the CAP and the transit improvements in the Transit Plan/Program. As such, the funding program itself will not result in additional environmental impacts beyond those disclosed in this SEIR for the various actions described above, and the analysis in the SEIR need not further analyze implications of different funding approaches or options. No findings are thus necessary related to this element of the Proposed Project.

Environmental Impacts

Summary of Impacts

The Final EIR indicated that the Proposed Project would result in new significant impacts or substantially more severe significant effects on the environment to the following environmental resource than those impacts disclosed in the GPEIR if the project is implemented in the following subject areas

- Land Use
- Transportation and Circulation
- Public Facilities and Services
- Recreation and Waterways
- Natural and Cultural Resources
- Climate Change

New Significant or Substantially More Severe Significant Environmental Impacts that are Mitigated to Less-Than-Significant Levels

The Final EIR identifies one new significant or substantially more severe impact that would be mitigated to less than significant levels with mitigation identified in the SEIR.

Impact CC-3: Development allowed by the General Plan would subject property and persons to otherwise avoidable physical harm in light of inevitable climate change.

As described in the SEIR, in light of the *Ballona Wetlands* appellate court ruling, current CEQA court

precedent has indicated that analysis of the impact of the environment on a project, including the effects of climate change, may not be required. Nevertheless, the SEIR took a conservative approach by completing this analysis. The City reserves the right to argue whether such analysis is or is not actually required by CEQA, should this issue be legally challenged in relation to this SEIR.

The GPEIR did not analyze the impacts of climate change on the city or on future development in the city. This SEIR analysis addressed the impacts of climate change on the city and future development overall and also identifies whether the Proposed Project (CAP and Transit Plan/Program) would help to reduce or exacerbate the City's resiliency to climate change effects.

As discussed above, several adverse environmental effects are projected to impact California over the next century as a result of global climate change. The extent of these effects is still being defined as climate modeling tools become more refined. Potential climate change effects on Stockton are discussed by SEIR resource area and are based on the California Natural Resources Agency (2009) climate adaptation guidance. When appropriate, certain resource areas have been combined to facilitate a more comprehensive discussion of climate change impacts. Note that the GHG reduction measures proposed in the CAP will increase the City's resiliency and ability to adapt to changing climatic conditions. Resiliency benefits provided by the CAP are also discussed below.

Local and regional changes in climate may affect future land uses and development patterns in the city. Potential climate change effects on land use, housing, and community design in Stockton were described in Chapter 4 of the Final SEIR include the following:

- Changes in erosion and sedimentation rates.
- Changes in species geographic range and distribution.
- Decreased species populations and quality of species habitat.
- Increased air temperatures.
- Increased atmospheric CO₂ concentrations and acidification.
- Increased evapotranspiration.
- Increased fire risk.
- Increased frequency and intensity of extreme heat events.
- Increased frequency and intensity of wildfires.
- Increased frequency and severity of droughts.
- Increased frequency and severity of flood events.
- Increased frequency of extreme heat events.
- Increased soil temperatures.
- Increased water temperatures.
- Reduced precipitation and runoff volumes.
- Shift from snowfall to rainfall.
- Spreading of pests and vector-borne diseases.

GHG reduction measures proposed in the CAP will increase the City's resiliency and ability to adapt to

changing climatic conditions. In particular, the CAP includes energy efficiency and renewable energy measures that will reduce fossil fuel consumption and potentially buffer partially the City from future spikes in energy prices and demand. Water conservation measures (included in the CAP) will also reduce the City's reliance on diminishing water supplies influenced by changing precipitation levels and temperature. Land use and transportation measures (including the Transit Plan/Program) that promote alternative vehicles and non-motorized forms of travel may improve local air quality. Likewise, cool roofs and urban forestry practices that may implemented as part of the Development Review Process may help reduce urban heat island and ambient temperatures within the heavily urbanized portions of the city.

Based on the anticipated resiliency benefits identified above, implementation of the CAP and related actions is not expected to increase the severity or intensity of risk associated with climate change. Rather, the project will likely contribute to overall climate preparedness. Although CAP measure Trans-1 would result in additional development of housing in Stockton by buildout, because the CAP would result in more efficient development in the city, the additional new development as well as the city as a whole would be better prepared to face climate change effects than without the CAP. Accordingly, the Proposed Project's impact would be less than significant.

However, because the original GPEIR did not address climate change resiliency for General Plan buildout overall, without further mitigation, development allowed under the General Plan—as well as existing development—could subject to people and property to otherwise avoidable physical harm related to sea level rise, flooding, agriculture, public health, and natural ecosystems. A certain amount of environmental change is inevitable due to current and unavoidable future increases in GHG emissions worldwide. The extent of such change on a local basis to water supplies, flooding, natural ecosystems, and environmental health, and other areas is not fully understood at present, but is expected in the long-term to be substantial and significant. Mitigation Measure CC-1 is recommended for implementation by the City to promote adaptation planning as integral part of advance planning. With implementation of Mitigation Measure CC-1, new development and the city overall will be more resilient to these inevitable changes and would avoid additional physical harm to persons and property resultant from climate change effects. Thus, with mitigation, buildout allowed under the General Plan would not make a considerable contribution to a cumulative impact related to adaptation to climate change effects and impacts would be less than significant.

Mitigation Measure CC-1: Develop and implement a Climate Adaptation Plan for the City of Stockton

Stockton shall prepare and implement a Climate Adaptation Plan to prepare proactively for the impacts of climate change to the City's economy and natural ecosystems and to promote a climate resilient community.

Two useful guides to climate resiliency planning include *Preparing for Climate Change: A Guidebook for Local, Regional, and State Governments* (The Climate Impacts Group and ICLEI—Local Governments for Sustainability 2007) and the *California Adaptation Planning Guide: Planning for Adaptive Communities* (California Emergency Management Agency and California Natural Resources Agency 2012). These documents present the following general steps.

Scope the climate change impacts to major city sectors, and build and maintain support among stakeholders to prepare for climate change.

- Establish a climate change adaptation team.
- Identify planning areas relevant to climate change impacts.
- Conduct a vulnerability assessment based on climate change projections for the region, the sensitivity of planning areas to climate change impacts, and the ability of communities to adapt to climate change impacts.

- Conduct a risk assessment based on the consequences, magnitude, and probability of climate change impacts, as well as on an evaluation of risk tolerance and community values.
- Establish a vision and guiding principles for climate-resilient communities, and set preparedness goals in priority planning areas based on these guiding principles.
- Develop, select, and prioritize possible preparedness actions.
- Identify a list of important implementation tools.
- Develop an understanding of how to manage risk and uncertainty in the planning effort.
- Develop measures of resilience, and use these to track the results of actions over time.
- Review assumptions and other essential information to ensure that planning remains relevant to the most salient climate change impacts.
- Update plans regularly.

Potential areas of emphasis for preparedness planning in the early phases, which would benefit the city in the more near-term, include assessing the potential for flooding and sea level rise, changes in water supply over time, and preparing for protection of vulnerable population during extreme heat events and days of substantially impaired air quality.

Potential implementation steps could include adopting land use designations that restrict or prohibit development in areas that may be more severely impacted by climate change (e.g., areas that are at high risk of flooding); adoption of programs for the purchase or transfer of development rights in high-risk areas to receiving areas of equal or greater value; and support for agricultural research on locally changing climate conditions.

To be effective, adaptation planning needs to be an ongoing commitment of the City. The first plan will be completed no later than 5 years after the adoption of the CAP will be updated at least every 5 years thereafter, and will be comprehensively reviewed and updated during any future comprehensive General Plan update.

Finding

As described above, the Proposed Project would, if anything, make Stockton more resilient to climate change effects, particularly by promoting alternative energy technologies and by reducing current levels of energy consumptions. As this impact was not addressed in the GP EIR, the potential impact is disclosed in this SEIR.

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final SEIR. The City of Stockton hereby finds that implementation of Mitigation Measure CC-1 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact of development allowed by the General Plan to a less-than-significant level.

Significant Unavoidable Environmental Impacts

The GPEIR identified the unavoidable significant effects caused by implementation of the General Plan in the GPEIR. The detailed discussion provided in the GPEIR and the Findings adopted pursuant to the GPEIR are fully incorporated into this SEIR by this reference. The GPEIR identified significant unavoidable impacts related to aesthetics, agricultural resources, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, noise,

public services (including recreation), utilities, and traffic/transportation.

As discussed in the Final SEIR Chapter 3 through 14, development under the General Plan, as modified by the Proposed Project, would result in one new significant and unavoidable impact and would increase the severity of five significant and unavoidable impacts beyond the level disclosed in the GPEIR. Findings are made for these six new or more severe impacts below accordingly:

Transportation and Circulation

Impact TC-1: Increased vehicular traffic in the downtown area

The GPEIR stated that buildout of the General Plan in 2035 would include substantial amounts of new development in the city, and that implementation of the General Plan would more than double the total number of vehicle trips and miles of vehicular travel as compared to existing conditions. The GPEIR also stated that in order to achieve the City's desired level of service, improvements to a number of existing roadway facilities and several new facilities would need to be constructed. Some roadway facilities existed where it was determined to not be possible to achieve the City's desired level of service (LOS D) given the presence of local physical and environmental constraints. Policy TC-2.D identified exceptions to the general LOS standard. Even with implementation of various mitigating General Plan policies, the GPEIR found impacts associated with increased traffic and congestion to be significant and unavoidable.

The Proposed Project is not anticipated to increase overall levels of growth by 2035 above that disclosed in the GPEIR. In addition, the proposed CAP project includes several GHG reduction measures that would mitigate impacts associated with increased traffic and congestion caused by growth.

- *Trans-1* would support a jobs/housing balance and greater land use diversity throughout the city. This could reduce the number of trips and the length of some trips made by local residents, as the distance to their jobs and commercial outlets would be shorter.
- *Trans-2* would increase the price of parking in the downtown area, thereby encouraging public transit use and decreasing the number of trips made by residents. In addition, this reduction measure would create incentives for people to park away from their place of business and make rideshare locations more attractive, which could also decrease the number of trips.
- *Trans-3* would encourage the development of transit amenities, including improved park-and-ride facilities and bus shelters, which could encourage public transportation use and decrease the number of trips made in the city.
- *Trans-4* involves the construction of grade-separated crossings across railroad lines in the city, which would improve goods movement and decrease congestion.
- *Trans-5* would eliminate barriers for nonmotorized travel through the development of bicycle and pedestrian facilities and the encouragement of street construction that considers the needs of all forms of transportation, including public transit, bicyclists, and pedestrians. By encouraging alternative forms of transportation, this measure could reduce the number of trips, thereby decreasing congestion and traffic.
- *Trans-6* and the associated Transit Plan/Program would encourage public transportation use through an additional BRT route, additional service on existing routes, and car-sharing and transit information promotion although the Plan is expected to keep transit's current mode share rather than increase it.
- *Trans-7* would encourage the provision of safe routes for children to access their schools, potentially decreasing the number of trips made by parents driving their children to and from school and decreasing traffic and congestion.

- *Trans-8* would also encourage safe routes to schools, as well as encourage employer programs that would seek to incentivize employees choosing alternative forms of transportation to get to their place of work. Both efforts could decrease trips and lessen traffic and congestion.

Therefore, overall levels of service on local roadways overall would not be worse under the Proposed Project than under the levels analyzed in the GPEIR. However, given the emphasis on downtown development, traffic levels on downtown roadways will likely be worse than under the adopted General Plan.

Finding

Transportation measures are included in the CAP and the Transit Plan/Program that would lessen the significant environmental effect as identified in the Final SEIR. However, No mitigation is available for this impact as expanding roadways would only limit the amount of downtown residential and mixed use development that could be accommodated and would thus be self-defeating. As such, this is a significant and unavoidable impact in the downtown area compared to that disclosed in the GPEIR. Therefore, this impact is significant and unavoidable.

Impact TC-4: Increase vehicular traffic in the downtown area affecting railroad crossings.

The GPEIR stated that buildout of the General Plan by 2035 would result in substantial increases in vehicular traffic throughout the City as well as modifications to the transportation infrastructure system. The GPEIR found that a number of points of interaction between the roadway system and the railroads in the City could be affected by implementation of the General Plan. This could cause increased delays for vehicles and trains transporting cargo, which would create further delays for motorists waiting on those vehicles to pass. The General Plan included a variety of policies to address these impacts (see Policies TC 1.1-1.4, 1.9, 2.5, 2.7 and 6.1-6.3). However, the GPEIR found that these improvements were dependent on other agencies with policy directions that could change over time. Additionally, funding for these efforts would come from a variety of sources that could not be fully enumerated. Impacts associated with decreased railroad and cargo accessibility were determined to be significant and unavoidable.

While the Proposed Project would not cause an overall level of growth by 2035 above that analyzed by the GPEIR, increases in growth in the GDSA could result in increases in congestion that could further decrease railroad accessibility in the downtown area potentially below levels already detailed in the GPEIR. The proposed CAP includes planned grade separations (*Trans-4*) which would help reduce impacts associated with vehicles and trains transporting cargo.

Finding

Transportation measures are included in the CAP and the Transit Plan/Program that would lessen the significant environmental effect as identified in the Final SEIR. However, no mitigation is available for this impact as expanding roadways would only limit the amount of downtown residential and mixed use development that could be accommodated and would thus be self-defeating. As such, this is a significant and unavoidable impact in the downtown area compared to that disclosed in the GPEIR. Therefore, this impact is significant and unavoidable.

Public and Facilities

Impact PFS-12: Increased residents subject to flooding due to levee failure.

The GPEIR stated that flood inundation resulting from levee or dam failure due to a variety of factors is a potential hazard for the City, and that several areas within the Study Area would require a variety of levee improvements and continued maintenance to provide protection from external flooding. The GPEIR stated that the City would implement a variety of policies designed to address flood plain issues by requiring the preservation of floodplain areas, permitting processes for new development that address

floodplain issues, and maintaining emergency response programs. However, although this approach provided for human health and safety, the GPEIR determined it could still result in property damage during a flood event, thereby making it a significant and unavoidable impact.

The Proposed Project would include additional housing in the GDSA, all of which is subject to inundation from levee failure, and could therefore put additional residents at risk to flooding.

Finding

Despite the implementation of General Plan Implementation Measure #14 (fees for infrastructure improvements) this impact is likely to remain significant for the foreseeable future until adequate funding revenue sources can be secured to fully maintain and upgrade all levees protecting the City. The impact would be greater under the Proposed Project than the level analyzed in the GPEIR because of increased residents in the GDSA and the impact would remain significant and unavoidable, as property damage from flood inundation resulting from levee failure remains a risk.

Natural and Cultural Resources

Impact NCR-7: Increased residential development and solar roofs in the downtown area potentially affecting historic buildings

The GPEIR states that identified historic structures and sites that are eligible for the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP), particularly in the City's downtown area, may be vulnerable to development activities accompanying infill or redevelopment. According to the GPEIR, the General Plan contains policies in the Natural and Cultural Resources, Community Design, and Districts and Villages Elements to enhance and preserve the City's historic districts, neighborhoods, and buildings. The GPEIR also states that implementation of the Proposed Project may ultimately result in a "substantial adverse change" (physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings) through various development activities for which no possible mitigation may be available to maintain the historic integrity of the affected resource or its surroundings. Therefore, even with the implementation of General Plan policies, the GPEIR found this impact to be significant and unavoidable.

The Proposed Project would specifically increase residential development in the downtown area where many historic structures are located. Where increased residential development is proposed in areas without existing structures or with structures that are not historic resources, new residential development would not affect historic structures or districts. The existing General Plan includes policies designed to preserve and maintain City historic resources including policies CD-2.1 through CD 2.4, DV-3.5, DV - 3.10, and NCR-3.1 through NCR-3.4 as well as Implementation Measure #1, 4 and 5.

Implementation of General Plan policy provisions would reduce impacts on historic resources from additional residential development in the GDSA, but would not necessarily avoid significant impacts. With the increased residential growth in the GDSA, impacts associated with historic resources would likely be greater than those disclosed in the GPEIR under the Proposed Project.

It is possible that solar roofs might be proposed on historic buildings in the City due to the project. In most cases, solar roofs can be designed to not significantly alter a historic building. In addition, solar roofs are reversible because they can be removed thus rarely require permanent alteration of roof features. However, depending on the individual proposal, the addition of a solar roof in certain circumstances could substantially change a character-defining feature of an individual historic building that may be a significant impact.

Mitigation Measure CUL-MM-1: Downtown Specific Plan Alternatives Analysis

During preparation of the Downtown Specific Plan, the City shall consider alternatives to promote residential development in compliance with CAP Measure Trans-1 (and the other requirements of the Settlement Agreement) that will minimize impacts on existing historic buildings and historic districts as follows:

- The City shall develop and evaluate at least one alternative that avoids impacts to all existing historic buildings and historic districts. If these alternatives are determined to not meet the Specific Plan goals for residential growth in the GDSA or otherwise to not be feasible, it need not be considered further.
- The City shall seek to minimize impacts to historic buildings and districts when developing the preferred Specific Plan.
- If the preferred Specific Plan will have a significant effect on one or more historic buildings or a historic district, the City shall develop and evaluate at least one feasible alternative that will substantially reduce the level of impact compared to the preferred plan (unless no feasible alternative exists). This alternative (or alternatives) shall be evaluated in the CEQA document for the Downtown Specific Plan.
- If the preferred Specific Plan ultimately considered for adoption by the City would have more impact than a feasible alternative that would also meet the Specific Plan goals for residential growth in the GDSA, then the City must make findings as to why the adoption of the feasible alternative would hinder or delay achievement of City goals for residential growth in the GDSA or would otherwise have deleterious impact on the City's goals, priorities, finances, or economic welfare.

Mitigation Measure CUL-MM-2: Historic Building Solar Roof Alternatives Review

If solar roofs are proposed for historic buildings, the City shall require the following:

- A qualified architectural historian shall determine if the building is eligible for the California Register of Historic Resources or the National Register of Historic Places. If the building is eligible for one or both of the registers, the qualified architectural historian shall identify if the proposed solar roof will substantially affect the eligibility of the building as a historic resource. If a substantial effect is identified, the qualified historian shall identify feasible alterations to the proposed solar roof installation that would avoid or minimize the substantial effects. If no feasible alterations can be identified, the qualified architectural historian shall document measures considered and why they are not feasible.
- The City shall review the architectural historian's report for completeness only.
- The project proponent shall identify which of the feasible design alternatives that avoid the substantial effect they prefer if one or more are identified by the qualified architectural historian. If the feasible alternatives will only reduce, but not avoid a substantial effect, the project proponent shall identify which of the minimization alternatives it prefers.
- The City shall only issue a permit for the preferred feasible alternative identified by the project proponent per the above requirements.
- If no feasible alternatives are available that reduce or avoid the substantial effect, then the City shall issue the permit for the proposed solar roof.

Finding

Pursuant to Mitigation Measure CC-MM-1, the City intends to complete an alternatives analysis during preparation of the Specific Plan for the downtown area that would evaluate in detail how to promote greater amounts of residential growth in the GDSA while limiting potential impacts to historic structures. In recent history, there has been little to no net residential growth in the downtown area due to a

multiplicity of challenges to successful residential growth in this location. Given the challenging nature of promoting residential development downtown, it is considered counterproductive to the fundamental purpose of CAP Measure Trans-1 to require a mitigation that would prohibit all new residential development that might have a significant effect on existing historic buildings or districts. Thus, while identified mitigation can reduce potential impacts to historic buildings, the impact would remain significant and unavoidable.

The California Solar Rights Act per Section 65850.5(c) does not allow a local government to deny a permit for a solar energy system unless it finds that the project would have specific, adverse impacts upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. And per SB 226 (2012), solar roofs do not have to comply with CEQA (unless one of a narrow list of exceptions apply, none of which are for visual or historic resources impacts). Thus, the City's options for mitigation of this potential impact are limited. The City has proposed mitigation given these legal constraints that can help reduce, but may not avoid, all impacts to cultural resources due to new solar roofs and thus this impact remains significant and unavoidable.

Impact NCR-14: Increased residential development and solar roofs in the downtown area potentially affecting historic buildings which could affect visual aesthetics

The GPEIR states that buildout of the General Plan would result in several permanent changes to existing views associated with new "village" or industrial development in the northern, eastern, or southern portions of the Study Area. This new development was proposed for land with a variety of rural residential, agricultural, and open space uses. As such, new development would alter the existing open space views of surrounding areas and contrast with the surrounding open space/agricultural environment at the edge of these new development areas. The GPEIR states that a major focus of General Plan implementation is improving the visual quality of the City and its surroundings. In addition, various policies in the Community Design, Districts and Villages, and Natural and Cultural Resources Elements are aimed at improving visual quality and reducing visual impacts.

The Proposed Project would not change the development potential in the northern, eastern, or southern parts of the City/Study Area and would not change impacts within a state scenic highway. The project would result in changes in development in the downtown area, but the likely change from industrial areas to residential and mixed use areas is likely, if anything, to improve the visual aesthetics within the downtown area. However, it is also possible that new residential or mixed-use projects in the downtown area could result in substantial alteration of historic buildings, some of which are considered scenic resources in the downtown area. Mitigation Measure CUL-MM-1 is proposed to reduce the potential impacts of additional residential growth on historic buildings and districts, which could also reduce the level of visual impact associated with residential growth downtown.

As noted above, it is possible that solar roofs might be proposed on historic buildings in the City due to the project. Depending on the individual proposal, the addition of a solar roof could change the visual character of an individual historic building that may be a significant impact as well. Mitigation Measure CUL-MM-2 is proposed to help reduce this impact.

Mitigation Measure CUL-MM-1: Downtown Specific Plan Alternatives Analysis (see description above)

Mitigation Measure CUL-MM-2: Historic Building Solar Roof Alternatives Review (see description above)

Finding

As noted above, given the challenging nature of promoting residential development downtown, it is considered counterproductive to the fundamental purpose of CAP Measure Trans-1 to require a mitigation that would prohibit all new residential development that might have a significant effect on existing historic buildings or districts. Thus, while identified mitigation can reduce potential impacts to historic buildings, the impact would remain significant and unavoidable.

As described above, the California Solar Rights Act per Section 65850.5(c) does not allow a local government to deny a permit for a solar energy system unless it finds that the project would have specific, adverse impacts upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. And per SB 226 (2012), solar roofs do not have to comply with CEQA (except unless one of a narrow list of exceptions apply). Thus, the City's options for mitigation of this potential impact are limited. This mitigation would reduce but not necessarily avoid significant impacts to historic buildings of solar roofs.

Climate Change

Impact CC-2: Development under the General Plan, as modified by the Proposed Project, would result in cumulatively considerably greenhouse gas emissions beyond 2020.

This impact was not analyzed in the GPEIR and thus this is a new impact. While the Climate Action Plan will help to reduce GHG emissions through 2020 and beyond, overall development would still contribute ongoing and increasing GHG emissions by 2050 that would be inconsistent with long-term reduction goals. The Proposed Project analyzed in this SEIR would include additional residential development in the downtown area, but would offset associated emissions through the implementation of the CAP. However the Proposed Project would not sufficiently address city emissions overall to match 2050 reduction goals.

As noted in the CAP, beginning in Phase 3 (2018), the City would commence planning for the post-2020 period. At this point, the City would have implemented the first two phases of the CAP and would have a better understanding of the effectiveness and efficiency of different reduction strategies and approaches. The new post-2020 reduction plan would include a specific target for GHG reductions for 2030, 2040, and 2050. The targets would be consistent with broader State and federal reduction targets and with the scientific understanding of the needed reductions by 2050. The City would adopt the post-2020 reduction plan by December 31, 2020.

While CAP policies to reduce GHG emissions would be implemented under the Proposed Project and the CAP commits to future development of a post-2020 reduction plan, the project would allow for additional future development beyond that included in the existing General Plan that might result in increased GHG emissions. Also, it would be premature to assume the character of such future measures and/or their effectiveness. Furthermore, AB-32 has a horizon of 2020, with no mandated requirements beyond 2020.

As discussed above in Chapter 4, it has been roughly estimated that emissions in developed countries will need to be reduced by approximately 80% below 1990 levels in order to promote climate stabilization by 2050. Reduction of emissions to these levels was also identified as a statewide goal in EO S-03-05. As shown in the Final SEIR, 2050/buildout GHG emissions will far exceed the 80% reduction goal for 2050. While emissions would be slightly less with the CAP than without it, there would still be a need for over 90% reductions from the projected amounts to meet the 2050 reduction goal.

The GPEIR disclosed that buildout GHG emissions would be significant and unavoidable, but it did not contain a specific quantitative analysis of those emissions and made no comparisons to 2050 goals. As described above, with implementation of the CAP, emissions at buildout would be less than they would be with the existing General Plan. However, GHG emissions around 2050 would substantially exceed

goals identified for 2050 as necessary for climate stabilization. Accordingly, the impact of buildout GHG emissions is considered significant.

Although 2050 goals have been articulated by international organizations (such as the IPCC) and advocacy groups and the former governor included a 2050 goal in EO S-03-05, there is no existing plan by any government agency in the world at the local, state, federal, or international level that articulates a specific plan to actually achieve the 2050 reduction goal.

Despite the lack of adopted feasible plans to date, research has been done on the potential reduction efforts that would be necessary to meet a 2050 reduction target. As an example, Greenblatt and Long (2012) analyzed changes in California's energy systems that would be necessary to reduce emissions to 60% and 80% below 1990 levels by 2050. The authors found that with substantial improvements in efficiency, electrification, low-carbon electricity and low-carbon fuels, it is technically possible to achieve reductions approximating 60% below 1990 levels. However, as described in the Final SEIR, Chapter 14 there are some substantial challenges to implementing those strategies, in terms of legal and technical constraints for expanding electrical supply dramatically, electricity load balancing, and biomass fuel supply. In analyzing what would be needed to achieve a level 80% below 1990 levels, Greenblatt and Long examined more radical measures included in their 60% scenario. The authors stress that "the challenges are great for implementing even one of these more radical strategies, let alone several." As an example of the magnitude of challenges, the authors note that "It is possible to conceive of biomass-derived energy without disastrous impacts on food supply, if the biomass for energy production is limited to marginal lands, wastes and off-season cover crops, but this is not something to take for granted." Another example of challenges the authors describe is that "the widespread availability of CCS is not a foregone conclusion; much development work remains to be done." The reader is referred to the Greenblatt and Long (2012) paper as well as other long-range analyses in this field (such as Williams et al. 2012; Yang et al., 2008; and CCST 2011) for further details.

As should be evident from this review above, the changes needed statewide are substantial and severe and would represent fundamental change in California's energy system—many of which are outside the jurisdiction of individual cities like Stockton. As such, the SEIR discloses a significant impact of City-wide emissions on GHG emissions from 2020 to 2050, even though the CAP would reduce those GHG emissions compared to the current GP.

Finding

While a significant impact can be disclosed at this time for 2050 GHG emissions associated with the General Plan buildout, the SEIR does not identify mitigation to reduce this impact because doing so at this time is subject to numerous uncertainties and difficulties that make such an analysis premature and speculative given the lack of any statewide planning to reduce 2050 emissions on a broader level. These challenges are discussed below.

- **Long-term emissions forecasting speculation.** Although a very rough estimate of 2050 emissions was presented above, forecasting for a point nearly 40 years in the future is fraught with issues and large margins of error. One only need to look at the pre-2008 population, housing, and economic forecasts compared to actual events and current forecasts to understand how profoundly socioeconomic forecasts can change. More accurate forecasting to 2050 requires numerous assumptions to be made about the energy and transportation systems related to the project's energy use and related GHG emissions—for example, how GHG-intensive will electricity be, what will energy prices be, and what will the regional transportation network look like? Assumptions must also be made about technology—what kinds of vehicles will be available, what kinds of transportation fuels will be readily available, what will be the feasibility of project-level renewable energy? Per PRC Section 210802.2(c), speculation does not constitute substantial evidence for the purposes of determining whether a project may have a significant effect on the environment. As result, although a

significant effect was identified in this SEIR as a conservative approach, the actual level of this impact is highly speculative at this time.

- **Regulatory uncertainty.** With the passage of AB 32, a clear framework of analysis was established that eventually became the basis for significance determination under CEQA and for the establishment of reduction goals for climate action plans. The development of California’s plan to achieve 2020 reduction targets provided a critical context by which to understand how the GHG emissions of local projects and plans fit into the picture overall. No such clarity exists for 2050 since there are no actual plans for achieving 2050 reduction targets (ES S-03-05 is a goal—not a plan). A local or regional CEQA lead agency is left to its own guesses as to what the State or federal government may (or may not) implement to achieve a 2050 reduction goal. Current CEQA practice is dependent on analysis of consistency with AB 32 (either directly through a significance threshold or indirectly through consistency with a climate action plan with an AB 32–consistent reduction target).
- **Significance determination.** The “zero threshold” approach that any new GHG emission results in a cumulatively considerable impact has been rejected by nearly all CEQA lead agencies and practitioners. Instead current CEQA analyses are examining project GHG emissions in the context of their potential to adversely affect the State’s ability to meet AB 32 for 2020. That is feasible given that lead agencies can evaluate the State’s plan to implement AB 32 for 2020 and can evaluate their jurisdiction’s contributions to GHG emissions and identify the amount of reduction needed on a local level that would then meet the AB 32 goal using the combined effect of State and local action. It would be speculative (as defined by CEQA) to predict the impacts of a State or federal action to 2050—accordingly, one cannot complete such a gap analysis for 2050 and determine the city’s target for local actions for 2050.
- **Mitigation fair-share determination.** Setting aside the challenges with forecasting, regulatory uncertainty, and significance determination described above, it is speculative and problematic to determine the fair-share mitigation level for 2050 at this time. Constitutional limitations (*Nollan*, *Dolan*, etc.) mandate that mitigation must be proportional to the project’s level of impact. In the case of a cumulative impact, mitigation must be proportional to a project’s contribution to a cumulative impact. As noted above, absent a real state plan to reduce emissions for 2050, it is hard to see how a local or regional plan or project can fairly be assigned approximately 90% of the mitigation burden and still be called proportional. Stockton would be flying blind if it were to speculate what its local fair-share would be at this time and would risk unduly burdening the citizens and businesses in Stockton with disproportionate mitigation responsibilities were it to impose additional mitigation beyond 2020 at this time.
- **Mitigation feasibility.** In addition to the fair-share mitigation issue is a question of mitigation feasibility. Technically, there are numerous ways to reduce GHG emissions for new development (as described in Greenblatt and Long 2012, as summarized above, as well as many other methods). But there are also severe technical challenges to fully achieving substantial emissions reduction. Further, the feasibility to achieve substantial reductions on the order of 90% through local action only is questionable given limitations on local municipality authority. No city or county is an island completely autonomous in matters of energy and transportation systems. While a municipality can influence certain matters, many decisions about the electricity and transportation systems are under the control of the State and federal government and/or are controlled by market determinations. Even if offsets are included to overcome potential local mitigation limitations, offset purchases would impose additional substantive costs. Although CEQA allows for financial considerations to be a factor in feasibility determinations, in practice mitigation has to be prohibitively expensive and/or materially affect the viability of a project in order for a financial justification for infeasibility to be upheld. But when one thinks of requiring projects to build the houses, commercial buildings, and industries to a 2050 standard and to use the hitherto unknown vehicles and fuels of 2050 in order to

mitigate GHG emissions today, it can be concluded that burdening current development would be such an economic shock and would represent such a departure from current financial realities, that it is considered impractical and infeasible to develop and impose such burdens.

The CAP commits the City to continuing climate action planning for the years after 2020, including to 2050. Thus, it is possible that federal, State, and local action combined may actually be able to feasibly reduce GHG emissions by 2050 to levels sufficient to match the global effort needed to achieve climate stabilization goals. However, this cannot be known at this time for the reasons noted above, and primarily due to the lack of any actual State or federal plan to meet post-2020 and 2050 goals. Furthermore, it is premature and speculative to impose additional mitigation on Stockton residents and businesses for post-2020 impacts given the impossibility of being able to adequately determine Stockton's fair-share emissions reduction burden and thus to determine fair-share mitigation levels. As such, this impact is identified as significant and unavoidable

Alternatives to the Proposed Project

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

In addition to technical, logistical and financial feasibility considerations, an alternative may be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project. Thus, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; see also *Sequoyah Hills, supra*, 23 Cal.App.4th at p. 715.).

The EIR evaluated a No-Project Alternative, as required under CEQA, and two alternative sets of land uses. The two project alternatives evaluated in the EIR would meet most of the basic project objectives, appeared feasible, and would avoid or substantially lessen at least one of the significant effects of the project.

As described in Chapter 15, *Alternatives*, the City also considered other alternatives, but dismissed the alternatives from further analysis in this SEIR because they were either determined to not be feasible, to not meet most of the project objectives, or to not reduce one or more significant impacts of the Proposed Project.

The following alternatives to the Proposed were analyzed in the SEIR. Findings are made for each.

No Project Alternative

This alternative, which is required to be analyzed under CEQA, assumes that the City would not adopt a local Climate Action Plan or a Transit Plan/Program is implemented. The state measures would remain in effect. New development projects would be required to comply with CEQA concerning GHG emissions and thus would still be required to reduce their emissions by 29% compared to unmitigated levels (see discussion in CAP of measure DRP-1). CAP Measure Trans-4 (Goods Movement improvements) would still be implemented as this is an existing initiative of the City. CAP Measure Water-1 would also still be implemented, since this measure is pursuant to a state regulation (SB X7-7).

Compared to the Proposed Project, this alternative would result in higher GHG emissions, higher air quality emissions, better traffic downtown but worse traffic overall and would have less potential visual aesthetic and historic building impacts.

Finding

The City of Stockton hereby rejects the No Project Alternative because this alternative does not meet the following project objectives:

- Result in GHG reductions consistent with AB 32.
- Consistency with the Settlement Agreement , including the following:
 - Result in a rate of VMT growth less than the rate of population growth; and
 - Promote increased residential development in the GDSA.

Under the No Project Alternative, new development would be required to reduce GHG emissions per existing City practices for CEQA review for discretionary development, but there would be no comprehensive multi-sector approach to reducing GHG emissions (like the CAP) or to controlling the growth in VMT (like the Transit Plan/Program and the transportation measures in the CAP). The No Project Alternative would also not comply with the Settlement Agreement because it would not result in consideration of a CAP by the City Council, thus exposing the City to further legal challenge in implementing the General Plan.

Greater Density (CAP Alternative)

Under this alternative, the City would reduce GHG emissions through promotion of greater changes to existing zoning and land use policies to provide for substantially increased levels of high-density and mixed-use development within the city limits, compared to the Proposed Project. This alternative would also promote additional high density along the City's primary public transportation corridors and would restrict further low density development along the City's edge and away from existing transportation corridors. This alternative would also include an urban limit line to prevent further City annexations and edge development. This alternative assumes that the increased reduction in transportation emissions would allow for elimination of at least the two solar promotion measures (Energy-5 and Energy-6).

This alternative would have the same land use change in the GDSA as the Proposed Project but would result in greater land use change outside the GDSA it would represent a substantial change in land use patterns compared to the adopted General Plan. This could result in land use incompatibilities between existing low density residential development and new high-density development along transportation corridors. This alternative would likely result in greater traffic, noise, and visual impacts along existing transportation corridors compared to the Proposed Project outside the GDSA and may result in greater impacts to historic buildings. This alternative would likely have better local air quality than the Proposed Project, but similar regional emissions. This alternative would likely have lower impacts to biological resources and farmland than the Proposed Project (and the adopted General Plan).

Finding

The City of Stockton hereby rejects the Greater Density Alternative because this alternative does not meet the following project objective:

- General consistency with the land use policy direction in the adopted General Plan with the exception of the downtown area and accommodation of approximately the same amount of growth as the adopted General Plan.

Given the large-scale land use policy changes in this alternative, there may be substantial concern and controversy about pursuing such an alternative. This would require a major update to the adopted General Plan and a new public debate about the future of land use in Stockton. There could be major opposition to the Plan from landowners with land proposed for downzoning or that is outside the proposed urban limit line included in this alternative. Whether that opposition and level of controversy would make this alternative politically infeasible is unknown.

This alternative would have substantial land use impacts as it would change allowable densities throughout the City, specifically along existing transportation corridors and at the City's edge. Although the existing City General Plan does seek to concentrate some development along these corridors and promote some concentration of development in the Villages, this alternative would be far more aggressive in mandating higher densities and reducing low-density development. Thus, this alternative would have greater land use incompatibilities with the existing City land use form and character over time, which would be a significant and unavoidable impact.

This alternative is primarily an alternative to the existing General Plan. Since it is one of the objectives of the Proposed Project to be consistent with the existing General Plan, this alternative is rejected due to its fundamental inconsistency.

Greater Efficiency (CAP Alternative)

Under this alternative, the City would reduce GHG emissions through promotion of, and a greater reliance on, efficiency programs for existing development, compared to the Proposed Project. The City would adopt an energy efficiency upgrade ordinance, which would require all buildings more than 10 years old to improve their energy efficiency at the point of sale (the exact amount has not been determined). The City would also increase the ambition of CAP Measures Energy-3 and Energy-4 to seek higher participation rates for efficiency retrofits of existing homes. This alternative assumes that the increased reduction in building energy (electricity and natural gas) emissions would allow for elimination of at least the two solar promotion measures (Energy-5 and Energy-6).

This alternative would lower visual aesthetic and cultural resource impacts related to the elimination of City support for solar improvements. Other impacts would be the same as the Proposed Project.

Finding

The Greater Efficiency Alternative would meet the project objectives.

While the Greater Efficiency Alternative is feasible and would meet the project objectives, this alternative is rejected because it would narrow the range of actions pursued by the City of Stockton in meeting the GHG reduction goals for 2020. This alternative would place a greater emphasis on energy efficiency retrofits of existing housing and a lesser emphasis on distributed solar installations. Reducing GHG emissions is a relatively new endeavor for local governments. While the City has exercised due diligence in examining the economic, social, and environmental effects (including GHG emissions reduction) of all proposed CAP measures, it cannot be known with precision exactly which measures will in the end prove most effective at reducing GHG emissions in a cost-effective way. Thus, it would be premature to exclude promotion of solar installations as part of the City's CAP particularly since solar installations have become more prominent with a combination of state/federal financing incentives and private sector funding in recent years and thus appear by all evidence to be an effective local action. While energy-efficiency retrofits are also prominent at present due to a similar combination of government and private sector financing, placing a large reliance on retrofits at the expense of promoting local solar installations could require the City to adopt more onerous requirements to make retrofits deliver greater GHG benefits (such as a point of sale retrofit ordinance). Given Stockton's tenuous economic recovery and City financial position, the City finds it more prudent to take a balanced approach to reducing GHG emissions

that includes a wider variety of measures including a balanced reliance on both energy efficiency and solar installations.

Community Choice Aggregation (CAP Alternative)

Under this alternative, the City would establish itself as the electricity provider for the City as a whole and would obtain its electricity from generation sources with a substantially lower GHG emissions profile than that provided by PG&E now and in that to be provided in the future. Depending on the aggressiveness of the CCA, the City could decide to drop some or all of the GHG measures in the CAP other than those necessary for consistency with the Settlement Agreement (Energy-1 and Trans-1), that represent existing projects (Trans-4), or that are necessary to meet other state mandates (Water-1) . In order to meet or exceed that GHG reduction target, the CCA would have to have an electricity generation profile that had the equivalent of between 80% and 85% non-GHG energy sources.

This alternative would result in similar impacts in the GDSA related to downtown traffic, historic buildings, flooding and aesthetics. This alternative would have lower aesthetic impacts in Stockton because it would not include City promotion of solar roofs. This alternative would have worsened traffic and air quality in Stockton overall because it would reduce transportation emissions less than the Proposed Project. This alternative would contribute to a cumulative demand for new renewable energy facilities, which may be located in Stockton, but are more likely to be located outside of Stockton. These new renewable energy facilities, depending on location and character, have the potential to have significant impacts in particular on land use, biological resources, cultural resources, noise, and farmland but may also have temporary or permanent significant impacts on many other resource areas.

Finding

While this alternative is in concept feasible, the City is currently in bankruptcy, and is not in a favorable financial position to take on new obligations that may require new debt financing. Until the City has emerged from bankruptcy and its credit rating is restored allowing it to take on substantial new burdens, this is not considered a feasible alternative for the City. In addition, other CCA efforts (in Marin and Sonoma County) are still in their infancy and their long-term viability and cost-effectiveness remains to be seen. While that uncertainty does not mean that a CCA in Stockton is infeasible, given Stockton's current economic and financial situation, taking on additional uncertainty at this time is not favorable to the City's interest.

Transit 5% Mode Share (Transit Plan/Program Alternative)

Under this alternative, the Transit Plan/Program would have a goal of a 5% transit mode split instead of the 3% transit mode split in the Proposed Project. As described in the Transit Plan/Program, achieving a 5% transit mode split would require far greater funding for SJRTD than the Proposed Project (approximately \$51 million annually vs. approximately \$31 million for the Transit Plan/Program) that may be beyond the ability of the San Joaquin RTD.

This alternative would result in better traffic conditions and less air quality emissions than the Proposed Project, but is of questionable financial feasibility in the near term.

Finding

As described above, achieving a 5% transit mode split would require far greater funding for SJRTD than the Proposed Project and is likely beyond the ability of the San Joaquin RTD. The City of Stockton cannot mandate that the SJRTD adopt a transit plan beyond its financial means. At this time, this alternative is considered financially infeasible. In the future, depending on the level of economic funding,

it may become feasible for SJRTD to pursue a higher transit mode split, but the timing of such action is speculative at this time.

Other Alternatives

Additional alternatives to the Proposed Project were also considered including the following:

- Increased Reliance on Mandatory Measures (CAP Alternative)
- No Change in Downtown Residential Buildout Potential (CAP Alternative)
- Carbon Offsets (CAP Alternative)
- Growth Moratorium(CAP Alternative)
- Downzoning Development Potential on the City Edge (CAP Alternative)
- 15% Below 2005 Emissions Target for 2020 (CAP Alternative)
- 80% Below 1990 Levels by 2050 (CAP Alternative)
- Increased Light Rail Alternative (Transit Plan/Program Alternative)

Finding

These alternatives were dismissed from further analysis in this SEIR because they were either determined to not be feasible, to not meet most of the project objectives, or to not reduce one or more significant impacts of the Proposed Project. The reasons for their dismissal are discussed in the SEIR Chapter 15, “Alternatives.”

Statement of Overriding Considerations

Pursuant to Section 15093 of the State CEQA Guidelines, in determining to approve the project the City of Stockton must balance the benefits of the proposed project against its unavoidable environmental impacts. Separate from its findings of fact, the City must adopt a “statement of overriding considerations” in accordance with Section 15093.

The GPEIR identified the unavoidable significant effects caused by implementation of the General Plan in the GPEIR. The detailed discussion provided in the GPEIR is fully incorporated into this SEIR by this reference. The GPEIR identified significant unavoidable impacts related to aesthetics, agricultural resources, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services (including recreation), utilities, and traffic/transportation.

As discussed in the SEIR, development under the General Plan, as modified by the Proposed Project, would not result in any new significant and unavoidable impacts beyond those disclosed in the GPEIR with one exception:

- Impact CC-2: Development under the General Plan, as modified by the Proposed Project, would result in cumulatively considerably greenhouse gas emissions beyond 2020. This impact was not analyzed in the GPEIR and thus this is a new significant and unavoidable impact. While the Climate Action Plan will help to reduce GHG emissions through 2020 and beyond, overall development would still contribute ongoing and increasing GHG emissions by 2050 that would be inconsistent with long-term reduction goals. The Proposed Project analyzed in this SEIR would include additional

residential development in the downtown area, but would offset associated emissions through the implementation of the CAP. However the Proposed Project would not sufficiently address city emissions overall to match 2050 reduction goals.

As discussed in the Final SEIR, the Proposed Project would increase the severity of the following significant and unavoidable impacts beyond the level disclosed in the GPEIR:

- Impact TC-1: Increased vehicular traffic in the downtown area
- Impact TC-4: Increase vehicular traffic in the downtown area affecting railroad crossings.
- Impact PFS-12: Increased residents subject to flooding due to levee failure.
- Impact NCR-7: Increased residential development and solar roofs in the downtown area potentially affecting historic buildings
- Impact NCR-14: Increased residential development and solar roofs in the downtown area potentially affecting historic buildings which could affect visual aesthetics

The City of Stockton hereby finds that the following social, legal, and economic benefits of the Proposed Project outweigh the unavoidable impacts for the following reasons:

- The State has adopted AB-32, the Global Warming Solutions Act of 2006, which seeks to make a first step in reducing GHG. The City in adopting the Climate Action Plan and related actions, intends to do its fair share to help meet the AB-32 goals.
- The City entered into a Settlement Agreement with the Sierra Club and the State Attorney General concerning GHG emissions and related matters. While the Agreement only mandates that the City consider a CAP and a Transit Plan/Program and does not mandate adoption, adoption of the CAP and the Transit Plan/Program would reduce the potential for future legal challenge to General Plan implementation.
- The long-term effects of climate change, if unchecked, could have substantial adverse effects on the economy, health, welfare and natural heritage of the City of Stockton and elsewhere. The City in adopting the Climate Action Plan and related actions, intends to do its fair share to help California take action to reduce GHG emissions and help control climate change effects for Stockton and elsewhere.
- The Climate Action Plan and the Transit Plan/Program have been developed in concert with a diverse stakeholder group (the Climate Action Plan Advisory Council) to seek to identify the most cost-effective and community accepted ways to reduce GHG emissions. Without the coordinated approaches in the CAP, the City may miss opportunities to support the residents and businesses in Stockton with cost-effective measure implementation that may help them financially and to be more resilient in facing energy supply and pricing contingencies in the future.
- A competitiveness analysis was completed to analyze the potential net effects of CAP policies, programs, and financing measures on competitiveness of business in Stockton. The competitiveness analysis concludes that the measures detailed in the CAP have been designed to minimize cost burdens on businesses and residents and thus the net competitiveness impacts are likely to be very limited or insignificant. The analysis notes that while introducing some new costs, the CAP would also create offsetting competitiveness benefits stemming from improved environmental conditions, quality of life, urban vibrancy, and other factors that influence attractiveness, reputation/brand, and innovation. The analysis also describes that CAP implementation will also result in financial returns on related investments and regional economic benefits which offset the limited negative cost-related competitiveness impacts.

- The financial analysis completed for the CAP indicates a positive net present value (NPV) ranging from \$37.1 to \$156.6 million for quantified measures indicating a positive financial benefit to the community as a whole of implementing the CAP.
- The CAP and the Transit Plan/Program will promote alternatives to vehicle travel within the City, thus diversifying mobility options for City residents, while improving bicycle and pedestrian connectivity which can improve the quality of life and health of the City.
- The CAP and the Transit Plan/Program would reduce the generation of criteria air pollutants in Stockton, including ozone, carbon monoxide, and fine particulates, which would improve public health for the community.
- Stockton residences and businesses that implement energy efficiency upgrades as a result of the CAP would see future savings due to lower future energy bills.
- Water improvements included in the CAP would promote wise use of limited water resources and enhance water quality.
- Waste reductions included in the CAP would reduce the need for landfill space.
- Other benefits of the CAP and Transit Plan/Program includes reduction of electricity, natural gas, and gasoline usage which reduces consumer sensitivity to potential increases in future energy prices. Reduction of gasoline consumption also has an additional benefit of reducing dependence on foreign oil supplies.
- The tradeoff of potentially worse downtown traffic versus lowered City-wide traffic (due to CAP measure Trans-1 promoting more development downtown) provides an outcome that is a benefit for the City as a whole. Worsened traffic downtown, while not an intended outcome, can also serve as an incentive for downtown residents, workers, and visitors to avail themselves of alternatives to driving where feasible, which can further overall City goals to reduce traffic, improve air quality, and provide a diversity of mobility options.
- The CAP and the Transit Plan/Program, with the exception of CAP Measure Trans-1 calling for up to 3,000 housing units in the Greater Downtown Stockton Area, is consistent with the existing General Plan and thus allows for a more orderly implementation of the existing General Plan compared with the Greater Density Alternative.

Incorporation by Reference

The following documents are incorporated, in their entirety, by reference

- The August 2014 Final EIR, which includes the February 2014 Draft EIR.
- The August 2014 Final Climate Action Plan, including the Transit Plan/Program.
- The 2007 City of Stockton General Plan, General Plan Background Report, General Plan EIR, and the Findings and Statement of Overriding Considerations.

Without limitation, this incorporation is intended to elaborate on the comparative analysis of alternatives, the basis for determining the significance of impacts, the scope and nature of mitigation measures, and the reasons for approving the project despite the potential for associated significant unavoidable adverse impacts.

Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which the City Council bases its findings and decisions contained herein. Documents related to the project are located in the offices of the City of Stockton, Community Development Department, 345 N. El Dorado Street, Stockton, CA 95202

Summary

Based on the foregoing Findings and the information contained in the record, the City Council has made one or more of the following findings with respect to each of the significant effects of the project.

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final SEIR that would otherwise avoid or substantially lessen the identified environmental effects of the project.

Based on the foregoing Findings and the information contained in the record, it is determined that

- all significant effects on the environment due to the approval of the project have been eliminated or substantially lessened where feasible, and
- any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the above Statement of Overriding Considerations.

Citations

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