

RESOLUTION NO. 2004-223

A RESOLUTION OF THE LODI CITY COUNCIL  
CERTIFYING THE FINAL PROGRAM  
ENVIRONMENTAL IMPACT REPORT (EIR 03-03)  
FOR THE 2003-09 HOUSING ELEMENT

---

WHEREAS, the Community Development Department and Planning Commission have studied and are recommending the certification of this document; and

WHEREAS, pursuant to the California Environmental Quality Act, a Notice of Preparation for an Environmental Impact Report was prepared and posted on October 20, 2003; and

WHEREAS, the Notice of Availability for the Draft Environmental Impact Report was published in the Lodi News-Sentinel on December 26, 2003, with a public review period to close on February 19, 2004; and

WHEREAS, written comments were received on the Draft Environmental Impact Report; and

WHEREAS, the City of Lodi has responded to each comment received pursuant to requirements of the California Environmental Quality Act; and

WHEREAS, a Final Program Environmental Impact Report has been completed in compliance with the California Environmental Quality Act; and

WHEREAS, a notice of public hearing was published in the Lodi News-Sentinel on September 18, 2004; and

WHEREAS, the City of Lodi Planning Commission has reviewed and considered the information contained and referenced in the Program Environmental Impact Report prior to recommending its certification to the City Council; and

WHEREAS, a copy of the Program Environmental Impact Report is kept on file for public review within the Community Development Department, located at 221 West Pine Street, Lodi, CA.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

1. The foregoing recitals are true and correct
2. All mitigation measures as specified in the Final Environmental Impact Report are hereby incorporated.
3. The separate document entitled, "Findings of Fact and Statement of Overriding Consideration for the City of Lodi 2003-09 Housing Element is hereby approved, adopted, and attached to this Resolution, marked Exhibit A.
4. The City Council of the City of Lodi hereby certifies the Program Environmental Impact Report to the City Council.

Dated: October 20, 2004

---

I hereby certify that Resolution No. 2004-223 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 20, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard,  
Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk

**CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING  
CONSIDERATIONS****Housing Element Update  
City of Lodi**

---

**I. INTRODUCTION**

The following findings are presented to comply with the requirements of the California Environmental Quality Act (CEQA - California Public Resources Code Section 21000 et seq.) and Sections 15091, 15092, 15093, and 15162 of the State CEQA Guidelines (California Government Code of Regulations, Title 14, Sections 15000 et seq.). The following findings are made relative to the conclusions of the Final Environmental Impact Report (Final EIR, State Clearinghouse Number 2003102099) for the Lodi Housing Element Update. The Final EIR prepared for the Housing Element Update addresses the environmental impacts of the implementation of the proposed Project and is incorporated herein by reference.

Mitigation measures associated with potentially significant impacts of this Project will be implemented through the Mitigation Monitoring Program for this Project, which are the responsibility of the City, thereby ensuring that the Housing Element Update will have no significant adverse environmental impacts, except as noted herein.

The Final EIR was completed in compliance with CEQA, and reflects the City of Lodi's independent judgment. The City of Lodi has considered evidence and arguments presented during consideration of this matter. In determining whether the Project has a significant impact on the environment, and in adopting Findings pursuant to Public Resources Code Section 21081, the City of Lodi has complied with Public Resources Code Sections 21081.5 and 21082.2.

**II. PROJECT INFORMATION****Project Description**

The Goals, Policies, and Programs of the Housing Element Update are incorporated herein by reference.

**Project Objectives**

The objectives of the proposed Project include:

1. Achieve certification by the California Housing and Community Development Department.
2. Meet Lodi's housing needs through 2008 without enlarging the city's General Plan boundaries.

3. Adhere to goals and policies of other adopted City plans, including the Downtown Revitalization Plan.
4. Ensure that the Update is consistent and complementary to existing programs identified in other General Plan Elements.
5. Ensure that new housing growth is managed in a responsible manner.

### **Project location**

Lodi is located in the northern San Joaquin Valley, along the Mokelumne River and between State Route 99 and Interstate 5. The city is approximately 10 square miles in area, with a Sphere of Influence that extends beyond the jurisdictional borders. The Project area includes the entire city limits and areas in the City's Sphere of Influence.

### **III. RECORD OF PROCEEDINGS**

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents, at a minimum:

- The Notice of Preparation, Notice of Completion, Notice of Availability, and all other public notices issued by the City of Lodi in conjunction with the Project;
- The Draft EIR;
- The Final EIR;
- All comments and correspondence submitted by agencies or members of the public during the public comment period (December 22, 2003 through February 19, 2004) on the Draft EIR, including oral comments made at a Planning Commission on September 29, 2004;
- The Mitigation Monitoring Program (MMP);
- All findings and resolutions adopted by the City of Lodi decision makers in connection with the Project, and all documents cited or referred to therein;
- All final reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City of Lodi, consultants, or responsible or trustee agencies with respect to the City of Lodi's compliance with the requirements of CEQA and with respect to the City of Lodi's actions on the Project;
- All documents submitted to the City of Lodi by other public agencies or members of the public in conjunction with the Project, up through the close of any required public hearing;
- Minutes and/or verbatim transcripts of all public meetings and/or public hearings held by the City of Lodi in connection with the Project;
- Matters of common knowledge to the City of Lodi, including but not limited to federal, State, and local laws and regulations;

- Any documents expressly cited in these Findings, in addition to those cited above; and
- Any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6 (e).

The custodian of the documents comprising the record of proceedings is the Planning Director, Community Development Department, City of Lodi, 221 West Pine Street, Lodi, CA 95240

Copies of all these documents, which constitute the record of proceedings upon which the City of Lodi's decision is based, are and have been available upon request at all times at the offices of the Community Development Department, City of Lodi, the custodian for such documents or other materials.

The City of Lodi has relied on all of the documents listed above in reaching its decision on the Housing Element Update.

#### **IV. MITIGATION MONITORING PROGRAM**

CEQA requires the lead agency approving a project to adopt a Mitigation Monitoring Program (MMP) for the changes to the project that it has adopted or made a condition of project approval in order to ensure compliance with project implementation. An MMP has been defined and serves that function for this Final EIR.

The MMP, provided under a separate cover, designates responsibility and anticipated timing for the implementation of mitigation measures. The City of Lodi will serve as the overall MMP Coordinator.

The MMP prepared for this Project has been adopted concurrently with these Findings. (See Pub. Res. Code Section 21081.6(a)(1)). The City of Lodi will use the MMP to track compliance with Project mitigation measures. The MMP will remain available for public review during the compliance period.

#### **V. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT**

The Final EIR concluded that the following Project impacts will be **less** than significant or not significant because: (1) mitigating features are incorporated into the Project, (2) existing standard regulations that apply to Project development will mitigate the impact, (3) the level of impact will not exceed the identified thresholds of significance, or (4) the impacts of the Project will be beneficial.

- Long-term operational emissions
- Consistency with air quality management plans
- Potential impact on sensitive biological habitats
- Impact on jurisdictional wetlands

- Potential for seismic effects
- Increased erosion potential
- Interference with potential mineral extraction
- Effects on public safety
- Exposure to flood hazards
- Increased runoff effects
- Creation of light spillage and glare
- Potential for growth inducement
  - Potential fragmentation of development pattern
  - Result in the need for expanded or new public facilities
  - Effect on police and fire services and schools
  - Demand for transit service

## VI. SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The following describes Project-level impacts determined to be significant in the Final EIR, followed by mitigation measures that result in less-than-significant levels of impacts.

- Impact on known and undiscovered cultural resources
- Short-term construction related emissions
- Exposure to, or creation of, toxic emissions
- Safety issues associated with potentially hazardous sites
- Potential impact on water quality

### A. Cultural Resources

**Significant Impact:** Impact on Known and Undiscovered Cultural Resources

Accidental exposure of an unidentified resource could occur during construction. There is always a remote possibility that previous activities (both natural and cultural) may have obscured prehistoric or historic period artifacts or habitation areas, leaving no surface evidence that would permit discovery of these hypothetical resources.

#### Mitigation Measure C/HR-1

Should grading or excavation activities reveal the presence of archaeological and/or paleontological resources, work activities in the vicinity of the find shall be temporarily halted and a qualified archaeologist consulted to assess the significance of the resource. Proper management recommendations for significant resources could include avoidance or data recovery excavation. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of the remains.

## Mitigation Measure **C/HR-2**

Existing structures, ages 45 years old and older, on redevelopment sites identified within the Housing Element Update shall be evaluated by a qualified professional architectural historian prior to demolition/removal to determine the suitability of the structure for historic status. If disturbance to an historic resource cannot be avoided, appropriate mitigation shall be identified. Appropriate mitigation may include preservation in place or relocation and rehabilitation. A mitigation program shall be implemented to ensure implementation of the measure.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(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. Potential impact is less than significant as a result of implementation of Mitigation Measures C/HR-1 and C/HR-2.

## B. Air Quality

### **Significant Impact:** Short-Term Construction Emissions

Grading, excavation, and travel on unpaved construction site roadways can generate dust, and construction equipment engines emit carbon monoxide,  $PM_{10}$ , and ozone precursors.

### Mitigation Measure **AQ-1:**

The City shall coordinate with the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) to assess and properly mitigate short-term construction related air pollution. For projects over which the City has some discretionary authority, the City shall require the following mitigation measures, where applicable, or measures deemed to be similarly effective in reducing short-term construction related emissions of  $PM_{10}$ , carbon monoxide, and ozone precursors:

- Limit traffic speeds on unpaved roads to 15 mph; and
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reductions:

- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
- Install wind breaks at windward side(s) of construction areas;
- Suspend excavation and grading activity when winds exceed 20 mph; and
- Limit area subject to excavation, grading, and other construction activity at any one time.

Construction Equipment Mitigation Measures for Heavy duty equipment (scrapers, graders, trenchers, earth movers, etc.):

- Use of alternative fueled construction equipment
- Minimize idling time (e.g., 10 minute maximum)
- Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
- Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways
- Implement activity management (e.g. rescheduling activities to reduce short-term impacts)

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(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. Potential impact is less than significant as a result of implementation of Mitigation Measure AQ-1.

**Significant Impact:** Exposure to, or Creation of, Toxic Emissions

Urban development of lands to the south and west of the city could expose future residents to toxic air pollutant emissions associated with ongoing agricultural operations. Certain types of crops and certain methods of agricultural operations involve application of chemicals for fertilization, suppression of insects, and control of unwanted plants. Some of these chemicals could become airborne and affect nearby residents.

### **Mitigation Measure AQ-2**

The City in preparing environmental documents for proposed residential development near agricultural lands or near operational industrial/manufacturing facilities, shall consider impacts related to exposure of residential development to airborne hazardous air pollutants. A risk assessment shall be conducted, where necessary, to support environmental documentation. The City shall coordinate with the State Department of Toxic Substances Control and the San Joaquin Valley Unified Air Pollution Control District and implement recommendations of these agencies as a part of future residential projects deemed to be at risk of exposure to sources of hazardous air pollutants. Based on this environmental analysis the City shall either:

- Ensure that the proposed project is located away from sources of airborne pollution;
- Ensure that the proposed project is not located downwind of significant point sources of air pollution such as smoke stacks and agricultural fields where chemicals are used; and/or,
- Require buffers of other compatible uses of adequate width between residential areas and sources of pollution.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(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. Potential impact is less than significant as a result of implementation of Mitigation Measure AQ-2.

C. Health and Safety

**Significant Impact:** Safety Issues Associated with Potentially Hazardous Sites

The reuse of sites within the developed city as recommended by the Housing Element Update may potentially expose construction workers and future residents to hazardous conditions. For example, potential development of former industrial sites may have hazards associated with prior accidental release of contaminants that may not meet standards for residential uses.

Mitigation Measure **HS-1**

Applications for development identified by the Housing Element Update as “Areas within Reuse/Infill Potential” and within the City’s designated redevelopment area shall complete a health and safety plan to prevent worker and public exposure to hazardous substances. This plan must comply with the requirements of the City Department of Public Works, San Joaquin County Department of Environmental Health, Regional Water Quality Control Board, and California Department of Toxic Substances Control.

Health and safety plans in the case of soil contamination typically include:

- Investigation of the site determines whether there has been a hazardous material discharge into soils. If so, characterize the nature and extent of soil contamination that is present prior to the start of construction.
- Determination of need for further investigation and/or remediation of soils based on proposed reuse and level of future human contact. For example, commercial uses could require only industrial clean-up levels.
- If potential for extensive human contact with contaminated soils following development, undertake a Phase II investigation involving soil sampling at a minimum, at the expense of the property owner or responsible party. Should further investigation reveal high levels of hazardous materials in the onsite soils, mitigate health and safety risks according to City of Lodi, San Joaquin County Department of Environmental Health, and Regional Water Quality Control Board regulations. Also, if buildings are located atop soils that are significantly contaminated, undertake measures to either remove the chemicals or prevent contaminants from entering and collecting within the building.
- If remediation is infeasible, a deed restriction shall be required to limit site use and eliminate unacceptable risks to health **or** the environment.

Health and safety plans in the case of surface or groundwater contamination typically include:

- Investigation of the site determines whether there has been a hazardous material discharge into surface water or groundwater. If so, characterize the nature and extent of soil contamination that is present prior to the start of construction.
- Installation of drainage improvements to prevent transport and spreading of hazardous materials that may spill or accumulate.
- If site investigation determines presence of hazardous materials within site surface water and/or groundwater, mitigation acceptable to the RWQCB shall be incorporated prior to the start of construction.
- Inform construction personnel of the proximity to recognized contaminated sites and advise them of health and safety procedures to prevent exposure to hazardous materials in surface water and/or groundwater.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(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. Potential impacts are less than significant as a result of implementation of Mitigation Measure HS-1.

#### **D. Hydrology and Water Quality**

**Significant Impact:** Potential Impact on Water Quality

The pace of new development called for in the Housing Element may result in negative impacts to water quality. Water quality degradation could occur from increases in urban runoff and effluent discharge caused by urban development. Effluent discharge increases occur as a result of population growth, with wastewater disposal needs proportional to population increase. Increases in sewage into the treatment plant (White Slough Water Pollution Control Facility) will result in corresponding increases to discharge from that plant into area waterways, including Dredger Cut, the main disposal site for treated effluent.

#### **Mitigation Measure HYDRO-1**

All residential projects of one acre or more in size shall prepare a Storm Water Pollution Prevention Plan (SWPPP), as required by the Regional Water Quality Control Board under the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity. Prior to the start of construction, a SWPPP shall be prepared to address water quality impacts associated with construction of Project facilities and roadways. The Project Proponent shall incorporate into construction contract specifications the requirement that all contractors comply with and implement the provisions of the SWPPP. The objectives of the SWPPP are to identify pollutant sources that could affect the quality of stormwater discharge, to implement control practices to reduce pollutants in stormwater discharges, and to protect receiving water quality.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(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. Potential impacts are less than significant as a result of implementation of Mitigation Measure HYDRO-1

## **VII. SIGNIFICANT, UNAVOIDABLE AND IRREVERSIBLE CUMULATIVE ENVIRONMENTAL EFFECTS**

The Final EIR identifies the following significant cumulative impacts for which no mitigation measures have been identified to reduce the cumulative impact to a less-than-significant level.

### **A. Air Quality**

**Significant Impact:** Carbon monoxide hot spots

Though roadway improvements in the city are designed to meet **IOS** standards that will prevent substantial congestion and carbon monoxide concentrations, **infill** development may introduce traffic-attracting or traffic-generating land uses in areas where roadway improvements are infeasible or undesirable.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(1), no changes, alterations, or mitigation measures have been identified, or incorporated into, the Project which can avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Potential impacts are significant and unavoidable.

**Significant Impact:** Adverse impact to air quality attainment efforts

Construction and operation of development projects envisioned in General Plan **buildout** would adversely affect the Air District's efforts to achieve compliance with State and federal ozone and particulate matter standards. Mitigation is included in this EIR, the General Plan EIR, and mitigating policies are included in the Housing Element and General Plan.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(1), no changes, alterations, or mitigation measures have been identified, or incorporated into, the Project which can avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Potential impacts are significant and unavoidable.

### **B. Land Use Planning, Agricultural Resources, and Visual Resources**

**Significant Impact:** Conversion of prime agricultural lands

Annexation and conversion of prime agricultural lands outside the city limits, as envisioned in the General Plan and Housing Element Update, represents a potentially significant impact. Mitigating policies are included in both documents, including a prime agricultural land mitigation fee, agricultural buffers, establishment of an agricultural greenbelt around the city, and adoption of a "right-to-farm" ordinance. Beyond outright prohibition of development of

prime agricultural lands, there are no other available mitigation measures.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(1), no changes, alterations, or mitigation measures have been identified, or incorporated into, the Project which can avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Potential impacts are significant and unavoidable.

Significant Impact: Loss of scenic resources

Annexation and conversion of agricultural lands, which are considered important scenic resources for the community, represents a potentially significant impact. Beyond outright prohibition of development of agricultural lands, there are no other available mitigation measures.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(1), no changes, alterations, or mitigation measures have been identified, or incorporated into, the Project which can avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Potential impacts are significant and unavoidable.

### **C. Noise**

Significant Impact: Cumulative noise increase

Implementation of the Housing Element and buildout of the General Plan would add traffic to city streets, and would potentially result in noise above local compatibility standards where mitigation would be infeasible. Noise would be generated by development of undeveloped areas, increasing the ambient noise levels substantially. Residential development along busy streets or along the railroad tracks may create incompatibility related to noise exposure. The City has detailed noise analysis and mitigation requirements, and no further mitigation is available.

**Finding:** Pursuant to CEQA Guidelines Section 15091(a)(1), no changes, alterations, or mitigation measures have been identified, or incorporated into, the Project which can avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Potential impacts are significant and unavoidable.

### **D. Transportation**

Significant Impact: Adverse effect on intersection and roadway segment level of service

Introduction of additional residential development into areas of the city with congested roadways may reduce intersection levels of service to unacceptable levels. Increased density and infill development would create challenges for transportation planning. Development encouraged by the Housing Element also may create congestion where roadways previously functioned at uncongested levels, or may change the distribution of

traffic patterns in such a way that levels of service are adversely affected. In some already developed areas of the city, if additional development occurs, typical automobile traffic mitigation may not be feasible or appropriate to relieve peak hour congestion. Additional right-of-way may be difficult to acquire. Other than traffic analysis and fair-share transportation improvements requirements, no other feasible mitigation remains.

***Finding:*** Pursuant to CEQA Guidelines Section 15091(a)(1), no changes, alterations, or mitigation measures have been identified, or incorporated into, the Project which can avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Potential impacts are significant and unavoidable.

## **VIII. GROWTH INDUCEMENT**

The Final EIR includes the following statement relative to potential growth-inducing effects of the Project:

Future residents of Lodi living in homes encouraged or facilitated by Housing Element policies will require goods and services, both private and public. Public facilities and services impacts are reviewed explicitly in this EIR. However, the Housing Element does not increase the projected buildout population of the city. All housing development envisioned within the Housing Element update is projected to take place within existing city limits and the adopted Sphere of Influence. The timing and spatial arrangement of residential development in the City may be influenced by Housing Element policies, but the overall level of growth is not expected to be substantially increased.

## **IX. FEASIBILITY OF PROJECT ALTERNATIVES**

Because the Project will cause significant environmental effects, as outlined in Section VII of these Findings, the City of Lodi must consider the feasibility of any environmentally superior alternative to the Project, as finally approved. The City of Lodi must evaluate whether one or more of these alternatives could avoid or substantially lessen the significant environmental effects. Because it is a judgment call whether an alternative is environmentally superior, these Findings contrast and compare all of the alternatives analyzed in the Final EIR with the Project.

The Final EIR for the Project examined a range of reasonable alternatives to the Project to determine whether stated Project objectives could be met while avoiding or substantially lessening one or more of the Project's significant impacts. Following are descriptions of the alternatives identified and analyzed in the EIR:

Section 15126.6(e)(1) of the CEQA Guidelines provides the following direction relative to the "No Project" alternative:

**Alternative 1: Southern Expansion Alternative**

Assume that infill residential and redevelopment are not feasible, and that residential needs will have to be met outside of existing developed areas. Infill residential along Cherokee Lane or in the industrial areas could have significant air quality, noise, traffic, and land use compatibility issues (because of higher intensity adjacent uses and higher traffic roadways), which could be mitigated by relocating growth to areas south of Harney Road.

**Alternative 2: Increased Density Alternative**

Reduce the amount of land required for residential development by increasing the minimum density in unmapped areas designated for residential development (this could be for single and/or multi-family areas). This could lessen air quality, noise, and other impacts associated with lower density development.

**Alternative 3: Increased Infill Alternative**

Identify different sites for infill residential, perhaps on parcels presently designated for commercial or institutional development. This may reduce some of the impacts listed in Alternative #1, and not require any additional urban expansion.

**Alternative 4 No Project Alternative**

Section 15126.6(e)(1) of the Government Code provides the following direction relative to the "No Project" alternative:

The specific alternative of "no project" shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed Project with the impacts of not approving the proposed Project. The no project alternative analysis is not the baseline for determining where the proposed Project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline (see Section 15125).

If the Housing Element Update were not adopted, the City would be out of compliance with State housing law, and residential development would be expected to continue in a manner consistent with existing Housing Element and General Plan policies. It is expected that infill development would be less frequent in the No Project alternative, as this form of development has not occurred much in the city. In addition, the density of infill development that did occur would likely be lower than with the Project, as specific policies in the Update encourage development at the higher end of the allowable density range. Overall population and residential unit growth would be expected to be the same, although the reductions in infill development would likely force growth to the urban fringes along the southern and southwestern edges of the city.

Among the five choices (the proposed Project and the four alternatives), Alternative 2: Increased Density Alternative is the environmentally superior choice. Rankings of each of

the alternatives with respect to environmental superiority are found in Table 4-1of the Final **EIR**. This alternative, as well as Alternative 3: Increased Infill Alternative, are environmentally superior to the Project and meet all five of the project objectives.

## **X. STATEMENT OF OVERRIDING CONSIDERATIONS**

**As** discussed in Section VII of these CEQA findings, the Final EIR concludes that the proposed Project, even with incorporation of all feasible mitigation measures and consideration of alternatives, will nonetheless cause significant and unavoidable cumulative impacts.

The City of Lodi has adopted all feasible mitigation measures with respect to these impacts, which may have substantially lessened the impacts, but have not been successful in reducing them below a level of significance.

Under CEQA, before a project which is determined to have significant, unmitigated environmental effects can be approved, the public agency must consider and adopt a "statement of overriding considerations" pursuant to CEQA Guidelines 15043 and 15093. **As** the primary purpose of CEQA is to fully inform the decision makers and the public as to the environmental effects of a proposed Project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance, CEQA nonetheless recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. However, the agency must explain and justify its conclusion to approve such a project through the statement of overriding considerations, setting forth the proposed Project's general social, economic, policy or other public benefits which support the agency's informed conclusion to approve the proposed Project.

The City of Lodi finds that the proposed Project meets the following stated project objectives - which have substantial social, economic, policy and other public benefits - justifying its approval and implementation, notwithstanding the fact that not all environmental impacts were fully reduced below a level of significance:

The proposed Project will achieve the following objectives:

1. Achieves certification by the California Housing and Community Development Department.
2. Meets Lodi's housing needs through 2008 without enlarging the city's General Plan boundaries.
3. Adheres to goals and policies of other adopted City plans, including the Downtown Revitalization Plan.
4. Ensures that the Update is consistent and complementary to existing programs identified in other General Plan Elements.

5. Ensures that new housing growth is managed in a responsible manner.

## **XI. CONCLUSION**

The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the Mitigation Monitoring Program, have eliminated or reduced, or will eliminate or reduce to a level of insignificance, all adverse environmental impacts, except for the significant and unavoidable impacts identified herein.

Taken together, the Final Environmental Impact Report, the mitigation measures, and the Mitigation Monitoring Program provide an adequate basis for approval of the City of Lodi Housing Element Update.