

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 12-13, 2007

Reference No.: 2.2c.(2)
Action Item

From: CINDY McKIM
Chief Financial Officer

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Environmental Analysis

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING,
10-SJ-5, PM 22.1/23.6
RESOLUTION E-07-23**

RECOMMENDATION:

The Department of Transportation (Department) recommends that the California Transportation Commission (Commission), as a responsible agency, approve the attached Resolution E-07-23.

ISSUE:

The attached resolution proposes to approve for future consideration of funding the following project for which a Final Environmental Impact Report (FEIR) has been completed:

- Route 5 in San Joaquin County – Roadway improvements near Stockton.

This project in San Joaquin County would construct roadway improvements including a new interchange on Route 5 near Stockton. The project is fully funded in the 2006 State Transportation Improvement Program (STIP). The total estimated project cost, capital and support, is \$40,000,000. Construction is estimated to begin in Fiscal Year 2009-10.

A copy of the FEIR has been provided to Commission staff. The proposed project will result in the relocation of existing businesses. In addition, construction activities will occur in areas considered sensitive for buried archaeological resources. These factors resulted in an Environmental Impact Report being completed for this project.

The Department has approved this project for construction. This approval and the filing of the Notice of Determination with the Office of Planning and Research will satisfy the environmental requirements for this stage of the project planning process.

Attachments

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding

10-SJ-5, PM 22.1/23.6

Resolution E-07-23

- 1.1** **WHEREAS**, the California Department of Transportation (Department) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- Route 5 in San Joaquin County – Roadway improvements near Stockton.
- 1.2** **WHEREAS**, the Department has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the CEQA Guidelines for its implementation; and
- 1.3** **WHEREAS**, the California Transportation Commission, as a responsible agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.4** **WHEREAS**, Written Findings indicate that specific economic, legal, social, technological, or other considerations make it infeasible to avoid or fully mitigate to a level less than significant the effects associated with noise and farmland impacts as a result of the project; and
- 1.5** **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1** **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby approve the above referenced project to allow for future consideration of funding.

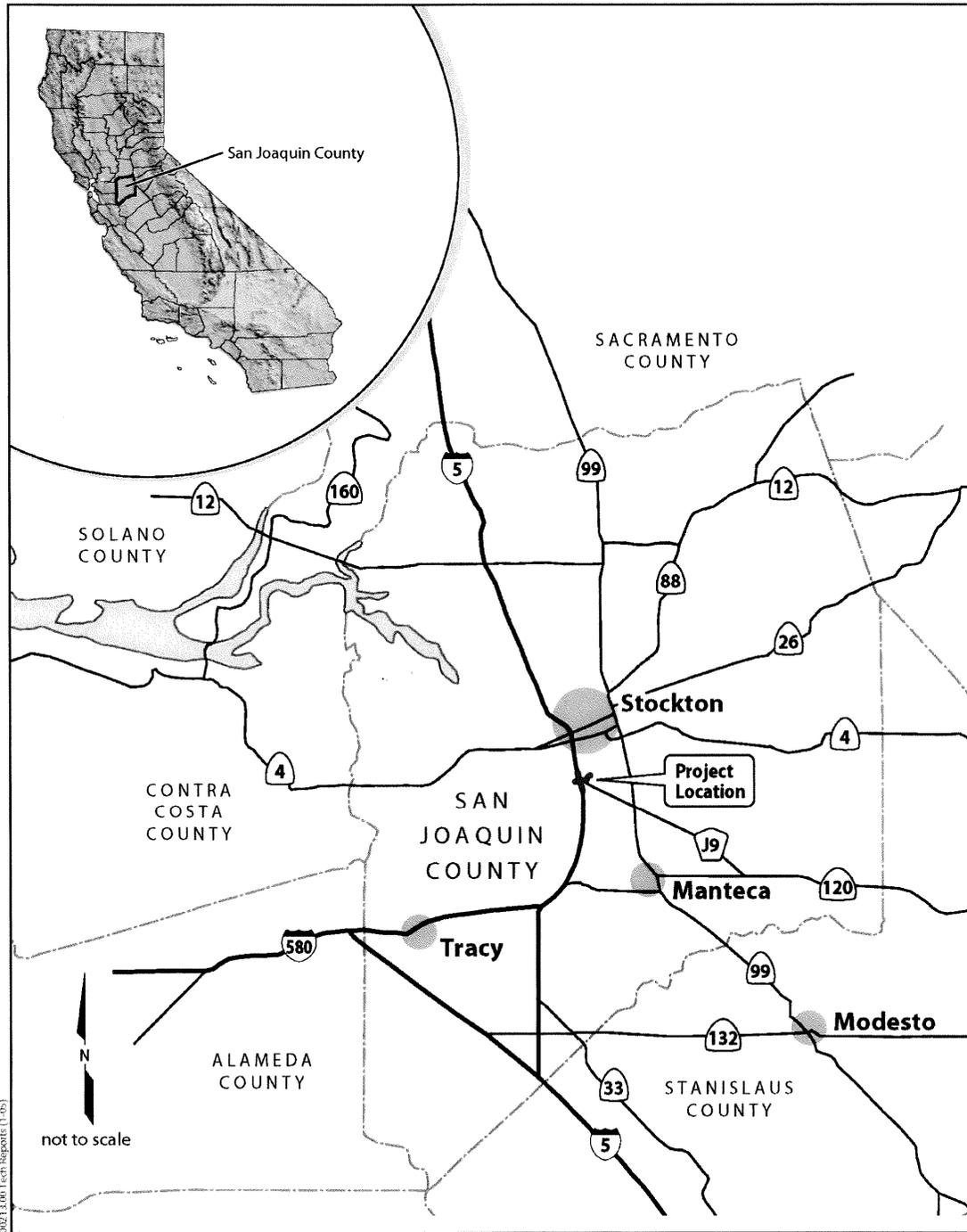


Figure 1-1
Project Vicinity Map

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

INTRODUCTION

The City of Stockton is the CEQA lead agency for the preparation of an Environmental Impact Report (EIR 8-03) for the Interstate 5/French Camp Road Interchange and Sperry Road Extension Project (proposed project) located in the southwestern area of the City of Stockton. Interstate 5 in the project area is bordered by residential development near the Downing Avenue interchange, and agricultural fields (west) and commercial/industrial development (east) near the Interstate 5/French Camp Road interchange. The proposed project would reconstruct the existing interchange, extend Sperry Road from its intersection with Performance Drive to Interstate 5, and relocate the French Camp Road/Manthey Road intersection between Henry Long Boulevard and Yettner Road. The purpose of the project is to improve local and regional circulation, in particular within the South Stockton Planning Area and between Interstate 5, State Route 99, and the Stockton Metropolitan Airport.

The Federal Highway Administration (FHWA) is the federal lead agency for the preparation of an Environmental Assessment for the proposed project. The City of Stockton, the California Department of Transportation (Caltrans), and the FHWA jointly proposed the project to reduce existing traffic congestion, improve traffic operations, and accommodate travel demand anticipated through the year 2025.

The City worked closely with Caltrans and the FHWA in preparing technical studies and an Initial Study for the proposed project. The City also worked closely with Caltrans and the FHWA in preparing an Environmental Impact Report (EIR)/Environmental Assessment (EA) for the proposed project. A Draft EIR/EA was prepared and circulated for the proposed project from March 14, 2006 to April 27, 2006, and a Final EIR/EA was prepared to respond to public and agency comments received on the Draft EIR/EA.

This document sets forth the City's findings regarding the potential environmental effects of the proposed project. Under the California Environmental Quality Act (CEQA), the City, as the CEQA lead agency, is required to make written findings. 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 which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding." The City may find that

Findings and Statement of Overriding Consideration

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

To the extent that a project is subject to CEQA, a public agency may not approve the project as proposed if feasible mitigation measures or feasible alternatives are available that would substantially lessen the project's significant environmental effects (Public Resources Code Section 21002). Based on Section 21002, both the California Resources Agency and the State's courts have recognized that, in approving projects with significant environmental effects, public agencies have an obligation to modify projects, to the extent *feasible*, to substantially lessen or avoid such effects (CEQA Guidelines, Sections 15002, subdivision (a)(3), 15021, subd. (a)(2); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41 [271 Cal.Rptr. 393]).

Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." CEQA Guidelines Section 15364 adds another factor: "Legal" considerations (refer also to, *Citizens of Goleta Valley v. Board of Supervisors ("Goleta II")* (1990) 52 Cal.3d 553, 565 [276 Cal.Rptr. 410]). An agency may reject mitigation measures or environmentally superior alternatives as being infeasible if they frustrate an agency's ability to meet the objectives of a proposed project (refer to, *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 416-417 [183 Cal.Rptr. 898]; *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 [29 Cal.Rptr.2d 182]).

The obligation to substantially lessen or avoid significant effects, where feasible, is implemented, in part, through the adoption of "CEQA" findings, as mandated by Public Resources Code Section 21081. The parallel section in the CEQA Guidelines is Section 15091, which provides that, before an agency can approve a project for which an EIR has identified significant environmental effects, the agency must first adopt "one or more findings for each [such] ... significant effect." Each of these findings must be supported by substantial evidence in the administrative record. For each effect, the agency's findings must reach one or more of three (3) permissible conclusions.

The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR" (CEQA Guidelines, Section 15091, subd. (a)(1)).

The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted

by such other agency or can and should be adopted by such other agency” (CEQA Guidelines, Section 15091, subd. (a)(2)).

As to the third permissible conclusion, CEQA Guidelines Section 15091 no longer exactly tracks the statutory language of Public Resources Code Section 21081, subd. (a)(3), which was amended in 1993 and again in 1994. The amended statute provides that the third permissible conclusion is that “[s]pecific 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 project alternatives identified in the EIR” (Public Resources Code, Section 21081, subd. (a)(3); refer also to CEQA Guidelines, Section 15091, subd. (a)(3)).

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” Such an understanding of the statutory term is consistent with Public Resources Code Section 21002, which, as noted earlier, uses the terms “substantially lessen” and “avoid”, but does not use the word “mitigate.”

For purposes of these Findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a *less-than-significant level*. In contrast, the term “substantially lessen” refers to the effectiveness of such a measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed]”, these Findings, for purposes of clarity, in each case specifies whether the effect in question has been avoided (i.e., reduced to a less-than-significant level), or has simply been substantially lessened but remains significant.

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an “acceptable” level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation even to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact—even if the alternative would render the impact less severe than would the proposed project as mitigated (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521 [147 Cal.Rptr. 842]; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731 [270 Cal.Rptr. 650]; and *Laurel Heights Improvement Association v. Regents of the University of California (“Laurel Heights I”)* (1988) 47 Cal.3d 376, 400-403 [253 Cal.Rptr. 426]).

In these Findings, the City of Stockton addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation measures, an effect is significant and unavoidable does the City address the extent to which alternatives described in the Final EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment" (Public Resources Code, Section 21081, subd. (b) refer also to, CEQA Guidelines, Sections 15093, 15043, subd. (b)). In the Statement of Overriding Considerations, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

The California Supreme Court has stated that "[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced" (*Goleta II, supra*, 52 Cal.3d at 576 [276 Cal.Rptr. 410]).

RECORD OF PROCEEDINGS

For purposes of CEQA, and the Findings as set forth herein, the Record of Proceedings (the "Record") for the City's decision on the Project consists of the following documents:

1. The City of Stockton 1990 General Plan, as amended
2. The Notice of Preparation and other public notices issued by the City in conjunction with the Project
3. The *Final EIR/EA for the Interstate 5/French Camp Road Interchange and Sperry Road Extension Project* (City of Stockton, 2006) (including all Technical Reports and Appendices) (hereinafter the "Final EIR/EA")
4. The *Draft EIR/EA for the Interstate 5/French Camp Road Interchange and Sperry Road Project* (City of Stockton, 2006) (including all Technical Reports and Appendices (hereinafter the "Draft EIR/EA")
5. All comments submitted by public agencies or members of the public during the public comment period on the Draft EIR/EA, the Final EIR/EA, and responses to those comments
6. All staff reports, memoranda, maps, letters, minutes of meetings, referrals, and other planning documents prepared by City staff relating to the Project
7. All testimony, documents, and other evidence presented by members of the public and their representatives concerning the Project
8. All testimony and documents submitted to the City by public agencies and members of the public in connection with the Project

9. Minutes, transcripts, recordings and videotapes of all workshops, information sessions, public meetings, and public hearings held by the City in connection with the Project
10. Any documentary or other evidence submitted to the City at such workshops, information sessions, public meetings, and public hearings
11. Matters of common knowledge to the City Council, including, but not limited to, the following:
 - a. The Development Code of the City of Stockton
 - b. The City of Stockton Municipal Code
 - c. Other formally adopted policies and ordinances

Items listed under 1 through 10 are in the custody of the City Planning and Community Development Department, located at 345 North El Dorado Street, Stockton, California 95202.

Items 11.a, 11.b and 11.c are in the custody of the City Clerk's Office, located at 425 North El Dorado Street, Stockton, California 95202.

HEARING PROCESS

A notice of preparation (NOP) for the EIR was originally released on November 5, 2003. The issues raised in response to the NOP, as amended, were addressed in the Draft and Final EIR/EA. The Draft EIR/EA was released on March 14, 2006, and circulated for 45 days for public review and comment, with the comment period ending April 27, 2006. Thereafter, the Final EIR/EA was prepared with responses to comments, and released for review on April 2, 2007.

The City Council held a public hearing and approved the Project and certified the Final EIR on April 17, 2007. This document also includes the Mitigation Monitoring and Reporting Program as required by CEQA. When an agency approves a project and adopts mitigation measures for significant impacts disclosed by an EIR, it is required by California law (Public Resources Code Section 21081.6) to establish a Mitigation Monitoring and Reporting Program to ensure that the mitigation measures are implemented. The Mitigation Monitoring and Reporting Program Matrix identifies each required mitigation measure, the implementation responsibility and timing schedule, and the monitoring and reporting responsibility and timing.

FINDINGS REGARDING ALTERNATIVES

The City, as CEQA lead agency, is required to make written findings explaining how it has dealt with each alternative identified in the EIR/EA. The following is a description of the alternatives evaluated compared to the proposed project and of the specific economic, social, or other considerations that make them infeasible for avoiding or lessening the impacts.

Pursuant to Section 15126.6 of the CEQA Guidelines, the primary intent of the alternatives evaluation is to "describe a range of reasonable alternatives to the project or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the

significant effects of the project and evaluate the comparative merits of the alternatives.” CEQA Guidelines further state that the discussion of alternatives shall focus on alternatives capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.

The following is a description of the Project objectives (also referred to as project purpose), alternatives evaluated compared to the proposed Project, and findings regarding the feasibility of adopting the described alternatives.

Project Objectives

The primary purpose of the proposed Project is to reduce existing congestion, improve traffic operations, and accommodate anticipated travel demand through the year 2025. Specifically, the Project purpose is to:

- Improve regional east-west circulation in south Stockton
- Improve traffic operations at the Interstate 5/French Camp Road interchange
- Improve traffic operations on Interstate 5
- Improve traffic operations at the French Camp Road/Manthey Road intersection

Alternatives Considered but Eliminated from Further Evaluation

The following is a summary of alternatives considered but eliminated from further evaluation because they did not meet the project objectives or reduce the severity of significant impacts.

■ Alternative Site

According to the CEQA Guidelines, two major provisions are necessary for an adequate alternative site analysis: feasibility and location. The EIR should consider alternate project locations if a significant project impact could be avoided or substantially lessened by moving the project to an alternate site.

An alternative site for the proposed project would not be feasible for a number of reasons:

- Many of the same significant environmental impacts associated with the proposed project site would occur at an alternate site (e.g., increased traffic, air quality, and noise impacts)
- There are no other major east-west connectors on the north side of the airport that link an interchange at State Route 99 (a major north-south highway) to Interstate 5 (a major north-south interstate) capable of accommodating the amount of east-west traffic anticipated on the project corridor.
- Locating the proposed project on an alternative east-west connector that doesn't link the airport, State Route 99 and Interstate 5 would not achieve the purpose and need of the project.

Besides being inconsistent with project objectives of improving regional east-west circulation in south Stockton, improving traffic operations at the Interstate 5/French Camp Road interchange, improving traffic operations on Interstate 5 and improving traffic operations at the French Camp Road/Manthey Road intersection, improving another east-west road that doesn't link the airport, State Route 99 and Interstate 5

would be inconsistent with City objectives for the circulation network in the project area. The project corridor is the only road connecting the airport with State Route 99 on the east and Interstate 5 on the west that is capable of being widened and improved to accommodate projected traffic volumes. Therefore, a discussion of an alternative site would not be feasible, nor would it meet the “rule of reason” under CEQA. This alternative was eliminated from further consideration in this EIR.

Project Alternatives

■ No-Build/No Project Alternative

Section 15126.6(e)(4) of the CEQA Guidelines requires the evaluation of the No Build/No Project Alternative. This alternative assumes that the project site remains as currently developed and with the current intersections and roadway design.

The No Build/No Project Alternative would not achieve any of the objectives established for the proposed project. The No-Build/No Project Alternative represents the “status quo,” or maintaining the project site in its current state, consisting of unsignalized intersections at the Interstate 5 ramps at French Camp Road, no railroad grade separation and no direct connection from State Route 99 to Interstate 5.

Under the No Build/No Project Alternative, the Interstate 5/French Camp Road interchange, Sperry Road, and Manthey Road would remain as they are. Continued and perhaps increased maintenance of the existing roadways would remain a factor in their use and expense of operation. Traffic is projected to increase substantially because of the anticipated and planned growth of the area. An increasing number of vehicles would continue to use the existing local and regional circulation routes. Therefore, the level of service in the project area would decline over time to unacceptable levels, and future safety issues would likely arise. The No-Build Alternative does not meet the project’s stated purpose and need, which is to improve local and regional circulation—in particular within the South Stockton Planning Area and between Interstate 5, State Route 99, and the Stockton Metropolitan Airport.

Compared to the Build Alternatives, the No Build/No Project Alternative does not meet the purpose and need for the project and would result in substantial traffic congestion and operational problems (such as back-ups onto Interstate 5).

Findings

The City of Stockton hereby finds that the No Build/No Project Alternative is infeasible for the following environmental, economic, and social considerations:

- All of the significant impacts identified with proposed project implementation would be eliminated with this alternative. Beneficial impacts of the proposed project, such as improving local and regional circulation, improving route continuity, reducing travel time and delay, improving freeway operations, and improving traffic safety, would not occur. In the areas of traffic and air quality, impacts of the No

Build/No Project Alternative would be greater overall than with the proposed project because the proposed project would improve traffic and thereby reduce air quality impacts associated with congestion.

- Failure to connect Sperry Road and French Camp Road would occur under the No Build/No Project Alternative. Since the proposed project is identified in the City General Plan, this alternative would be inconsistent with the City's General Plan.
- Implementation of the No Project/No Build Alternative would not meet the project objectives of improving east-west circulation in the southern part of the City. Improved circulation is necessary for the continued development of the City's airport as a major facility.

■ **Interchange Alternative 1: Partial Cloverleaf Interchange with Northbound Loop On-Ramp**

Interchange Alternative 1 would widen the existing diamond interchange with a new northbound loop on-ramp in the southeast quadrant of the interchange. Interchange Alternative 1 would widen the ramps along the existing alignment. The southbound off-ramp would consist of two lanes that would widen to four lanes, with three lanes turning left. The number three lane would be an optional left/through/right-turn lane. The southbound on-ramp would be widened for the high-occupancy-vehicle bypass lane, which would require lengthening the ramp. The ramp lengthening and widening would require realignment of the frontage road (Manthey Road) at its intersection with Yettner Road. This interchange alternative was withdrawn from further consideration because it would not provide as much capacity as Interchange Alternative 6.

Findings

The City of Stockton hereby finds that the Interchange Alternative 1: Partial Cloverleaf Interchange with Northbound Loop On-Ramp is infeasible for the following environmental, economic, and social considerations:

- This alternative would not eliminate any of the significant impacts identified with proposed project and this alternative would not provide as much capacity as Interchange Alternative 6.

■ **Interchange Alternative 2: Diamond Interchange**

Interchange Alternative 2 would modify the existing diamond interchange by realigning the southbound on- and off-ramps to accommodate left turns from French Camp Road onto the northbound on-ramp. The southbound off-ramp would be widened to four lanes at the French Camp Road intersection, with three of the four lanes leading to left turns. The northbound on-ramp would be widened to three lanes. This interchange alternative was withdrawn from further consideration because of unacceptable Levels of Service E and F at project intersections in year 2025 during the PM peak hour.

Findings

The City of Stockton hereby finds that the Interchange Alternative 2: Diamond Interchange is infeasible for the following environmental, economic, and social considerations:

- This alternative would not provide adequate capacity to accommodate the projected volumes of traffic in year 2025. This alternative also would not eliminate any of the significant impacts identified with proposed project.

■ **Interchange Alternative 3: Partial Cloverleaf Interchange with Southbound Loop On-Ramp**

Interchange Alternative 3 would modify the existing diamond interchange with a new southbound loop on-ramp in the northwest quadrant of the interchange. The southbound off-ramp would be realigned opposite Manthey Road and widened to four lanes, with three of the lanes leading to left turns. The northbound on-ramp would be widened to three lanes, as described in Interchange Alternative 2. This alternative was withdrawn from further consideration because of an unacceptable Level of Service F at project intersections in year 2025 during the PM peak hour.

Findings

The City of Stockton hereby finds that the Interchange Alternative 3: Partial Cloverleaf Interchange with Southbound Loop On-Ramp is infeasible for the following environmental, economic, and social considerations:

- This alternative would not provide adequate capacity to accommodate the projected volumes of traffic in year 2025. This alternative also would not eliminate any of the significant impacts identified with proposed project.

■ **Interchange Alternative 4: Partial Cloverleaf Interchange with Southbound Loop Off-Ramp**

Interchange Alternative 4 includes a southbound loop off-ramp in the southwest quadrant and is similar to Alternative 2 on the east side. The southbound on-ramp would be realigned around the loop ramp. The northbound off-ramp would be relocated opposite Val Dervin Parkway. Interchange Alternative 4 was withdrawn from further consideration because of an unacceptable Level of Service F at the French Camp Road/Sperry Road intersection in year 2025 during the PM peak hour.

Findings

The City of Stockton hereby finds that the Interchange Alternative 4: Partial Cloverleaf Interchange with Southbound Loop Off-Ramp is infeasible for the following environmental, economic, and social considerations:

- This alternative would not provide adequate capacity to accommodate the projected volumes of traffic in year 2025. This alternative also would not eliminate any of the significant impacts identified with proposed project.

■ **Interchange Alternative 5: Single Point Diamond Interchange**

Interchange Alternative 5 would require three southbound left-turn lanes at the southbound off-ramp intersection, as would all alternatives except Interchange Alternative 4. This alternative has an acceptable Level of Service D or better at the French Camp Road intersections, but is not superior to Interchange Alternatives 1 and 6. Interchange Alternative 5 would require replacing the existing Interstate 5 structures and lowering French Camp Road at the undercrossing for vertical clearance. Interchange Alternative 5 was withdrawn from further consideration because of high costs (approximately 67 percent more than Interchange Alternative 1).

Findings

The City of Stockton hereby finds that the Interchange Alternative 5: Single Point Diamond Interchange is infeasible for the following environmental, economic, and social considerations:

- Although this alternative would provide adequate capacity to accommodate the projected volumes of traffic in year 2025, the cost of this alternative is substantially higher than any other alternative and the benefits do not outweigh the increased costs. This alternative also would not eliminate any of the significant impacts identified with proposed project.

■ **Sperry Road Alternatives**

Three alignments for the Sperry Road extension were studied in the various technical studies. Each alignment included constructing bridges over the railroads, local streets, and French Camp Slough. Each alignment was evaluated in terms of design considerations, number of buildings affected, biological resources, and cultural resources. The proposed project was selected for analysis in the draft environmental document because it would cost less than the two other alternatives and would result in fewer right-of-way and environmental impacts than the other alternatives.

The Sperry Road Extension North alignment was withdrawn from further consideration because of impacts to recently constructed buildings in the industrial park located in the northeast quadrant of the interchange that could be avoided if the proposed project alignment of Sperry Road was chosen.

The Sperry Road Extension South alignment was withdrawn from further consideration because of impacts to a farm complex along the alignment that could be avoided if the proposed project alignment of Sperry Road was chosen.

■ **Manthey Road Alternatives**

Two alternatives were considered for the Manthey Road relocation in the various technical reports. They both share the same alignment and features north of French Camp Road. They would relocate the Manthey Road intersection west between Yettner Road and Henry Long Boulevard to create a new intersection with French Camp Road.

The Manthey Road Relocation North alignment was withdrawn from consideration because of concerns expressed by residents along Yettner Road that the road improvements would be too close to their properties.

Conclusion

The preceding section describes a range of reasonable alternatives to the proposed Project that could attain some of the basic objectives (also referred to as Project purpose) of the Project, and describes the comparative environmental advantages and disadvantages of these alternatives. CEQA Guidelines call for identification of the environmentally superior alternative other than the No Project alternative. Based on the comparative analysis results described above, it has been determined that the proposed Project would be the "environmentally superior" alternative.

After consideration of this reasonable range of identified alternatives to the Project, the City Council finds that none is as beneficial to the community as the proposed Project in terms of achieving the goals and objectives set forth in the General Plan and identified in the Final EIR/EA.

STATEMENT OF OVERRIDING CONSIDERATIONS

Introduction

Section 15093 of the CEQA Guidelines requires the public agency "to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'". This is known as a Statement of Overriding Considerations. The Statement of Overriding Considerations may be made where changes or alterations in the project which would avoid or substantially lessen the significant environmental effects, are within the responsibility and jurisdiction of another public agency, or where specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives infeasible.

The City Council has carefully balanced the benefits of the Project against the adverse impacts and residual impacts identified in the Draft EIR/EA and Final EIR/EA. Notwithstanding the identification and analysis of impacts which are identified herein as being significant but which have not been eliminated, lessened or

mitigated to a level of less than significant, the City Council, acting pursuant to CEQA and the CEQA Guidelines, hereby determines that the benefits of the Project outweigh the unmitigated adverse impacts and remaining residual impacts, and that the Project should be approved.

Unavoidable Significant Adverse Impacts

The City of Stockton is proposing to approve the proposed project and certify the EIR as required by CEQA. The EIR identified significant impacts that can be reduced to a less-than-significant level by implementation of recommended mitigation measures. All significant impacts can be mitigated to a less-than-significant level. No impacts were identified as significant and unavoidable.

Findings

The City Council has fully considered the discussion and analyses in the Record regarding the environmental impacts, socioeconomic effects, cumulative impacts, growth-inducing impacts, and irreversible and irretrievable commitments of resources related to the Project. The City Council finds that the Project will provide numerous economic, social, environmental, and other benefits to the south Stockton area and the City as a whole, which override any unavoidable significant adverse impacts of the Project. The City Council further finds that the alternatives to the Project set forth in the EIR/EA and summarized above in these findings are infeasible because such alternatives would limit the social, economic and other benefits of adoption and implementation of the Project as described above and which are further described below, and are therefore outweighed by them. Therefore, pursuant to Public Resources Code Section 21081(c) and the CEQA Guidelines, the City Council makes the following Statement of Overriding Considerations and findings in support thereof:

The City Council concludes that it is prepared to accept the risks of the unavoidable adverse environmental consequences identified in the Draft EIR/EA, the Final EIR/EA, and these Findings for the following reasons:

- The proposed Project will fulfill goals and policies of the City General Plan.
- The proposed Project, in combination with the mitigation measures adopted in these Findings, will contribute to the physical and economic vitalization of the south Stockton area and the Stockton Municipal Airport, which currently suffers from underutilization. The proposed Project will benefit both the Project area and the City as a whole by providing employment opportunities for City residents.
- The proposed Project, in combination with the mitigation measures adopted in these Findings, will contribute to a reduction in the amount of non-residential traffic going through the neighborhoods in the Project area.
- The proposed Project will contribute to the image and attractiveness of south Stockton and the Interstate 5/French Camp Road interchange.
- The proposed Project will improve the traffic and circulation on the Interstate.
- The proposed Project will facilitate the reuse of several properties in the Project area.

- The proposed Project will result in short-term or temporary impacts during construction such as increased noise, traffic detours, and dust; however, the City has identified feasible mitigation measures that would reduce and minimize these impacts to the maximum extent feasible, and these impacts are temporary and not long-term impacts.

CONCLUSION

The City Council has determined that any remaining significant effects on the environment attributable to the Interstate 5/French Camp Road Interchange and Sperry Road Extension Project that are found to be unavoidable, irreversible, or not substantially mitigated are acceptable due to the overriding considerations set forth in this Statement of Overriding Considerations. Based on these detailed Findings, which require the implementation of specified mitigation measures and monitoring programs, the overall finding is made that economic and social considerations outweigh the remaining environmental effects of adoption and implementation of the Project and the Project's implementation will represent a net positive impact on the City. Based upon such considerations after a comprehensive analysis of all of the underlying planning and environmental documents, the City Council concludes that the Project should be approved and implemented, taking into account the future significant environmental consequences identified in the Draft EIR/EA, Final EIR/EA, and these Findings.

This Statement of Overriding Considerations is based on substantial evidence throughout the Record.