

# Findings for the River Islands at Lathrop Phase 2 Project

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

## 1 INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.) requires the City of Lathrop (City), when approving a project for which an environmental impact report (EIR) has been prepared to: (1) make written findings with regard to the disposition of each significant impact, and, if significant unavoidable impacts remain after mitigation, to (2) identify overriding considerations explaining why the City will continue to move ahead with the project.

The City intends to approve the proposed changes to the River Islands at Lathrop Phase 2 Project (modified Phase 2 Project or project). This document explains the City's findings regarding the significant and potentially significant impacts identified in the Subsequent EIR (SEIR) prepared for the modified Phase 2 Project. Despite mitigation, certain significant environmental impacts of the project will not be mitigated to less-than-significant levels. Thus, the City is required to adopt a Statement of Overriding Considerations for the project.

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

The Final SEIR (which includes the Draft SEIR, comments, responses to comments, and revisions to the Draft SEIR) for the project examined several alternatives to the project; however, none of these alternatives were selected as part of the approved project because the proposed project is the environmentally superior alternative that feasibly attains project objectives. The alternatives consist of the No Project—No Development Alternative and the No Project—West Lathrop Specific Plan (WLSP) Development Alternative.

The Findings are presented for adoption by the City Council, as the City's Findings under CEQA and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.) regarding the project. The Findings provide the written analysis and conclusions of this City Council regarding the project's environmental impacts, mitigation measures, and alternatives to the project, which in this City Council's view, justify approval of the project, despite its environmental effects.

## 2 GENERAL FINDINGS AND OVERVIEW

### 2.1 RIVER ISLANDS AT LATHROP PHASE 2 PROJECT

#### 2.1.1 Project Location

The project is located in the city of Lathrop, San Joaquin County, California. Lathrop is situated in the San Joaquin Valley, at the junction of Interstate 5 (I-5), I-205, and State Route 120 (SR 120), approximately 65 miles east of San Francisco and 55 miles south of Sacramento.

Development of the approved River Islands Project is split among two primary development phases—Phase 1 and Phase 2. The project site is the Phase 2 area of the River Islands Project (Phase 2 area), located on Stewart Tract and Paradise Cut within the WLSP area in the city of Lathrop. The Phase 2 area includes approximately 3,434 acres of land and open space, with 2,730 acres located on Stewart Tract (an inland island bounded by Paradise Cut, the San Joaquin River, and Old River) and 704 acres located in Paradise Cut (a flood control bypass that receives water from the San Joaquin River when there are sufficient flows and connects downstream to Old River). Local access is currently provided by River Islands Parkway, Paradise Road (reopening after levee construction activities), and Manthey Road.

## 2.1.2 Project Background

The River Islands Project is a mixed-use, water-oriented master planned community. Project construction is split among two primary development phases, following an approximately 20-year buildout schedule. Phase 1, currently under construction, includes 4,284 residential dwelling units, a Town Center, a portion of a Business Park (Employment Center), lakes, parks, schools, and other open space. Phase 2, as it was described in the 2003 SEIR, includes 6,716 dwelling units, the balance of the Business Park, a neighborhood commercial area, lakes, parks, golf courses, schools, and additional open space areas. In 2003, the City certified the SEIR and approved the River Islands Project. Since certification of the SEIR in 2003, the City has prepared various addenda to evaluate modifications to the River Islands Project.

## 2.1.3 Project Objectives

The overall objective of the River Islands Project is the orderly and systematic development of an integrated, mixed-use community in the City of Lathrop generally consistent with goals and policies of the City's adopted General Plan and the WLSP. The specific project objectives for the modified Phase 2 Project, listed below, borrow from, and update the objectives originally identified in the 2003 SEIR:

- ▶ Provide to Lathrop (and the surrounding region) long-term community benefits, including generation of substantial permanent employment opportunities.
- ▶ Reinforce and enhance the City's positive image.
- ▶ Contribute a new variety of mixed-use/commercial land uses that could become a citywide and regional focal point.
- ▶ Continue to create a community that is consistent with many of the original goals of the Lathrop General Plan and WLSP including employment generation.
- ▶ Develop a well-integrated and harmonious pattern of resident-oriented and visitor-oriented land uses in West Lathrop that provides local jobs, homes, and revenue-generating uses that complement other Lathrop development.
- ▶ Arrange phases of development to allow ongoing agricultural operations in the plan area to continue as long as feasible while allowing initial phases to act as catalysts for subsequent development.
- ▶ Incorporate water in its many forms throughout the project area to reinforce the area's Delta setting.
- ▶ Phase the provision of habitat preservation areas with overall development phases.
- ▶ Provide a wide range of housing types that could accommodate most income levels.
- ▶ Provide a variety of recreational opportunities focused on outdoor uses.
- ▶ Provide a high-density Transit Oriented Development in the vicinity of the planned Valley Link commuter rail station on the project site.

## 2.1.4 Project Description

The project applicant (Califia, LLC) proposes to modify the approved Phase 2 Project. The overall project boundary of the River Islands Project would not change from that analyzed in the 2003 SEIR. The proposed changes would include densification of a portion of the Phase 2 area with additional multi-family units as well as additional attached single-family units, the creation of a “town center” mixed-use area at Paradise Road, the addition of a mixed-use Transit Oriented Development area to complement the future planned Valley Link transit station, and changes in the circulation pattern. The project also includes an amendment to the existing 2002 WLSP and Lathrop General Plan to reflect these changes. It is anticipated that traffic generated by the River Islands Project will eventually increase traffic volumes sufficiently on Paradise Road that criteria will be triggered for widening of the road. The widening of Paradise Road is considered in the SEIR. Construction in the Phase 2 area would likely begin in 2021, with buildout expected to be complete by December 2040.

## 2.1.5 Discretionary Approvals

Project approval requires the City, as lead agency, as well as certain responsible agencies to take discrete planning and regulatory actions to approve the overall project. In addition to adopting these findings and the associated Mitigation Monitoring and Reporting Program (MMRP) (CEQA requirements), the City will consider approving a number of related project-level entitlements that will update the land use program for Phase 2, including the following:

- ▶ City of Lathrop General Plan Amendments for Land Use and Circulation,
- ▶ WLSP Amendment,
- ▶ Zoning Map and Text Amendment,
- ▶ Urban Design Concept,
- ▶ Vesting Tentative Map, and
- ▶ Potential Development Agreement Amendment.

## 2.2 ENVIRONMENTAL REVIEW PROCESS

In accordance with PRC Section 21092 and CCR Section 15082, the City circulated a Notice of Preparation (NOP) of an SEIR on March 6, 2020 for a minimum 30-day period of public and agency comment that ended on April 8, 2020 (total circulation period of 34 days). The NOP was submitted to the State Clearinghouse and posted on the City’s website (<https://www.ci.lathrop.ca.us/com-dev/page/public-review-documents>). A copy of the NOP and comments received on the NOP are included in the SEIR (Appendix A). Due to California State Executive Orders limiting public gatherings to control the spread of COVID-19, but still allowing hearings, the scoping meeting was conducted by the City on April 1, 2020 via video; no public comments were provided.

The City published a public Notice of Availability (NOA) for the Draft SEIR on February 12, 2021, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (State Clearinghouse No. 1993112027) and the San Joaquin County Clerk, and a notice was published in the Manteca Bulletin, a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The 45-day public review period extended from February 12, 2021 through March 29, 2021.

A public meeting for the Draft SEIR was conducted by the City on March 16, 2021 via video; no public comments were provided.

The City of Lathrop received four comment letters on the Draft SEIR during the public review period. After the public review period concluded, one additional comment letter was received. In accordance with State CEQA Guidelines Section 15088, the Final SEIR responds to the comments received during the public review period. Comments

received after the public review period closed were also considered by the City of Lathrop in their review of the proposed project. The late comments and responses thereto are also included in the Final SEIR.

## 2.3 RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

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

- ▶ The NOP, comments received on the NOP, and all other public notices issued by the City regarding the project (e.g., NOA).
- ▶ The River Islands at Lathrop Phase 2 Project Draft SEIR and Final SEIR, including comment letters, and technical materials cited in the documents.
- ▶ All official reports and memoranda prepared by the City of Lathrop and consultants in relation to the SEIR.
- ▶ Minutes and transcripts of the discussions regarding the project and/or project components at public meetings held by the City.
- ▶ Staff reports associated with Planning Commission and City Council meetings on the project.
- ▶ Those categories of documents, materials, and testimony included in the record or proceedings identified in PRC Section 21167.6.

The City Clerk is the custodian of the record of proceedings. The documents and materials that constitute the record of proceedings are available for review at the City of Lathrop at 390 Towne Centre Drive, Lathrop, California 95330.

## 2.4 FINDINGS REQUIRED UNDER CEQA

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

The mandate and principles adopted by the Legislature in PRC Section 21002 are implemented, in part, through the requirement in PRC Section 21081 that agencies must adopt findings before approving projects for which an EIR is required.

State CEQA Guidelines Section 15091 provides the following direction regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
  - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(See also PRC Section 21081, subd. (a)(1)-(3).)

As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (PRC Section 21061.1; see also State CEQA Guidelines Section 15126.6(f)(1) [determining the feasibility of alternatives].) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a “reduced herd” alternative to a proposed dairy as infeasible because the alternative failed to meet the “fundamental objective” of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.)

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the project’s benefits outweigh its significant unavoidable adverse environmental effects. (PRC Sections 21001, 21002.1[c], 21081[b].) As noted above, despite mitigation, certain significant environmental impacts of the project will not be mitigated to less-than-significant levels. Thus, the City is required to adopt a Statement of Overriding Considerations for the project.

## 2.5 MITIGATION MONITORING AND REPORTING PROGRAM

An MMRP has been prepared for the project and has been adopted concurrently with these Findings. (See PRC Section 21081.6(a)(1).) The City will use the MMRP to track compliance with project mitigation measures.

## 2.6 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

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

## 2.7 SEVERABILITY

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

### 3 FINDINGS REGARDING IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

This section identifies those impacts that cannot be mitigated below a level of significance. For these impacts, there are no feasible mitigation measures or feasible alternatives that would reduce the impacts to a less-than-significant level and the impacts would remain significant and unavoidable.

#### AIR QUALITY

##### Impact 4.5-f: Increases in Long-Term Regional Emissions

**Potential Impact:** The potential for the modified Phase 2 Project to generate long-term regional emissions of criteria air pollutants and ozone precursors is discussed on pages 4.5-26 through 4.5-29 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.5-f, "Increases in Long-Term Regional Emissions."

**Findings:** Implementation of Modified Mitigation Measure 4.5-f would reduce emissions of criteria air pollutants through incorporation of project design features that would reduce on-site and off-site emissions of criteria air pollutants. However, like the 2003 SEIR, implementation of Modified Mitigation Measure 4.5-f would reduce operational emissions, but not necessarily to a less-than-significant level. Because reducing operational emissions below applicable thresholds cannot be assured, this impact remains significant and unavoidable, consistent with the conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.5-f is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The City Council concludes, however, based upon the SEIR and the entire record before this City Council, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from operational emissions of criteria air pollutants and ozone precursors, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

#### NOISE AND VIBRATION

##### Impact 4.6-c: Increases in Existing Traffic Noise Levels

**Potential Impact:** The potential for the modified Phase 2 Project to cause a substantial permanent traffic noise level increase at existing sensitive land uses in the vicinity is discussed on pages 4.6-19 through 4.6-24 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 4.6-c, "Traffic Noise Reduction Measures."

**Findings:** New Mitigation Measure 4.6-c involves actions to minimize traffic noise generated by vehicles and to attenuate noise reaching sensitive receptors. However, using "quiet pavement" techniques and traffic calming measures may not reduce noise generation levels sufficiently to achieve identified thresholds at sensitive receptors. Noise barriers and sound insulation treatments must be done on private property necessitating agreements with each property owner that may not be achievable. Although implementation of the actions included in this mitigation measure would likely reduce noise levels to less than significant levels at some sensitive receptors, it would not be feasible to implement sufficient measures to reduce substantial noise increases to acceptable levels at all noise sensitive areas. Therefore, project traffic noise increases would result in a significant and unavoidable impact.

In accordance with PRC Section 21081, New Mitigation Measure 4.6-c is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which lessens, though not to a less-than-

significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The City Council concludes, however, based upon the SEIR and the entire record before this City Council, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from traffic noise, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

#### **Impact 4.6-d: Compatibility of the Proposed Land Uses with Projected Onsite Noise Levels**

**Potential Impact:** The potential for the modified Phase 2 Project to be compatible with the City's "normally acceptable" land use compatibility noise standards is discussed on pages 4.6-25 and 4.6-26 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.6-d, "Compatibility of the Proposed Land Uses with Projected Onsite Noise Levels," and New Mitigation Measure 4.6-d(1), "Compatibility of the Proposed Land Uses with Projected Onsite Noise Levels."

**Findings:** Like the 2003 SEIR, implementation of Modified Mitigation Measure 4.6-d would be effective in reducing impacts associated with interior noise levels to a less-than significant level. However, as exterior noise levels in some locations would still be anticipated to exceed General Plan land use compatibility noise standards, even after implementing Modified Mitigation Measure 4.6-d and New Mitigation Measure 4.6-d(1), this impact would remain significant and unavoidable.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.6-d and New Mitigation Measure 4.6-d(1) are an appropriate change or alteration that have been required in, or incorporated into, the project by the City of Lathrop, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The City Council concludes, however, based upon the SEIR and the entire record before this City Council, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from compatibility with the City's land use compatibility noise standards, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

## **AGRICULTURAL RESOURCES**

#### **Impact 4.13-a: Conversion of Important Farmland**

**Potential Impact:** The potential for the modified Phase 2 Project to result in a conversion of Important Farmland to non-agricultural use is discussed on pages 4.13-8 and 4.13-9 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.13-a, "Conversion of Important Farmland."

**Findings:** Implementation of Modified Mitigation Measure 4.13-a would reduce overall impacts associated with the conversion of Important Farmland, but not sufficiently to reduce the impact to a less-than-significant level because no new farmland would be made available, and the productivity of existing farmland would not be improved. After mitigation, this impact would remain significant and unavoidable, consistent with the conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.13-a is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The City Council concludes, however, based upon the SEIR and the entire record before this City Council, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from conversion of Important Farmland, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

### **Impact 4.13-b: Potential Williamson Act Contract Cancellations (only if Paradise Road Widening triggers a cancellation)**

**Potential Impact:** The potential for the modified Phase 2 Project (Paradise Road Widening) to cause a conflict with a Williamson Act contract is discussed on pages 4.13-12 and 4.13-13 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.13-b, "Williamson Act Contract Cancellations."

**Findings:** Per Modified Mitigation Measure 4.13-b, if the entity implementing the Paradise Road widening utilizes this SEIR for CEQA compliance for the project, agricultural lands within the roadway construction area will be allowed to operate as long as possible as roadway design and construction proceeds and fees to the San Joaquin Council of Governments (SJCOG) would be paid on a per-acre basis for lost agricultural land and would be used by SJCOG, in part, to purchase agricultural conservation easements. Despite this mitigation, this impact would remain significant and unavoidable because agricultural lands currently under a Williamson Act contract could be converted to a non-agricultural use before the contracts expire, new farmland would not be made available, and the productivity of existing farmland would not be improved. After mitigation, this impact would remain significant and unavoidable, consistent with the conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.13-b is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The City Council concludes, however, based upon the SEIR and the entire record before this City Council, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from potential conflicts with Williamson Act contracts, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

## **GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE**

### **Impact 4.19-a: Project-Generated GHG Emissions**

**Potential Impact:** The potential for the modified Phase 2 Project to generate greenhouse gas (GHG) emissions and contribute to climate change is discussed on pages 4.19-9 through 4.19-11 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 4.19-a(1), "Implement All Feasible On-Site Greenhouse Gas Reduction Measures," and New Mitigation Measure 4.19-a(2), "Purchase Real, Quantifiable, Permanent, Verifiable, Enforceable, and Additional Carbon Offsets."

**Findings:** Implementation of New Mitigation Measures 4.19-a(1) and 4.19-a(2) would help ensure that the modified Phase 2 Project would reach the 2040 2.12 metric tons of carbon dioxide equivalent per year per service population (MTCO<sub>2</sub>e/year/SP) target through the application of all feasible, on-site GHG reduction measures and purchase of carbon offsets, which would demonstrate consistency with the state's long-term climate change goals. If these measures are feasible, the modified Phase 2 Project would not conflict with the California Air Resources Board's (CARB) 2017 Scoping Plan or any established statewide GHG reduction targets (i.e., Executive Order S-3-05). However, it cannot be assured, at this time, that all mitigation is feasible. For instance, the cost or availability of offsets that meet the criteria of being real, quantifiable, permanent, verifiable, enforceable, and additional is unknown. Thus, the modified Phase 2 Project's contribution to climate change, while it may be reduced to a less-than-significant level, is considered significant and unavoidable due to these uncertainties.

In accordance with PRC Section 21081, New Mitigation Measures 4.19-a(1) and 4.19-a(2) are an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect



therefore remains significant and unavoidable. The City Council concludes, however, based upon the SEIR and the entire record before this City Council, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from the generation of GHG emissions, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

## CUMULATIVE IMPACTS

### Noise and Vibration (Increases in Existing Traffic Noise Levels)

**Potential Impact:** The potential for the modified Phase 2 Project to contribute to cumulative impacts related to traffic noise is discussed on pages 5-10 and 5-11 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 4.6-c, "Traffic Noise Reduction Measures."

**Findings:** As described in New Mitigation Measure 4.6-c, implementation of traffic noise mitigation policies would not be feasible or sufficient to reduce project-generated traffic noise to a less-than-significant level in all locations. Therefore, the modified Phase 2 Project would make a substantial contribution to a cumulative impact related to traffic noise increases that is significant and unavoidable.

In accordance with PRC Section 21081, New Mitigation Measure 4.6-c is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The City Council concludes, however, based upon the SEIR and the entire record before this City Council, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from cumulative traffic noise, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

### Agricultural Resources (Conversion of Important Farmland)

**Potential Impact:** The potential for the modified Phase 2 Project to contribute to cumulative impacts related to conversion of Important Farmland is discussed on pages 5-17 and 5-18 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.13-a, "Conversion of Important Farmland."

**Findings:** As required by Modified Mitigation Measure 4.13-a, the project applicant would participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) by contributing fees, on a per-acre basis, for agricultural lands that are developed. SJCOG would use these fees, in part, to purchase conservation easements on agricultural lands, providing greater protection to these farmlands in the County. However, these measures cannot fully mitigate the project's cumulative contribution to the loss of agricultural land in San Joaquin County. As a result, the project's contribution to cumulative impacts would be cumulatively considerable. Therefore, cumulative impacts related to agricultural resources would remain significant and unavoidable as identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.13-a is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The City Council concludes, however, based upon the SEIR and the entire record before this City Council, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from cumulative conversion of Important Farmland, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

## Greenhouse Gas Emissions and Climate Change (Project-Generated GHG Emissions)

**Potential Impact:** The potential for the modified Phase 2 Project to contribute to cumulative impacts related to GHG emissions is discussed on pages 5-22 and 5-23 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 4.19-a(1), "Implement All Feasible On-Site Greenhouse Gas Reduction Measures," and New Mitigation Measure 4.19-a(2), "Purchase Real, Quantifiable, Permanent, Verifiable, Enforceable, and Additional Carbon Offsets."

**Findings:** GHG emissions generated by project construction and operation, discussed under Impact 4.19-a of the SEIR, are inherently cumulative. GHG emissions from one project cannot, on their own, result in changes in climatic conditions; therefore, the emissions from one project must be considered in the context of their contribution to cumulative global emissions. The modified Phase 2 Project would generate GHG emissions greater than 2.12 MTCO<sub>2</sub>e/year/SP, which was used as a threshold for determining significance. As such, mitigation was recommended. Through the application of New Mitigation Measures 4.19-a(1) and 4.19-a(2), the modified Phase 2 Project would reduce its emissions to the 2.12 MTCO<sub>2</sub>e/year/SP threshold of significance but there is uncertainty regarding the feasibility of these measures; therefore, the project would result in a considerable contribution to a significant cumulative GHG impact.

In accordance with PRC Section 21081, New Mitigation Measures 4.19-a(1) and 4.19-a(2) are an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The City Council concludes, however, based upon the SEIR and the entire record before this City Council, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from the generation of GHG emissions, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

# 4 FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS THAT CAN BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

This section identifies those impacts that can be mitigated below a level of significance.

## TRAFFIC AND TRANSPORTATION

### Impact 4.4-e: Construction Related Transportation Impacts

**Potential Impact:** The potential for the modified Phase 2 Project to result in construction traffic impacts is discussed on page 4.4-36 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.4-v, "Construction Traffic (2007 Base Case + Project)."

**Findings:** Implementation of Modified Mitigation Measure 4.4-v would reduce potential transportation impacts during construction by requiring the identification and implementation of measures to maintain emergency vehicle access and prevent hazardous conflicts with vehicles, bicyclists, and pedestrians. After mitigation, this impact would be less than significant.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.4-v is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City

Council, this City Council finds that the potential for adverse effects related to construction traffic impacts will be mitigated to a less-than-significant level.

## AIR QUALITY

### Impact 4.5-a: Increases in Regional Criteria Pollutants during Construction

**Potential Impact:** The potential for the modified Phase 2 Project to result in construction emissions of criteria pollutants is discussed on pages 4.5-16 through 4.5-20 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.5-a, "Increases in Regional Criteria Pollutants during Construction" and New Mitigation Measure 4.5-a(2), "Preparation of an Ambient Air Quality Analysis."

**Findings:** Implementation of Modified Mitigation Measure 4.5-a and New Mitigation Measure 4.5-a(2) would reduce emissions of criteria air pollutants through the application of recognized construction emission control measures and certification of an ambient air quality analysis (AAQA), and potentially a Voluntary Emissions Reduction Agreement (VERA) (if necessary). Emissions would be mitigated to below applicable San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds. Therefore, there is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. The modified Phase 2 Project would have a less-than-significant impact to air quality from construction activities, thus avoiding the potential for individuals to be exposed to unhealthy concentrations of criteria air pollutants that could result in adverse health outcomes.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.5-a and New Mitigation Measure 4.5-a(2) are an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to regional criteria air pollutants during construction will be mitigated to a less-than-significant level.

### Impact 4.5-d: Increases in Mobile Source Toxic Air Contaminants

**Potential Impact:** The potential for the modified Phase 2 Project to result in exposure of sensitive receptors to substantial diesel particulate matter (PM) emissions from diesel-fueled delivery trucks associated with development of commercial- and industrial-related land uses is discussed on pages 4.5-24 and 4.5-25 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 4.5-d, "Incorporation of Design Features at Truck Loading/Unloading Areas to Reduce Health-Risk Exposure at Sensitive Receptors."

**Findings:** Implementation of New Mitigation Measure 4.5-d would ensure that a sensitive receptor (e.g., residence, school, daycare facility) and a truck loading/unloading facility would not be located within 1,000 feet of each other. The 1,000-foot setback is the CARB-recommended setback distance and would be sufficient to reduce the associated level of cancer risk at the locations of sensitive receptors to less than 20 in 1 million. Sensitive receptors may be closer than this setback if a city-approved Health Risk Assessment (HRA) indicates that locating a truck loading/unloading facility within this setback distance would not generate cancer risk in exceedance of 20 in 1 million.<sup>1</sup> With implementation of this mitigation measure, this impact would be less than significant.

In accordance with PRC Section 21081, New Mitigation Measure 4.5-d is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to increases in mobile source toxic air contaminants will be mitigated to a less-than-significant level.

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<sup>1</sup> California Air Resources Board. 2005. Air Quality and Land Use Handbook: A Community Health Perspective. Available: <https://ww3.arb.ca.gov/ch/handbook.pdf>. Accessed July 24, 2020.

## NOISE AND VIBRATION

### Impact 4.6-a: Increases in Short-Term Construction Generated Noise

**Potential Impact:** The potential for the modified Phase 2 Project to generate construction noise that could exceed City of Lathrop Noise Ordinance standards is discussed on pages 4.6-15 through 4.6-17 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.6-a, "Increases in Short-Term Construction-Generated Noise."

**Findings:** Implementation of Adopted Mitigation Measure 4.6-a would limit construction within 500 feet of a residential zone to hours that would minimize sleep disruption and provides requirement for construction equipment that would reduce noise generation. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to construction noise, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.6-a is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to increases in short-term construction generated noise will be mitigated to a less-than-significant level.

### Impact 4.6-b: Stationary Source Noise Generated by Onsite Land Uses

**Potential Impact:** The potential for the modified Phase 2 Project to generate operational noise that could exceed City of Lathrop General Plan and Municipal Code standards is discussed on page 4.6-18 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.6-b, "Stationary Source Noise Generated by Onsite Land Uses."

**Findings:** Implementation of Modified Mitigation Measure 4.6-b would require identification of locations where noise standards would not be met, reduce noise generated by stationary noise sources in these areas, and where necessary, require buildings housing noise sensitive receptors to be constructed with noise reducing building materials. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to operational noise from stationary sources, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.6-b is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to operational noise from stationary sources will be mitigated to a less-than-significant level.

### Impact 4.6-e: Generation of Excessive Groundborne Vibration

**Potential Impact:** The potential for the modified Phase 2 Project to generate construction-related vibration levels that would have the potential to exceed applicable vibration thresholds at nearby sensitive land uses is discussed on pages 4.6-27 and 4.6-28 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 4.6-e, "Construction Vibration Reduction."

**Findings:** Implementation of New Mitigation Measure 4.6-e would reduce construction-generated vibration at the nearest sensitive structures in the site vicinity by prohibiting the use of impact pile driving within 55 feet of existing structures. All other construction-generated vibration would fall below the limit of 0.5 inches per second (in/sec) Peak Particle Velocity (PPV) for modern residential or commercial structures. After implementation of New Mitigation Measure 4.6-e, construction-generated vibration at the nearest sensitive structures in the site vicinity would be reduced to a less-than-significant level.

In accordance with PRC Section 21081, New Mitigation Measure 4.6-e is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to construction-generated vibration will be mitigated to a less-than-significant level.

## GEOLOGY, SOILS, AND MINERAL RESOURCES

### Impact 4.7-b: Loss, Injury, or Death Resulting from Seismic Hazards

**Potential Impact:** The potential for the modified Phase 2 Project to expose people or structures to potential substantial adverse impacts, including the risk of loss, injury, or death, through seismic ground shaking is discussed on pages 4.7-8 and 4.7-9 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.7-b, "Ground Shaking."

**Findings:** Implementation of Modified Mitigation Measure 4.7-b would require project facilities be designed for maximum horizontal ground surface accelerations. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to ground shaking, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.7-b is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to seismic ground shaking will be mitigated to a less-than-significant level.

### Impact 4.7-c: Loss, Injury, or Death Resulting from Liquefaction

**Potential Impact:** The potential for the modified Phase 2 Project to result in substantial risk of structural damage and exposure of residents, workers, and visitors on the project site to substantial risk of bodily injury due to liquefaction is discussed on pages 4.7-9 and 4.7-10 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.7-c, "Liquefaction."

**Findings:** Implementation of Modified Mitigation Measure 4.7-c would require a design-level geotechnical study be completed for each project development, focusing on the liquefaction potential in the area and identifying appropriate means to minimize/avoid damage from liquefaction. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to liquefaction, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.7-c is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to liquefaction will be mitigated to a less-than-significant level.

### Impact 4.7-f: Expansive or Otherwise Unstable Soils

**Potential Impact:** The potential for expansive soils to result in damage over time to building foundations, underground utilities, and other subsurface facilities on the River Islands Project site is discussed on page 4.7-12 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.7-f, "Shrink-Swell Potential."

**Findings:** Implementation of Adopted Mitigation Measure 4.7-f would require a design-level geotechnical study be completed for each project development to address expansive soils where they occur and require recommended measures be implemented. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to shrink-swell potential, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.7-f is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to shrink-swell potential will be mitigated to a less-than-significant level.

#### **Impact 4.7-g: Exposure of Subsurface Facilities to the Effects of Corrosive Soils**

**Potential Impact:** The potential for corrosive soils to cause damage to subsurface facilities on the River Islands Project site during project operation is discussed on page 4.7-13 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.7-g, "Corrosive Soils."

**Findings:** Implementation of Modified Mitigation Measure 4.7-g would require a design-level geotechnical study be completed for each project development to address corrosive soils where they occur and require recommended measures be implemented. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to corrosive soils, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.7-g is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to corrosive soils will be mitigated to a less-than-significant level.

## **HYDROLOGY AND WATER QUALITY**

#### **Impact 4.8-a: River Islands Area Construction Sediment and Water Quality Contamination**

**Potential Impact:** The potential for the modified Phase 2 Project to result in sedimentation and degradation of interior water quality during construction is discussed on page 4.8-22 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.8-a, "RID Area Construction Sediment and Water Quality Contamination."

**Findings:** Implementation of Modified Mitigation Measure 4.8-a, which requires preparation and implementation of a storm water pollution prevention plan (SWPPP) and an environmental monitoring and mitigation compliance report program, would reduce potential water quality impacts related to project construction. Therefore, there is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After implementation of Modified Mitigation Measure 4.8-a, the project would have a less-than-significant impact related to sedimentation and degradation of interior water quality during construction, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.8-a is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to sedimentation and degradation of interior water quality during construction will be mitigated to a less-than-significant level.

### Impact 4.8-c: Earth Moving in or Adjacent to Water Bodies

**Potential Impact:** The potential for the modified Phase 2 Project to result in construction-related impacts to water quality is discussed on page 4.8-26 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.8-c, "Earth Moving in or Adjacent to Water Bodies."

**Findings:** The requirements of Adopted Mitigation Measure 4.8-c would reduce potential impacts from earth moving activities in or adjacent to water bodies by reducing the possibility for release of construction-related contaminants. Therefore, there is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to earth moving in or adjacent to water bodies, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.8-c is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to earth moving in or adjacent to water bodies will be mitigated to a less-than-significant level.

### Impact 4.8-d: In-Water Project Features

**Potential Impact:** The potential for the modified Phase 2 Project to cause sedimentation and water quality impacts due to the construction of in-water project features, such as bridges and docks, is discussed on page 4.8-27 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.8-d, "In-Water Project Features"

**Findings:** Implementation of Adopted Mitigation Measure 4.8-d would require implementation of Modified Mitigation Measure 4.8-a and Adopted Mitigation Measure 4.8-c. These measures would protect water quality during work in or near water bodies. Therefore, there is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to construction of in-water project features, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.8-d is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to construction of in-water project features will be mitigated to a less-than-significant level.

### Impact 4.8-o: Groundwater Quality During Construction

**Potential Impact:** The potential for the modified Phase 2 Project to result in impacts to groundwater quality due to sedimentation or pollutant discharge during construction is discussed on page 4.8-34 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.8-o, "Groundwater Quality During Construction."

**Findings:** Implementation of Adopted Mitigation Measures 4.8-o would require the SWPPP to be developed and implemented as part of Modified Mitigation Measure 4.8-a must specifically include measures to prevent/minimize sediment and contaminant releases into groundwater during excavations and methods to clean up releases if they do occur. Therefore, there is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to groundwater quality during construction, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measures 4.8-o is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop, which avoids or substantially lessens the

significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to groundwater quality during construction will be mitigated to a less-than-significant level.

## HAZARDOUS MATERIALS AND PUBLIC HEALTH

### Impact 4.9-b: Hazardous Materials Sites

**Potential Impact:** The potential that past agricultural and farming operations in the project area could have resulted in contamination of soil or groundwater such that construction workers, residents, and others could be exposed to hazardous materials at the River Islands Project site is discussed on page 4.9-8 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.9-b, "Exposure of Construction Workers, Residents, and Others to Hazardous Materials."

**Findings:** The site investigations required by Modified Mitigation Measure 4.9-b, as modified to include recommendations from the latest Phase I ESA, would reduce potential impacts related to soil and/or groundwater contamination by identifying sites requiring remediation and abating the hazard in compliance with applicable local, state, and federal regulations. Therefore, there is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to soil and/or groundwater contamination.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.9-b is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to soil and/or groundwater contamination will be mitigated to a less-than-significant level.

### Impact 4.9-d: Interfere with Implementation of an Emergency Response Plan

**Potential Impact:** The potential for the modified Phase 2 Project to interfere with emergency or evacuation access is discussed on page 4.9-10 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.10-a, "Obstruction of Roadways during Construction."

**Findings:** Compliance with Lathrop encroachment permit requirements as required by Adopted Mitigation Measure 4.10-a would reduce potential impacts related to emergency access by using detours only as necessary and implementing other measures to maintain traffic flow through construction areas. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. Implementation of Adopted Mitigation Measure 4.10-a would reduce potential impacts related to emergency or evacuation access to a less-than-significant level consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.10-a is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to emergency or evacuation access will be mitigated to a less-than-significant level.

## PUBLIC SERVICES

### Impact 4.10-a: Obstruction of Roadways during Construction

**Potential Impact:** The potential for the modified Phase 2 Project to adversely affect local roadways during construction is discussed on page 4.10-8 of the Draft SEIR.



**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.10-a, "Obstruction of Roadways during Construction."

**Findings:** Implementation of Adopted Mitigation Measure 4.10-a would reduce impacts associated with obstruction of roadways through preparation and implementation of a traffic control plan pursuant to City requirements and standards of the California Department of Transportation (Caltrans). There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, impacts related to obstruction of roadways during construction would be less than significant consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.10-a is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to obstruction of roadways during construction will be mitigated to a less-than-significant level.

### **Impact 4.10-b: Increased Demand for Fire Protection Facilities and Services**

**Potential Impact:** The potential for the modified Phase 2 Project to increase the demand for fire protection facilities and services is discussed on pages 4.10-9 and 4.10-10 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.10-b, "Increased Demand for Fire Protection Facilities and Services."

**Findings:** Implementation of Modified Mitigation Measure 4.10-b would reduce impacts associated with an increased demand for fire protection facilities and services to a less-than-significant level, consistent with impact conclusion in the 2003 SEIR, by delaying construction and occupancy of structures until emergency response times are determined to be acceptable and permanent fire stations are constructed. Further, Modified Mitigation Measure 4.10-b would require the applicant to pay fair share fire service fees to the City for fire district facilities and services required to serve the project. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.10-b is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to increased demand for fire protection facilities and services will be mitigated to a less-than-significant level.

### **Impact 4.10-d: Increased Demand for Fire Flow**

**Potential Impact:** The potential for the modified Phase 2 Project to increase demand for fire flow is discussed on page 4.10-12 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.10-d, "Increased Demand for Fire Flow."

**Findings:** Implementation of Adopted Mitigation Measure 4.10-d would reduce impacts to a less-than-significant level, consistent with impact conclusion in the 2003 SEIR, by requiring adequate minimum fire flows, pursuant to the Lathrop-Manteca Fire District (LMFD) and the California Fire Code, are confirmed and available prior to any structure occupancy. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.10-d is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to increased demand for fire flow will be mitigated to a less-than-significant level.

### Impact 4.10-e: Increased Demand for Police Protection Facilities and Services

**Potential Impact:** The potential for the modified Phase 2 Project to increase demand for police protection facilities and services is discussed on pages 4.10-13 and 4.10-14 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.10-e, "Increased Demand for Police Protection Facilities and Services."

**Findings:** Implementation of Modified Mitigation Measure 4.10-e would reduce impacts to a less-than-significant level by requiring the project applicant to fund City-incurred costs associated with hiring and training new staff, equipment, and provision of police services in accordance with adopted development agreements; these requirements would ensure that adequate police protection services are available to serve the project. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.10-e is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to increased demand for police protection facilities and services will be mitigated to a less-than-significant level.

### Impact 4.10-f: Increased Demand for Animal Control Facilities and Services

**Potential Impact:** The potential for the modified Phase 2 Project to increase demand for animal control facilities and services is discussed on page 4.10-15 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.10-f, "Increased Demand for Animal Control Facilities and Services."

**Findings:** Implementation of Modified Mitigation Measure 4.10-f would reduce impacts to a less-than-significant level, consistent with impact conclusion in the 2003 SEIR, by requiring an agreement between the applicant and City that would enable expansion of animal control facilities and staff to meet increased demand on animal control services. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.10-f is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to increased demand for animal control facilities and services will be mitigated to a less-than-significant level.

### Impact 4.10-g: Increased Demand for Public School Facilities and Services

**Potential Impact:** The potential for the modified Phase 2 Project to increase demand for public school facilities and services is discussed on pages 4.10-16 and 4.10-17 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.10-g, "Increased Demand for Public School Facilities and Services."

**Findings:** Implementation of Modified Mitigation Measure 4.10-g would reduce the impact to a less-than-significant level, consistent with impact conclusion in the 2003 SEIR, by requiring an agreement between the applicant and applicable school district(s) for the provision of adequate school services or, if required, applicant payment of the state-mandated school impact fee to the City. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.10-g is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before

this City Council, this City Council finds that the potential for adverse effects related to increased demand for public school facilities and services will be mitigated to a less-than-significant level.

## PUBLIC UTILITIES

### Impact 4.11-a: Demand for Potable Water

**Potential Impact:** The potential for the modified Phase 2 Project to create demand for potable water beyond the available service capacity is discussed on pages 4.11-18 through 4.11-25 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.11-a, "Demand for Potable Water at Buildout."

**Findings:** The requirements of Adopted Mitigation Measure 4.11-a would reduce potential impacts associated with potable water by requiring sufficient water supply prior to occupancy. Therefore, there is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to potable water demand, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.11-a is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to potable water demand will be mitigated to a less-than-significant level.

### Impact 4.11-d: Demand for Wastewater Treatment Capacity for Phase 2

**Potential Impact:** The potential for the modified Phase 2 Project to create demand for wastewater treatment beyond the available service capacity is discussed on pages 4.11-27 and 4.11-28 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.11-d, "Demand for Wastewater Treatment Capacity for Phase 2."

**Findings:** Implementation of Adopted Mitigation Measure 4.11-d would reduce impacts by requiring that adequate wastewater treatment capacity be established prior to development of the modified Phase 2 Project. Therefore, there is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact related to wastewater treatment capacity, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.11-d is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to wastewater treatment capacity will be mitigated to a less-than-significant level.

### Impact 4.11-g: Demand for Recycled Water Storage and Disposal Capacity for Phase 2

**Potential Impact:** The potential for the modified Phase 2 Project to create demand for recycled water storage and disposal capacity is discussed on pages 4.11-29 and 4.11-30 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.11-g, "Demand for Recycled Water Storage and Disposal Capacity for Phase 2."

**Findings:** Implementation of Adopted Mitigation Measure 4.11-g requires appropriate storage and disposal capacity be available prior to development of the modified Phase 2 Project elements that would generate increased recycled water. Adopted Mitigation Measure 4.11-g also provides an option for additional disposal capacity through land disposal or discharge to the San Joaquin River. If selected, development shall not commence until river discharges of recycled

water are permitted for expanded and/or new WRPs under the Master Plan. Therefore, there is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. Either option of Adopted Mitigation Measure 4.11-g would reduce impacts to a less-than-significant level by requiring appropriate water storage and disposal capacity be established prior to buildout of the modified Phase 2 Project.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.11-g is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to recycled water storage and disposal capacity will be mitigated to a less-than-significant level.

## AGRICULTURAL RESOURCES

### Impact 4.13-c: Adjacent Landowner/User Conflicts

**Potential Impact:** The potential for the modified Phase 2 Project to result in a conflict between existing agricultural lands and adjacent land uses is discussed on pages 4.13-10 and 4.13-11 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.13-c, "Adjacent Landowner/User Conflicts."

**Findings:** Implementation of Adopted Mitigation Measure 4.13-c would reduce impacts associated with potential conflicts at the agriculture/urban interface by requiring phasing of development on agricultural lands, use of buffers, and adherence to the City of Lathrop's Right-to-Farm Ordinance. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, this impact would be less than significant as identified in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.13-c is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to agricultural land use conflicts will be mitigated to a less-than-significant level.

## TERRESTRIAL BIOLOGY

### Impact 4.14-b: Special-Status Plants

**Potential Impact:** The potential for the modified Phase 2 Project to result in disturbance to or loss of special-status plants is discussed on page 4.14-9 of the Draft SEIR.

**Mitigation Measures:** The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 3.14-b, "Terrestrial Special-Status Plants."

**Findings:** Implementation of Modified Mitigation Measure 4.14-b would avoid and minimize the loss of special-status plant species through the use of preconstruction surveys, construction setbacks, transplantation, and compensation through the SJMSCP. Therefore, implementation of this mitigation measure would reduce the potential impact to special-status plants to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-b is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on special-status plants will be mitigated to a less-than-significant level.

### Impact 4.14-c: Valley Elderberry Longhorn Beetle

**Potential Impact:** The potential for the modified Phase 2 Project to result in disturbance to or loss of elderberry shrubs, which provide habitat for valley elderberry longhorn beetle is discussed on page 4.14-11 of the Draft SEIR.

**Mitigation Measures:** The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 3.14-c, "Valley Elderberry Longhorn Beetle."

**Findings:** Implementation of Modified Mitigation Measure 4.14-c would avoid and minimize the loss of elderberry shrubs and potential loss of valley elderberry longhorn beetle through of the implementation of preconstruction surveys, construction setbacks, transplanted, and compensation with the payment of the SJMSCP fees. Therefore, implementation of this mitigation measure would reduce the potential impact to valley elderberry longhorn beetle to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-c is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on valley elderberry longhorn beetle will be mitigated to a less-than-significant level.

### Impact 4.14-d: Giant Garter Snake

**Potential Impact:** The potential for the modified Phase 2 Project to result in disturbance to or loss of giant garter snake habitat or individuals is discussed on page 4.14-12 of the Draft SEIR.

**Mitigation Measures:** The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 3.14-d, "Giant Garter Snake."

**Findings:** Implementation of Modified Mitigation Measure 4.14-d and the habitat compensation requirements of the SJMSCP would avoid and minimize the potential loss of giant garter snake through the use of preconstruction surveys, seasonal restrictions on vegetation clearing, and construction setbacks. Therefore, implementation of this mitigation measure would reduce the potential impact to giant garter snake to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-d is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on giant garter snake will be mitigated to a less-than-significant level.

### Impact 4.14-e: Western Pond Turtle

**Potential Impact:** The potential for the modified Phase 2 Project to result in disturbance of western pond turtle habitat and loss of individual turtles is discussed on page 4.14-14 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.14-e, "Western Pond Turtle."

**Findings:** Implementation of Modified Mitigation Measure 4.14-e and the habitat compensation requirements of the SJMSCP would avoid and minimize the potential loss of western pond turtle through the use of preconstruction surveys, seasonal restrictions on vegetation clearing and construction, and construction setbacks. Therefore, implementation of this mitigation measure would reduce the potential impact to western pond turtle to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-e is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on western pond turtle will be mitigated to a less-than-significant level.

#### **Impact 4.14-f: Swainson's Hawk**

**Potential Impact:** The potential for the modified Phase 2 Project to result in the loss of active Swainson's hawk nests and foraging habitat is discussed on page 4.14-15 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.14-f, "Swainson's Hawk."

**Findings:** Implementation of Modified Mitigation Measure 4.14-f would avoid, minimize, and compensate for the loss of Swainson's hawk habitat and active nests. The loss of active nests will be avoided through the use of preconstruction surveys, seasonal restrictions on construction, construction setbacks, and preservation of active and historic nest trees. Therefore, implementation of this mitigation measure would reduce the potential impact to Swainson's hawk to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-f is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on Swainson's hawk will be mitigated to a less-than-significant level.

#### **Impact 4.14-h: Burrowing Owl**

**Potential Impact:** The potential for the modified Phase 2 Project to result in the loss of burrowing owl foraging habitat and active burrows is discussed on page 4.14-17 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.14-h, "Burrowing Owl."

**Findings:** Implementation of Modified Mitigation Measure 4.14-h would avoid, and minimize the loss of burrowing owl habitat and active burrows. The loss of active burrows will be avoided through the use of preconstruction surveys, seasonal restrictions on construction, and construction setbacks. The impacts to habitat would be minimized by compensation through SJMSCP. Therefore, implementation of this mitigation measure would reduce the potential impact to burrowing owl to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-h is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on burrowing owl will be mitigated to a less-than-significant level.

#### **Impact 4.14-j: Ground-Nesting or Streamside/Lakeside-Nesting Birds**

**Potential Impact:** The potential for the modified Phase 2 Project to result in the loss of active nests of northern harrier, short-eared owl, and yellow-headed blackbird is discussed on page 4.14-19 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.14-j, "Ground-Nesting or Streamside/Lakeside-Nesting Birds."

**Findings:** Implementation of Modified Mitigation Measure 4.14-j would avoid and minimize the loss of northern harrier, short-eared owl, and yellow-headed blackbird nests. The loss of nests will be avoided through the use of

preconstruction surveys, seasonal restrictions on construction, and construction setbacks. Therefore, implementation of this mitigation measure would reduce the potential impact to these species to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-h is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on northern harrier, short-eared owl, and yellow-headed blackbird will be mitigated to a less-than-significant level.

#### **Impact 4.14-k: Birds Nesting in Isolated Trees or Shrubs Outside of Riparian Habitat**

**Potential Impact:** The potential for the modified Phase 2 Project to result in loss of loggerhead shrike nests is discussed on page 4.14-20 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.14-k, "Birds Nesting in Isolated Trees or Shrubs Outside of Riparian Habitat."

**Findings:** Implementation of Modified Mitigation Measure 4.14-k would avoid and minimize the loss of loggerhead shrike nests. The loss of nests would be avoided through implementation of preconstruction surveys, seasonal restrictions on construction, and construction setbacks. Therefore, implementation of this mitigation measure would reduce the potential impact to loggerhead shrike to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-k is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on loggerhead shrike will be mitigated to a less-than-significant level.

#### **Impact 4.14-l: Birds Nesting along Riparian Corridors**

**Potential Impact:** The potential for the modified Phase 2 Project to result in the disturbance to or loss of white-tailed kite and Cooper's hawk nests is discussed on page 4.14-21 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.14-l, "Birds Nesting along Riparian Corridors."

**Findings:** Implementation of Modified Mitigation Measure 4.14-l would avoid and minimize the loss of white-tailed kite and Cooper's hawk nests. The loss of nests would be avoided through the implementation of preconstruction surveys, seasonal restrictions on construction, and construction setbacks. Therefore, implementation of this mitigation measure would reduce the potential impact to white-tailed kite and Cooper's hawk to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-l is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on white-tailed kite and Cooper's hawk will be mitigated to a less-than-significant level.

#### **Impact 4.14-o: Common Tree-Nesting Raptors**

**Potential Impact:** The potential for the modified Phase 2 Project to result in the loss of common tree-nesting raptor nests is discussed on pages 4.14-23 and 4.14-24 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.14-o, "Birds Nesting along Riparian Corridors."

**Findings:** Implementation of Modified Mitigation Measure 4.14-o would avoid and minimize the loss of tree-nesting raptor nests. The loss of nests will be avoided through the implementation of preconstruction surveys, seasonal restrictions on construction, and construction setbacks. Therefore, implementation of this mitigation measure would reduce the potential impact to tree-nesting raptors to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-o is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on common tree-nesting raptors will be mitigated to a less-than-significant level.

#### **Impact 4.14-q: Riparian Brush Rabbit**

**Potential Impact:** The potential for the modified Phase 2 Project to result in disturbance to or loss of riparian brush rabbit habitat and individuals is discussed on page 4.14-25 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.14-q, "Riparian Brush Rabbit."

**Findings:** Implementation of Modified Mitigation Measure 4.14-q would avoid and minimize the impacts to riparian brush rabbit. Impacts would be avoided through measures developed through consultation with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) during the incidental take permit process and may include preconstruction surveys, daily surveys of construction areas, exclusion fencing, minimization of vegetation removal, and supporting the existing USFWS captive breeding program to establish new populations in appropriate habitat. Therefore, implementation of this mitigation measure would reduce the potential impact to riparian brush rabbit to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-q is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on riparian brush rabbit will be mitigated to a less-than-significant level.

#### **Impact 4.14-r: Jurisdictional Waters of the United States and Riparian Habitat**

**Potential Impact:** The potential for the modified Phase 2 Project to result in fill of waters of the United States is discussed on page 4.14-26 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.14-r, "Jurisdictional Waters of the United States and Riparian Habitat."

**Findings:** Implementation of Modified Mitigation Measure 4.14-r would avoid and minimize impacts due to the discharge of dredged and fill materials in waters of the United States and waters of the State, and temporary loss of riparian habitat. Impacts would be avoided and minimized with the implementation of preservation, creation, and restoration, as well as measures to reduce erosion and runoff, and compensation through the permitting process. Therefore, implementation of this mitigation measure would reduce the potential impact to waters of the United States and riparian habitat to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.14-r is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the



potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on waters of the United States and riparian habitat will be mitigated to a less-than-significant level.

#### **Impact 4.14-t: Biological Resources Associated with Offsite Facilities**

**Potential Impact:** The potential for the modified Phase 2 Project to result in impacts to biological resources due to the development of offsite facilities is discussed on page 4.14-28 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.14-t, "Biological Resources Associated with Offsite Facilities."

**Findings:** Implementation of Adopted Mitigation Measure 4.14-t would avoid and minimize the potential impacts to biological resources from offsite facilities. The temporary loss of habitat would be avoided through the implementation of measures described for specific biological resources in this SEIR. Therefore, implementation of this mitigation measure would reduce the potential impact to biological resources from offsite facilities to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.14-t is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on biological resources from offsite facilities will be mitigated to a less-than-significant level.

## **FISHERIES**

#### **Impact 4.15-b: Levee Breaching**

**Potential Impact:** The potential for the modified Phase 2 Project to result in adverse effects on fisheries due to levee breaching in Paradise Cut is discussed on page 4.15-16 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.15-b, "Levee Breaching."

**Findings:** Implementation of Modified Mitigation Measure 4.15-b would avoid and minimize the impacts on fisheries from levee breaching activities in Paradise Cut. These impacts would be avoided and minimized through the use of a SWPPP and best management practices (BMPs) to reduce erosion and runoff, as well as restrictions on the timing of in-water construction activities. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. Implementation of this mitigation measure would reduce the potential impact to fisheries from levee breaching in Paradise Cut to a less-than-significant level, as identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.15-b is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on fisheries from levee breaching in Paradise Cut will be mitigated to a less-than-significant level.

#### **Impact 4.15-c: Bridge and Utility Crossings**

**Potential Impact:** The potential for the modified Phase 2 Project to result in adverse effects on fisheries due construction of the Golden Valley Parkway Bridge and the second half of the Bradshaw's Crossing Bridge is discussed on page 4.15-17 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.15-c, "Bridge and Utility Crossings."

**Findings:** Implementation of Modified Mitigation Measure 4.15-c would avoid and minimize the impacts from construction of the Golden Valley Parkway Bridge and the second half of the Bradshaw's Crossing Bridge on fisheries. These impacts would be avoided and minimized through the use of a SWPPP and BMPs to reduce erosion and runoff, as well as restrictions on the timing of in-water construction activities. These mitigation measures proved to be effective during the construction of the first half of the Bradshaw's Crossing Bridge. Therefore, implementation of this mitigation measure would reduce the potential impact to fisheries from construction of these bridges to a less-than-significant level, as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.15-c is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on fisheries from construction of the Golden Valley Parkway Bridge and the second half of the Bradshaw's Crossing Bridge will be mitigated to a less-than-significant level.

#### **Impact 4.15-d: Paradise Cut Bridge**

**Potential Impact:** The potential for the modified Phase 2 Project to result in adverse effects to fisheries due to sediment and contaminant runoff from construction of the Golden Valley Parkway Bridge within Paradise Cut is discussed on page 4.15-19 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.15-d, "Paradise Cut Bridge."

**Findings:** The implementation of Adopted Mitigation Measure 4.15-d would avoid and minimize the impacts from bridge construction within Paradise Cut on fisheries. These impacts would be avoided and minimized through the use of a SWPPP and BMPs to reduce erosion and runoff, as well as restrictions on the timing of construction activities. Therefore, implementation of this mitigation measure would reduce the potential impact to fisheries from construction of bridges in Paradise Cut to a less-than-significant level as identified in the 2003 SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.15-d is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on fisheries from construction of bridges in Paradise Cut will be mitigated to a less-than-significant level.

## **CULTURAL AND TRIBAL CULTURAL RESOURCES**

#### **Impact 4.16-a: Cause a Substantial Adverse Change in the Significance of a Listed Archaeological Site**

**Potential Impact:** The potential for the modified Phase 2 Project to alter the surrounding visual context of cultural resources listed as California historic landmarks is discussed on pages 4.16-8 and 4.16-9 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.16-a, "Listed Archaeological Sites."

**Findings:** Implementation of Adopted Mitigation Measure 4.16-a would reduce impacts associated with listed archaeological sites to a less-than-significant level, as identified in the 2003 SEIR, because it would require the performance of professionally accepted and legally compliant procedures for the recordation of archaeological resources.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.16-a is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the

potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on listed archaeological sites will be mitigated to a less-than-significant level.

#### **Impact 4.16-d: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources**

**Potential Impact:** The potential for the modified Phase 2 Project to result in the discovery or damage of yet undiscovered archaeological resources is discussed on page 4.16-10 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Modified Mitigation Measure 4.16-d, "Undiscovered/Unrecorded Archaeological Sites."

**Findings:** Implementation of Modified Mitigation Measure 4.16-d would reduce impacts associated with archaeological resources to a less-than-significant level, as identified in the 2003 SEIR, because it would require the performance of professionally accepted and legally compliant procedures for the discovery and protection of previously undocumented significant archaeological resources. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Modified Mitigation Measure 4.16-d is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on yet undiscovered archaeological resources will be mitigated to a less-than-significant level.

#### **Impact 4.16-e: Disturb Human Remains**

**Potential Impact:** The potential for the modified Phase 2 Project to result in the discovery or damage of previously unknown human remains is discussed on pages 4.16-11 and 4.16-12 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.16-e, "Undiscovered/Unrecorded Human Remains."

**Findings:** Implementation of Adopted Mitigation Measure 4.16-e would reduce impacts associated with human remains to a less-than-significant level, as identified in the 2003 SEIR, because it would require compliance with California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097, which requires avoidance or minimization of disturbance of human remains, and appropriate treatment of any remains that are discovered. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.16-e is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on human remains will be mitigated to a less-than-significant level.

#### **Impact 4.16-f: Cause a Substantial Adverse Change in Offsite Resources**

**Potential Impact:** The potential for the modified Phase 2 Project to result in adverse effects on as yet undiscovered or unrecorded archaeological sites or human remains in areas where specific construction corridors/footprints had not been defined is discussed on pages 4.16-12 and 4.16-13 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.16-f, "Offsite Resources."

**Findings:** Implementation of Adopted Mitigation Measure 4.16-f would reduce impacts associated with offsite resources to a less-than-significant level, as identified in the 2003 SEIR, because it would require the performance of professionally accepted and legally compliant procedures for the discovery and protection of previously

undocumented significant archaeological resources. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.16-f is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on previously undocumented significant archaeological resources will be mitigated to a less-than-significant level.

#### **Impact 4.16-g: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource**

**Potential Impact:** The potential for the modified Phase 2 Project to cause a substantial adverse change in the significance of a tribal cultural resource (TCR) is discussed on pages 4.16-13 and 4.16-14 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 4.16-g, "Undiscovered/Unrecorded Tribal Cultural Resources."

**Findings:** Implementation of New Mitigation Measure 4.16-g would reduce impacts associated with TCRs to a less-than-significant level because the measure requires the performance of professionally accepted and legally compliant procedures for the discovery and protection of previously undocumented subsurface resources, including subsurface resources that could qualify as a TCR once discovered and evaluated.

In accordance with PRC Section 21081, New Mitigation Measure 4.16-g is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on TCRs will be mitigated to a less-than-significant level.

## **AESTHETICS**

#### **Impact 4.17-f: Design and Function of Walls and Fences/Consistency with the WLSP**

**Potential Impact:** The potential for the modified Phase 2 Project to expose adjacent residential areas to intrusive levels of light and glare due to proposed openings in walls adjacent to arterial roads is discussed on page 4.17-10 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.17-f, "Design and Function of Walls and Fences/Consistency with the WLSP."

**Findings:** Implementation of Adopted Mitigation Measure 4.17-f would require evaluation of any proposed gaps or openings in walls along arterial roadways to ensure that light and glare do not affect residents. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2003 SEIR. After mitigation, the project would have a less-than-significant impact, consistent with the impact conclusion in the 2003 SEIR.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.17-f is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to light and glare will be mitigated to a less-than-significant level.

## WILDFIRE

### Impact 4.20-a: Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan

**Potential Impact:** The potential for the modified Phase 2 Project to impair an adopted emergency response plan or emergency evacuation plan is discussed on pages 4.20-7 and 4.20-8 of the Draft SEIR.

**Mitigation Measure:** The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: Adopted Mitigation Measure 4.10-a, "Obstruction of Roadways during Construction."

**Findings:** Implementation of Adopted Mitigation Measure 4.10-a would reduce impacts associated with potential obstruction of roadways during construction through preparation and implementation of a traffic control plan pursuant to City requirements and Caltrans standards. After mitigation, impacts related to obstruction of roadways during construction would be less than significant.

In accordance with PRC Section 21081, Adopted Mitigation Measure 4.10-a is an appropriate change or alteration that has been required in, or incorporated into, the project by the City of Lathrop which avoids or substantially lessens the potentially significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this City Council, this City Council finds that the potential for adverse effects related to emergency response plans or emergency evacuation plans will be mitigated to a less-than-significant level.

## 5 FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS THAT ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

This section identifies those impacts that were determined to be less than significant or less than cumulatively considerable.

### Land Use

- ▶ Impact 4.2-a: Conflict with the Lathrop General Plan and West Lathrop Specific Plan

### Population, Employment, and Housing

- ▶ Impact 4.3-a: Population Growth and Housing Demand During Construction
- ▶ Impact 4.3-b: Population Growth
- ▶ Impact 4.3-c: Housing Demand from Project Development
- ▶ Impact 4.3-d: Housing Displacement
- ▶ Impact 4.3-e: Inconsistency with Housing Policies

### Traffic and Transportation

- ▶ Impact 4.4-a: Vehicle Miles Traveled
- ▶ Impact 4.4-b: Conflict with Existing and Planned Multi-Modal Facilities
- ▶ Impact 4.4-c: Hazards Impacts
- ▶ Impact 4.4-d: Emergency Access Impacts
- ▶ Impact 4.4-f: Safety Impacts of the Proposed Phase 2 Project (Without Valley Link)
- ▶ Impact 4.4-g: Safety Impacts of the Proposed Phase 2 Project (With Valley Link)

### **Air Quality**

- ▶ Impact 4.5-b: Increases in Odorous Emission
- ▶ Impact 4.5-c: Increases in Stationary Source Toxic Air Contaminants
- ▶ Impact 4.5-e: Increases in Local Mobile Source CO Concentrations
- ▶ Impact 4.5-g: Consistency with Air Quality Plans

### **Geology, Soils, and Mineral Resources**

- ▶ Impact 4.7-a: Potential for Construction Activities to Disturb Soils and Result in Erosion
- ▶ Impact 4.7-d: Loss, Injury, or Death Resulting from Ground Lurching and Soil Settlement
- ▶ Impact 4.7-e: Loss, Injury, or Death Resulting from Lateral Spreading and Landslide
- ▶ Impact 4.7-h: Loss of Access to Mineral Resources

### **Hydrology and Water Quality**

- ▶ Impact 4.8-b: Interior Lake Water Quality
- ▶ Impact 4.8-e: Utility Crossings
- ▶ Impact 4.8-f: Diversion Effects on Old River Hydrology
- ▶ Impact 4.8-g: Diversion Effects on Old River Water Quality
- ▶ Impact 4.8-h: Water Discharges to the Delta (Hydrology)
- ▶ Impact 4.8-i: Water Discharges to the Delta (Water Quality)
- ▶ Impact 4.8-j: Maintenance Dredging of Back Bays
- ▶ Impact 4.8-k: Increased Boat Traffic
- ▶ Impact 4.8-l: Flood Protection for the RID Area
- ▶ Impact 4.8-m: Surrounding Flood Stage Elevations
- ▶ Impact 4.8-n: Non-flood Hydrology in Surrounding Waterways
- ▶ Impact 4.8-p: Groundwater Quality and Supply During Project Operation
- ▶ Impact 4.8-q: Water Supplies to Other Users
- ▶ Impact 4.8-r: Compliance with Water Quality Control Plan or Sustainable Groundwater Management Plan

### **Hazardous Materials and Public Health**

- ▶ Impact 4.9-a: Hazardous Materials
- ▶ Impact 4.9-c: Exposure of School Sites to Hazardous or Acutely Hazardous Materials, Substances, or Waste within 0.25 mile of an Existing School

### **Public Services**

- ▶ Impact 4.10-c: Increased Demand for Water-Related Emergency Services and Facilities
- ▶ Impact 4.10-h: Increased Generation of Solid Waste

### **Public Utilities**

- ▶ Impact 4.11-b: Environmental Impacts Associated with the Development of New City Wells
- ▶ Impact 4.11-c: Demand for Wastewater Treatment Capacity during Phase 1a and Phase 1

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- ▶ Impact 4.11-e: Environmental Impacts Associated with the Expansion of WRP # 1 and Construction of WRPs #2 and #3
  - ▶ Impact 4.11-f: Demand for Recycled Water Storage and Disposal Capacity during Phase 1a and Phase 1
  - ▶ Impact 4.11-h: Stormwater/Surface Runoff Management
  - ▶ Impact 4.11-i: Demand for Electricity and Natural Gas at Buildout

### **Recreation**

- ▶ Impact 4.12-a: Demand for Neighborhood and Community Parks
- ▶ Impact 4.12-b: Reduced Recreational Boating Opportunities
- ▶ Impact 4.12-c: Consistency with Open Space Designation

### **Agricultural Resources**

- ▶ Impact 4.13-b: Williamson Act Contract Cancellations

### **Terrestrial Biology**

- ▶ Impact 4.14-a: General Biological Resources
- ▶ Impact 4.14-g: Aleutian Canada Goose and Greater Sandhill Crane
- ▶ Impact 4.14-i: Colonial Nesting Birds
- ▶ Impact 4.14-m: Snowy Egret, American White Pelican, Double-Crested Cormorant and White-Faced Ibis
- ▶ Impact 4.14-n: Ferruginous Hawk
- ▶ Impact 4.14-p: Special-Status Bats
- ▶ Impact 4.14-s: Wildlife Corridors

### **Fisheries**

- ▶ Impact 4.15-a: RID Area Construction Sediment
- ▶ Impact 4.15-e: Dock Construction
- ▶ Impact 4.15-f: Structural Habitat Features
- ▶ Impact 4.15-g: Entrainment in Project Pumps
- ▶ Impact 4.15-h: Water Discharges to the Delta
- ▶ Impact 4.15-i: Altered Hydrology from Water Discharges
- ▶ Impact 4.15-j: Maintenance Dredging of Back Bays
- ▶ Impact 4.15-k: Habitat Modifications in Paradise Cut
- ▶ Impact 4.15-l: Diversion of Chinook Salmon Smolts
- ▶ Impact 4.15-m: Creation of New Fish Habitat in the RID Area
- ▶ Impact 4.15-n: Introduction of Exotic Fish into the Delta
- ▶ Impact 4.15-o: Increased Water Consumption

### **Cultural and Tribal Cultural Resources**

- ▶ Impact 4.16-b: Cause a Substantial Adverse Change in the Significance of a Recorded Archaeological Site
- ▶ Impact 4.16-c: Cause a Substantial Adverse Change in the Significance of Historic Properties

### **Aesthetics**

- ▶ Impact 4.17-a: Views of the Site from Surrounding Lands
- ▶ Impact 4.17-b: Views from I-5 and the I-5/I-205/SR 120 Merge Segment
- ▶ Impact 4.17-c: Views for Recreational Boaters
- ▶ Impact 4.17-d: Nighttime Views
- ▶ Impact 4.17-e: Views of the Grain Silos and Railroad Bridge

### **Energy**

- ▶ Impact 4.18-a: Wasteful, Inefficient, or Unnecessary Consumption of Energy during Project Construction or Operation
- ▶ Impact 4.18-b: Conflict with or Obstruction of a State or Local Plan for Renewable Energy or Energy Efficiency

### **Cumulative**

- ▶ Land Use
- ▶ Population, Employment, and Housing
- ▶ Traffic and Transportation
- ▶ Geology, Soils, and Mineral Resources
- ▶ Hydrology and Water Quality
- ▶ Hazardous Materials and Public Health
- ▶ Public Services
- ▶ Public Utilities
- ▶ Recreation
- ▶ Terrestrial Biology
- ▶ Fisheries
- ▶ Cultural and Tribal Cultural Resources
- ▶ Aesthetics
- ▶ Energy
- ▶ Wildfire

## **6 PROJECT ALTERNATIVES**

### **6.1 BASIS FOR ALTERNATIVES FEASIBILITY ANALYSIS**

PRC Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

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. Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 999–1000 (CNPS); *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314–315; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; *Los Angeles Conservancy v. City of West Hollywood* (2017) 18 Cal.App.5th 1031, 1041-1043.) “‘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.” (*Ibid.*; see also *CNPS, supra*, 177 Cal.App.4th at p. 1001.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Under the State CEQA Guidelines Section 15126.6, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project[.]” For this reason, the project objectives described above under **Section 2.1.3** provided the framework for defining possible project alternatives. (See *In re Bay-Delta* (2008) 43 Cal.4th 1143, 1166.) Alternatives also were evaluated based on general feasibility criteria suggested by the State CEQA Guidelines.

Based on the requirements of State CEQA Guidelines Section 15126.6 and the project objectives, the following alternatives to the project were identified in the Draft SEIR:

- ▶ No Project—No Development Alternative, which assumes no new development occurs on the project site beyond the Phase 1 Project, which is in progress; and
- ▶ No Project—WLSLP Development Alternative, which assumes that the proposed Phase 2 modifications are not approved and that development occurs consistent with the approved WSLP as described in the 2003 SEIR (as amended), with up to 11,000 residences at buildout.

In addition, the evaluation of alternatives included in the 2003 SEIR is incorporated by reference into the current SEIR and is part of the range of reasonable alternatives included in the CEQA analysis for the project (see Draft SEIR Section 8.3 and the discussion of 2003 SEIR alternatives below).

The City finds that a good-faith effort was made in the SEIR to evaluate a reasonable range of alternatives that could feasibly attain most of the basic objectives of the program but that would avoid or substantially lessen any of the significant effects associated with the proposed project, even when the alternatives might impede the attainment of the project objectives and might be more costly. As a result, the scope of alternatives analyzed in the SEIR (and incorporated by reference from the 2003 SEIR) is not unduly limited or narrow. (See Draft SEIR, Chapter 8.)

### 6.1.1 Scope of Necessary Findings and Considerations for Project Alternatives

As noted above, these Findings address whether the various alternatives substantially lessen or avoid any of the significant impacts associated with the proposed project and then consider the feasibility of each alternative. Under CEQA, as noted earlier, “[f]easible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (State CEQA Guidelines, Section 15364.) The concept of feasibility permits agency decisionmakers to consider the extent to which an alternative can meet some or all of a project’s objectives. In addition, the definition of feasibility encompasses “desirability” to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by substantial evidence. As such, these Findings consider the extent to which the alternatives can meet the program objectives, as described in the SEIR and in **Section 2.1.3**, above.

## 6.2 ALTERNATIVE ANALYSIS IN THE 2003 SEIR

As discussed in the Draft SEIR, the 2003 SEIR included an analysis of project alternatives that could feasibly attain most of the basic objectives of the project while reducing or eliminating any significant environmental impacts of the proposed project. The analysis of the alternatives from the 2003 SEIR is summarized in the Draft SEIR, and the alternatives are listed below. In accordance with Section 15150 of the State CEQA Guidelines, the Draft SEIR incorporates by reference the 2003 SEIR and the six adopted addenda. Therefore, the full alternatives analysis from the 2003 SEIR is considered to be part of the text of the current SEIR. In addition, as indicated in Section 15162 of the State CEQA Guidelines, an SEIR is considered a revision to the original certified EIR that the SEIR is “subsequent” to. The 2003 SEIR, and the six adopted addenda, are all part of the overall record of proceedings for the project, as evidenced by the same State Clearinghouse Number continuing to be used for each CEQA document (State Clearinghouse No. 1993112027). This SEIR is the next document in that overall CEQA record for the project. Therefore, the past CEQA documents are part of the overall CEQA analysis for the project, and the analysis of alternatives from the 2003 SEIR is part of the “range of reasonable alternatives” to be considered per State CEQA Guidelines Section 15126.6(a).

### ALTERNATIVES CONSIDERED BUT NOT EVALUATED FURTHER IN THE 2003 SEIR

- ▶ Offsite Alternative
- ▶ Alternatives Evaluated in the WLSP EIR
- ▶ Other Alternatives

### ALTERNATIVES EVALUATED IN THE 2003 SEIR

- ▶ No Project (No Development) Alternative
- ▶ No Project (WLSP) Alternative
- ▶ Environmental Constraints (50% Development) Alternative

### ENVIRONMENTALLY SUPERIOR ALTERNATIVE IDENTIFIED IN THE 2003 SEIR

The Environmental Constraints (50% Development) Alternative would have resulted in greater impacts than the River Islands at Lathrop Project in one issue area (recreation), less impacts in eleven (aesthetic resources; cultural resources; terrestrial biology; agricultural resources; public utilities; public services; hazards and hazardous materials; geology, soils, and mineral resources; noise; air quality; traffic; population, employment, and housing), and similar impacts in three (fisheries; hydrology and water quality; land use). Significant unavoidable impacts related to traffic, air quality, noise, and agricultural resources associated with the River Islands at Lathrop Project would have also occurred under this alternative. Although this alternative included substantially less development than the River Islands at Lathrop Project, these significant unavoidable impacts would still have occurred.

The City made the following CEQA Finding related to the Environmental Constraints (50% Development) Alternative, “[t]he Environmental Constraints (50% Development) Alternative is rejected as an alternative because it would not avoid the significant and unavoidable impacts associated with the Project but would undermine assurances that objectives of the City could be satisfied.” Further, the City explained,

Although the [2003 SEIR] considers this alternative to be environmentally superior to the other alternatives analyzed, the Environmental Constraints (50% Development) Alternative would generate significant and unavoidable impacts related to traffic, air quality, noise, and agricultural resources associated with the Project, albeit to a lesser degree. This alternative would reduce the beneficial impact of the proposed Project on recreation in Lathrop. Given the large scale of the proposed project and the extensive infrastructure needed to support the project (e.g., levees, wet utilities, roads, bridges), [it] is unknown whether this

substantially reduced development scenario would be financially feasible or could be effectively integrated into the City's planning goals.

## 6.3 ALTERNATIVES SELECTED FOR DETAILED ANALYSIS IN THE PHASE 2 PROJECT SEIR

### 6.3.1 No Project—No Development Alternative

The No Project—No Development Alternative for the current modified Phase 2 Project is described and evaluated on pages 8-8 through 8-14 of the Draft SEIR. The 2003 SEIR evaluated a No Project (No Development) Alternative. However, the analysis in the 2003 SEIR considered both the Phase 1 and Phase 2 portions of the River Islands Project on Stewart Tract and was based on existing conditions on Stewart Tract at that time. Much of the Phase 1 portion of the Project has now been developed, and only the Phase 2 portion of the project area is evaluated in the current SEIR. In addition, existing conditions in the Phase 2 area have changed since the 2003 SEIR; for example, new levees have been constructed in the Phase 2 Area providing flood protection up to a 1-in-200 Annual Exceedance Probability (AEP) event (i.e., the levees can withstand water levels with a 0.5 percent chance of being exceeded in any particular year).

Under the No Project—No Development Alternative evaluated in the Phase 2 Project Draft SEIR, no actions would be taken by the City or applicant and the project site would remain unchanged from current conditions; development of the Phase 1 area would continue as planned, but the Phase 2 area would not be developed. Although the City has approved development of the Phase 2 Project, as described in the 2003 SEIR and subsequent addenda, this analysis uses existing conditions as the "no project" scenario to allow consideration of a full range of alternatives. Under this alternative, no development of the Phase 2 area would occur and existing uses on the site would continue. Although this alternative is evaluated herein, it is an unlikely long-term alternative for the project site. This is because the WLSP and the *City of Lathrop General Plan* identify the Phase 2 area as an area that would be ultimately developed with a mix of uses, including Neighborhood Commercial, Regional Commercial, Resource Conservation, Residential High Density, Residential Low Density, and Residential Medium Density. Further, the City approved development of the Phase 2 area as part of the approval of the overall River Islands Project in 2003.

Given the WLSP and the *City of Lathrop General Plan* designations for mixed use development, the existing approval for such development, and the large interest in continued development of the River Islands Project, future development of the project site is extremely likely. The regional population will continue to increase as a result of ongoing development, and the associated growth in residential demand will increase the development pressure on the project site. Therefore, it is unreasonable to assume that the site would remain in its current condition on a long-term basis. Consistent with CEQA, the No Project—No Development Alternative is nevertheless evaluated in the Draft SEIR.

**Findings:** The No Project—No Development Alternative would avoid all adverse impacts resulting from construction and operation of the modified Phase 2 Project. However, the No Project—No Development Alternative would not meet the project objectives or achieve the project benefits. In particular, the No Project—No Development Alternative would not provide the orderly development of the housing, recreational facilities, and employment-generating uses identified as objectives in the Draft SEIR, nor would it generate property and sales tax revenues for the City. The No Project—No Development Alternative is the environmentally superior alternative. However, when the No Project Alternative is the environmentally superior alternative, another action alternative must be selected. For the reasons provided above, this alternative is rejected.

### 6.3.2 No Project—WLSP Development Alternative

The No Project—WLSP Development Alternative is described and evaluated on pages 8-14 through 8-23 of the Draft SEIR. The 2003 SEIR evaluated a No Project (WLSP) Alternative. However, because the analysis for the River Islands

Project consisted of both the Phase 1 and Phase 2 portions on Stewart Tract and the Phase 1 portion has now been developed, a No Project—WLSLP Development Alternative for the current modified Phase 2 Project, based on existing conditions, is evaluated in the current Draft SEIR.

This alternative includes a likely development scenario, consistent with the approved WLSLP, representing another version of the CEQA No Project Alternative (i.e., what would happen with the project site if built out under the current WLSLP rather than the proposed modified WLSLP). This alternative assumes that development occurs consistent with the approved WLSLP as described in the 2003 SEIR (and as amended by subsequent addenda), with up to 11,000 residences for the entire River Islands Project comprised of Phases 1 and 2 at buildout.

This alternative includes 4,010 fewer dwelling units than the modified Phase 2 Project. As for commercial development, this alternative would include 142,500 more square feet of non-residential floor area than the modified Phase 2 Project. The No Project—WLSLP Development Alternative would cover approximately 207 more acres than the modified Phase 2 Project, which is due primarily to differences in the amount of waterway (e.g., San Joaquin River, Old River) attributed to each alternative. The overall area allocated to development under each alternative does not appreciably differ.

This alternative would not include the mixed-use Transit Oriented Development that is proposed under the modified Phase 2 Project to complement the future planned Valley Link transit station. It would also not necessitate any changes in the circulation pattern, which are part of the modified Phase 2 Project. Specifically, River Islands Parkway, Lakeside Drive, and Paradise Road would remain in their currently planned locations. Golden Valley Parkway would still serve its purpose as a regional alternative roadway as proposed in the current plan.

This alternative would be consistent with the goals and objectives of the WLSLP and the *City of Lathrop General Plan*, which both call for development of the project site. Thus, consistent with CEQA requirements, this No Project—WLSLP Development Alternative is evaluated in the Draft SEIR because it is a more likely development scenario (compared with the No Project—No Development Alternative) if the modified Phase 2 Project were not implemented.

**Findings:** This alternative would not avoid or even reduce the significant and unavoidable impacts of the modified Phase 2 Project. The No Project—WLSLP Development Alternative would have greater impacts than the modified Phase 2 Project in three issue areas (traffic and transportation, energy, and GHG emissions and climate change), less impacts in three issue areas (noise and vibration, public services, recreation), and similar impacts in 13 issue areas (land use; population, employment, and housing; air quality; geology, soils, and mineral resources; hydrology and water quality; hazardous materials and public health; public utilities; agricultural resources; terrestrial biology; fisheries; cultural and tribal cultural resources; aesthetics; wildfire).

This alternative would meet most of the project objectives, except that this alternative would not meet the project objective to “[p]rovide a high-density Transit Oriented Development in the vicinity of the planned Valley Link commuter rail station on the project site” because this alternative does not include this type of development.

The City acknowledges that this alternative would meet the project objectives, but this alternative would not avoid or substantially lessen any of the significant and unavoidable impacts of the modified Phase 2 Project and would result in greater impacts in three issue areas (traffic and transportation, energy, and GHG emissions and climate change) because it does not include transit-oriented development or mixed-use and high-density development, which, under the modified Phase 2 Project, would minimize the need to travel via automobile. The modified Phase 2 Project is environmentally superior to this alternative. For the reasons provided above, this alternative is rejected.

## 7 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to PRC Section 21081 and the State CEQA Guidelines Section 15093, this City Council adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project:

## 7.1 FINDINGS AND STATEMENT

The City Council finds and determines that the majority of the significant impacts of the modified Phase 2 Project will be reduced to acceptable levels by the mitigation measures recommended in these Findings. However, as set forth above, the City's approval of the modified Phase 2 Project as proposed will result in several significant adverse environmental effects that cannot be avoided even with the incorporation of all feasible mitigation measures into the project, and there are no feasible project alternatives which would mitigate or avoid the significant environmental effects. The significant effects that have not been mitigated to a less-than-significant level consist of:

- ▶ **Air Quality:** Increases in Long-Term Regional Emissions
- ▶ **Noise:** Increases in Existing Traffic Noise Levels (project and cumulative)
- ▶ **Noise:** Compatibility of the Proposed Land Uses with Projected Onsite Noise Levels
- ▶ **Agricultural Resources:** Conversion of Important Farmland (project and cumulative)
- ▶ **Agricultural Resources:** Potential Williamson Act Contract Cancellations (only if Paradise Road Widening triggers a cancellation)
- ▶ **Greenhouse Gas Emissions and Climate Change:** Project-Generated GHG Emissions (project and cumulative)

In light of the environmental, social, economic, and other considerations identified in the prior 2003 findings for the WLSP and the River Islands Project, and the considerations set forth below related to modified Phase 2 Project, this City Council chooses to approve the modified Phase 2 Project because, in its view, the economic, social, technological, and other benefits resulting from the project will render the significant effects acceptable.

The following statement identifies the reasons why, in the City Council's judgment, the benefits of the modified Phase 2 Project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the 2003 findings, which are herein incorporated by reference and summarized below; in the modified Phase 2 Project itself; and in the record of proceedings as defined in **Section 2.3**, above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the modified Phase 2 Project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City Council finds that the modified Phase 2 Project, as conditionally approved, would have the following economic, social, technological, and environmental benefits:

## 7.2 2003 STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE OVERALL RIVER ISLANDS PROJECT FINDINGS

The City adopted a Statement of Overriding Considerations in 2003 when it approved the River Islands Project, certified the 2003 SEIR, and adopted the MMRP and CEQA Findings of Fact.

These Findings incorporate by reference the 2003 Findings. Therefore, the 2003 Findings are considered to be part of the text of the current Findings. The 2003 Findings are part of the overall record of proceedings for the project, as evidenced by the same State Clearinghouse Number continuing to be used for each CEQA document (State Clearinghouse No. 1993112027).

The 2003 Findings identify the following benefits of the River Islands Project, as summarized below. Where the modified Phase 2 Project is consistent with the project elements described below, the described benefits would also apply to the modified Phase 2 Project.

## COMMUNITY BENEFITS

The 2003 Findings stated that the River Islands Project would be a sustainable, comprehensively designed community where residents could live, work, and play. It was noted that the River Islands Project would further the City's General Plan policies and the goals and objectives of the WLSP for new residential land use by providing a variety of residential land use designations to meet the future needs of the City and the region, while ensuring compatibility with existing and planned land uses. The scale of development would allow for great variety in the type of neighborhood amenities associated with the various housing types. Housing prices and rents would vary considerably, allowing opportunities for a variety of income levels.

The River Islands Project would contribute a variety of mixed-use/commercial land uses that could become a citywide and regional economic focal point. For example, it was noted that the River Islands Project included development of an Employment Center that would support 15,000 employees, would relieve thousands of Valley residents of the long journey on I-205 and I-580 into Bay Area workplaces, and would offer substantially more jobs than there would be new River Islands Project-employed residents.

The River Islands Project would also provide the community with a Town Center supporting retail, office, civic, and hotel uses. Dominated by uses such as a cultural center, retail, restaurants, library, cinemas, and health and fitness centers, the Town Center would be actively used by residents from the surrounding housing areas and the region.

Within West Lathrop, there would be more of a variety of recreational opportunities than occurs in many large cities. In addition to the more traditional active and passive recreation that is possible in neighborhood parks and at school sites, the River Islands lake system and lakeside parks would offer an array of water-oriented recreational opportunities. The open space system would contribute to the supply of Lathrop public gathering places, affording residents and workers in the area the chance for participating in organized sports, areas for contemplative reflection, views, and public interaction. Plazas and patios would be a part of the park setting in and around the village centers, allowing for art displays or other types of festivals. In addition, there would be indoor facilities for lectures, dance classes, indoor games, and the like.

## JOB CREATION

The 2003 Findings stated that the River Islands Project, through its ability to provide jobs for the City, would play a strong role in achieving the City's goal of developing job-creating activities during the early phases of development. In addition to the employment opportunities provided by the Employment Center described above, it was noted that development of the Specific Plan area would create thousands of construction jobs in addition to hundreds of jobs created by addition of schools, restaurants, retail locations, and other service-oriented establishments.

## PUBLIC REVENUES

The 2003 Findings stated that the River Islands Project, through its phased implementation and ability to generate revenues for the City, would play a strong role in achieving the General Plan's goal of developing tax revenue-creating activities necessary to implement other city-wide objectives. It was noted that no costs associated with the development of the WLSP area would be borne by existing residents of the City. In addition, the River Islands Project would contribute its fair share toward the cost of City-wide community facilities that would be constructed outside of the project area, including library, police station, and various roadway improvements. In short, the River Islands Project would increase tax revenues to the City through the addition of property value, the expansion of the housing market and commercial activities, and the overall enhancement of the City's economic base.

## NATURAL RESOURCES

The 2003 Findings described that habitat preservation and restoration were important benefits of the River Islands Project because the natural Delta setting that nurtures wildlife also contributes to resident's quality of life. It was

noted that specific areas along Stewart Tract's perimeter would be reestablished as shaded riverine aquatic (SRA) habitat for special-status fish species and that expanded wildlife habitat could be created. Paradise Cut would be preserved as a natural habitat area, which would also provide educational value for residents and visitors in the area.

### 7.3 STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE MODIFIED PHASE 2 PROJECT FINDINGS

In the City Council's judgment, the project and its benefits outweigh its unavoidable significant effects. The following statement identifies the reasons why, in the City Council's judgment, the benefits of the project as approved outweigh its unavoidable significant effects. The City Council finds that the noted benefits are individually meritorious, and taken together, provide substantial public benefits that are sufficient to justify approval of the modified Phase 2 Project.

#### COMMUNITY BENEFITS

Similar to the overall River Islands Project, the modified Phase 2 Project would provide a variety of residential land use designations to meet the future needs of the City and the region and would be compatible with existing and planned land uses in the City of Lathrop. Specifically, the modified Phase 2 Project would increase the number and density of residential development, with an additional 4,010 residential units compared to the approved project. Similar to the overall River Islands Project, the modified Phase 2 Project would also allow for variety in the type of neighborhood amenities associated with the various housing types and would offer a range of housing prices and rents, allowing opportunities for a variety of income levels.

Similar to the overall River Islands Project, the modified Phase 2 Project would contribute a variety of mixed-use/commercial land uses that could become a citywide and regional economic focal point. The modified Phase 2 Project includes two mixed-use areas—the Employment Center and the Paradise Cut Village Center—that would blend residential and nonresidential land uses together. The Employment Center, which includes the new, mixed-use Transit Oriented Development (TOD) area, includes high-density residential, office, paseos, parking areas for the adjacent Valley Link transit station, and possibly commercial uses. The TOD area provides a range of benefits, including increased transit ridership, reduced regional congestion and pollution, and a healthier, more walkable neighborhood. Even if the Valley Link transit station is not constructed, the TOD area will proceed as planned, to serve as a multimodal center for traditional transportation alternatives, including buses in the San Joaquin Regional Transit District (San Joaquin RTD) and possible shuttles between the TOD area and the existing Altamont Corridor Express (ACE) regional rail station. The higher-density housing and layout of the TOD area will not substantially change if there is not a Valley Link transit station and planned parking areas would be used for shuttles to the ACE station and as a park-and-ride lot and for other transit related uses.

The Paradise Cut Village Center is located at the southwestern entry into River Islands, and includes a mix of retail, office, townhouses and apartments, and educational and civic uses. Buildings would be designed to enhance pedestrian experiences, and streets and block sizes would be planned to further enhance the walkable nature of the area.

The mix of complementary land uses would increase internal vehicle trip capture within the River Islands Development (RID) area and reduce vehicle miles travelled (VMT) when compared to the approved Phase 2 Project. In addition, the future Valley Link transit station would provide an opportunity for residents and employees of the RID area to replace long distance home-based work single occupancy vehicle trips with high-quality transit trips to and from the San Francisco Bay Area. As a result, VMT modelling for the modified Phase 2 Project indicates that the project will result in vehicle travel that exhibits low-VMT characteristics.

Implementation of the modified Phase 2 Project and its expanded roadway network would result in increased connectivity. For example, improved roadway connections within the Phase 2 area offer alternative travel routes for area residents, thereby alleviating roadway congestion in other areas within the City. Specifically, the modified Phase 2 Project would include a potential offsite element consisting of an extension of Golden Valley Parkway included in

San Joaquin County's inter-regional system and part of its Regional Transportation Improvement Fee (RTIF) program. This roadway would be constructed as a multi-agency effort and the River Islands applicant would be required to continue to contribute funding towards this roadway as part of the RTIF program (fee payments). This extended portion of Golden Valley Parkway would connect to I-205 via the proposed Paradise Road/Chrisman Road interchange. Golden Valley Parkway, as part of the inter-regional transportation system, is planned for construction whether or not the River Islands Project proceeds further; however, implementation of the modified Phase 2 Project would expedite its completion.

The modified Phase 2 Project would provide a variety of recreational opportunities focused on outdoor use. Specifically, the modified Phase 2 Project includes a wide variety of parks in and around the developed areas. A total of 230.29 acres of parkland would be developed in the Phase 2 area, which is an increase of 63.59 acres of parkland compared to the approved project. This parkland would include neighborhood parks, pocket parks, open space, community parks, and linear parks (trails). The park system takes advantage of its location along the rivers and offers a variety of recreational amenities for the community to interact with this natural resource. Locations of parks and open spaces ensure that recreational amenities are accessible to all community members. Pedestrian and bicycle connections are laid out to facilitate safe non-vehicular circulation between the community and park sites.

The modified Phase 2 Project would incorporate water in its many forms throughout the project area to reinforce the area's Delta setting. A central amenity to the entire River Islands Project is its lake system. As with Phase 1, Phase 2 will include a number of lakes, hydraulically connected via pipes and pump stations. The lake system is a signature feature of the community, providing a scenic setting for public and private uses, as well as opportunities for activities such as boating and water recreation, fishing, and wildlife viewing. Many of the qualities of the various parks, recreation, and open space elements will contribute to the value of the future homes and businesses and continue to define the character and identity of River Islands.

## JOB CREATION

Similar to the overall River Islands Project, the modified Phase 2 Project would create substantial employment opportunities—both short-term construction jobs and long-term employment opportunities. Over the 20-year buildout period, modified Phase 2 construction activities are anticipated to require up to an estimated 224 construction workers during peak construction, which is similar to the estimate for the overall River Islands Project (300 construction workers). In terms of long-term employment opportunities, the proposed Phase 2 modifications would generate an estimated 7,963 jobs; or 263 fewer jobs than the employment projection for the approved project because the Phase 2 modifications would increase the number of residential units and decrease the square footage of job-generating uses compared to the approved project.

This shift in number of housing units and amount of job-generating uses under the modified Phase 2 Project would contribute to a more balanced jobs-to-housing ratio in both the City of Lathrop and San Joaquin County. Both the City and County have a balanced jobs:housing ratio (as of 2015 and 2019, respectively, which is the latest year for which data is available). Jobs and housing are balanced when there are an equal number of employed residents and jobs in an area, with a ratio of approximately 1.0. The 2003 SEIR determined that buildout of the overall River Islands Project would result in a jobs:housing balance of 0.62 at the end of Phase 1 and 0.76 at the end of Phase 2 (project buildout), which indicates that the project would be job-rich and could generate demand for new housing in the region. The modified Phase 2 Project would generate 7,963 new jobs and 10,726 dwelling units. Therefore, the modified Phase 2 Project would have a jobs:housing ratio of approximately 0.74:1, making it housing-rich. Because the City and County have a balanced jobs:housing ratio and the modified Phase 2 Project is housing-rich, there would be no additional housing demand generated by the project beyond the housing that would be provided by the project. This jobs-housing balance would not only help diversify the land-use mix in the vicinity, which enhances cohesion and economic sustainability of the community, but would also help to reduce vehicle trips for City and County residents. This in turn helps to reduce the regional trip generation and improve overall quality of life.



## PUBLIC REVENUES

Similar to the overall River Islands Project, the modified Phase 2 Project would continue to play a strong role in achieving the General Plan's goal of developing tax revenue-creating activities necessary to implement other city-wide objectives. In addition, River Islands will contribute its fair share toward the cost of City-wide community facilities that are proposed for construction inside and outside of the project area, including library, police station, and various roadway improvements. Specifically, development in the Phase 2 area is anticipated to generate substantial property and sales tax revenues, which would support enhanced levels of public services in the area. On the project site, the modified Phase 2 Project would support a second fire station in the project area (Fire Station 36, which would be located in the Woodlands District near River Islands Parkway), which would solidify emergency service responses in the West Lathrop area and benefit the surrounding population as well. In addition, the modified Phase 2 Project will also contain bus turnouts along major arterials to accommodate future bus service for the San Joaquin RTD. The size and scale of the River Islands Project, including the modified Phase 2 Project, is needed to help fiscally support these enhanced service levels.

## NATURAL RESOURCES

Natural lands planned as part of the overall River Islands Project would provide a variety of functions, including flood control, recreation, and habitat for sensitive species. Habitat restoration/enhancement would also be conducted in many of the natural land areas, including Paradise Cut, the riverbanks, and the cross levee paralleling the western Union Pacific Railroad (UPRR) right-of-way.

As part of the overall River Islands Project, and implemented during Phase 2 of Project implementation, the project applicant would establish biological habitat restoration/creation areas and preserve natural lands in Paradise Cut as well as the perimeter areas along Old River if federal and state approvals could be obtained.

Paradise Cut would be developed as an ecorestoration area in Phase 2 following the urban development, creating new opportunities for wildlife habitat, additional storage for stormwater, and a component of the River Islands open space system. Paradise Cut will continue to act as a seasonal floodway that contains agricultural uses and wildlife habitat. Public access will be limited to passive recreation and designated trails. Nature observation will be encouraged in certain locations, and an interpretive center will be provided if authorized by the appropriate permitting agencies. Boating may be allowed along some of the waterways in Paradise Cut.

## 7.4 CONCLUSION

The City Council has balanced these benefits and considerations against the potentially significant unavoidable environmental effects of the project and has concluded that the impacts are outweighed by these benefits, among others. After balancing environmental costs against project benefits, the City Council has concluded that the benefits the County will derive from the project, as compared to existing and planned future conditions, outweigh the risks. The City Council believes the project benefits outlined above override the significant and unavoidable environmental costs associated with the project.

In sum, the City Council adopts the mitigation measures in the MMRP for the project and finds that any residual or remaining effects on the environment resulting from the project, identified as significant and unavoidable in the Findings of Fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations.