

FINDINGS FOR THE SOUTH LATHROP SPECIFIC PLAN

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

I. INTRODUCTION

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

This document explains the City's findings regarding the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the South Lathrop Specific Plan (SLSP or Project). The statement of overriding considerations in section VII, below, identifies economic, social, technical, and other benefits of the Project that override any significant environmental impacts that would result from the Project.

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

The Final EIR (which includes the Draft EIR, comments, responses to comments, and revisions to the Draft EIR) for the Project, examined several alternatives to the Project that were not chosen as part of the approved project (1) No Build Alternative; (2) No Project Alternative (General Plan Alternative); (3) Reduced Project Alternative; and (4) Agriculture Protection Alternative).

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

II. GENERAL FINDINGS AND OVERVIEW

Project Background

The project proposes adoption and implementation of the South Lathrop Specific Plan and approval of related entitlements (collectively referred to as the South Lathrop Specific Plan or SLSP). The SLSP is proposed for a 315-acre plan area ("Plan Area") located in the City of Lathrop's Sphere of Influence. Adoption of the proposed SLSP will involve a series of related actions,

including a general plan amendment, pre-zoning and zoning code amendment, annexation, subdivision, and a development agreement. In addition, as specific development projects are proposed within the Plan Area, site development reviews and other site specific approvals will be requested.

The Plan Area is located south of State Route 120, north and west of the Union Pacific Railroad, and east of the San Joaquin River. The SLSP includes development of commercial office, limited industrial, park/open space, public facilities, and roads.

South Lathrop Specific Plan: The SLSP has been organized into eight chapters as well as the appendices that contain the following information:

- Chapter 1: *Executive Summary:* A brief description of the specific plan content.
- Chapter 2: *Site Context:* The specific plan context and overall setting.
- Chapter 3: *Land Use:* A detailed description of the Land Use Plan and lists policies and development standards for each proposed land use.
- Chapter 4: *Transportation:* A detailed overview of the existing and proposed transportation system.
- Chapter 5: *Design Guidelines:* Provides the site, landscape and architectural standards for each land use.
- Chapter 6: *Infrastructure:* Summarizes the proposed infrastructure for sewer, water and drainage within and serving the Plan Area.
- Chapter 7: *Financing Plan:* The projects financing plan summarizes the phasing of backbone infrastructure and roadways; the construction costs of major facilities; fee structures and funding programs.
- Chapter 8: *Implementation & Administration:* Provides the procedures and provisions for implementation of the specific plan, including the handling of subsequent entitlements and amendments to the plan as well as financing of required improvements.
- Appendix: Includes several supporting documents including the General Plan Consistency Analysis, South Lathrop Zoning Ordinance and development regulations.

Land Uses: The Commercial Office area has been located close to SR 120 corridor in order to capitalize on the vehicular access and visibility provided by this main thoroughfare. Office and Commercial uses will provide regional as well as local serving business/professional workspace. Specific users for this land use might include a full range of large or small commercial operations, professional and administrative support services, administrative office, financial institutions, recreational facilities, eating establishments, hotels/motels, incubator/research and development space, and the like. The Commercial Office land use encompasses 10 acres of the South Lathrop Specific Plan Area and can accommodate an estimated maximum of 130,680 square feet of gross leasable space.

The majority of the Plan Area is comprised of Limited Industrial uses, which is envisioned as a major employment-generating land use. The Limited Industrial would allow for a broad range of use types including industrial, manufacturing, warehousing/distribution, office, retail sales,

retail services, trailer and recreational vehicle sales, research and development, equipment and machinery repair, sales, rental and other such uses and services necessary to support them. For the purposes of truck transport of goods, easy access to the highway from Yosemite Avenue is essential. The SLSP provides a chart with the full range of permitted uses under this land use category. The Limited Industrial use comprises 246.4 acres and can accommodate up to an estimated 4,158,000 to 4,574,000 square feet of gross leasable space.

The open space along the San Joaquin River provides a buffer for the levee and a connection to the City's river park corridor and trail system, established within Mossdale Village and Central Lathrop. This trail system will be continued within the SLSP, with a direct connection occurring underneath I-5 as part of RD-17's maintenance road. The Open Space land use designation also includes the San Joaquin River frontage and area to the centerline of the river.

The Public/Quasi Public Facilities land use designation includes the storm water and recycled water basins required for storage and treatment of the stormwater and recycled water within the Plan Area.

After publication of the Final EIR, the City and the developer proposed minor modifications to the SLSP land use designations. The SLSP originally proposed 36 acres as designated Public/Quasi Public Facilities that would include storm water detention and retention basins, recycled water basins, and public easements. Since processing of the SLSP was initiated, however, the City and the Developer confirmed that alternative wastewater disposal methods on Land Application Area No. 3 (LAA-3) in the Crossroads Commerce Center were both feasible and preferable to the methods proposed under the SLSP. Therefore, the 24.4 acres of recycled water basin within the SLSP area is no longer necessary. Accordingly, 24.4 acres previously proposed as Public/Quasi Public Facilities, will now be designated Light Industrial. The total area designated Light Industrial is now 246.4 acres (rather than 222 as previously proposed) and the total area designated Public/Quasi Public Facilities is now 11.6 acres (rather than 36 as previously proposed).

Circulation: The SLSP proposes a street network that provides for the efficient access and circulation for the businesses within the Plan Area as well as visitors. Access to the site is gained from the SR-120/Yosemite-Guthmiller interchange and via Yosemite Avenue. Madruga Road, a frontage road within the Plan Area will remain, providing access to the existing uses.

A 4 lane arterial will extend from Guthmiller Road and into the Plan Area. The arterial will provide access to both the commercial office uses and the industrial uses. A local industrial street will be provided in the southern portion of the site for additional access to the industrial uses and to the open space and levee. A 20' road for emergency purposes is proposed to be provided between Madruga Road and the local industrial road for emergency vehicle access.

The roads within the Plan Area will provide wide sidewalks to allow for pedestrian and bicycle circulation. Pedestrian access to the San Joaquin River Trail will be provided through the industrial land use along the powerline corridor from the end of the local industrial street.

Public Services & Infrastructure: The provision of public services and the construction of onsite and offsite infrastructure improvements will be required to accommodate development proposed

by the SLSP. It is an objective of the SLSP to provide services and infrastructure that meet City standards, integrate with existing and planned facilities and connections, and do not diminish services to existing residents or businesses within the City. The Plan Area was included in the City of Lathrop's Municipal Service Review (updated in 2009) and has been planned to be served by the City of Lathrop. The final design of all onsite and offsite infrastructure improvements is subject to the review and approval of the City of Lathrop. A full description of public service and infrastructure needs is described in Section 2.0.

PROCEDURAL BACKGROUND

The City of Lathrop circulated a Notice of Preparation (NOP) of an EIR for the SLSP on January 25, 2013 to responsible agencies, trustee agencies, the State Clearinghouse, the Native American Heritage Commission, and the public. A public scoping meeting was held on February 6, 2013, to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and comments received on the NOP by interested parties are presented in Appendix A of the Draft EIR.

The City of Lathrop published a public Notice of Availability (NOA) for the Draft EIR on October 9, 2013, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2013012064) and the County Clerk, and published in a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The public review period was extended on October 29th through December 16th. The public review period with the extension was from October 9, 2013 through December 16, 2013 (68 days).

The City of Lathrop received eleven (11) comment letters on the Draft EIR during the public review period. After the public review period concluded, five additional comment letters were received. In accordance with CEQA Guidelines Section 15088, the Final EIR 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 are also included in Final EIR.

RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

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

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the Project (e.g., Notice of Availability).
- The South Lathrop Specific Plan Draft EIR and Final EIR, including comment letters, and technical materials cited in the documents.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Lathrop and consultants in relation to the EIR.

- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

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

FINDINGS REQUIRED UNDER CEQA

Public Resources Code 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.”

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

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 Pub. Resources Code, § 21081, subd. (a)(1)-(3).)

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

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

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

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Mitigation Monitoring Program

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

CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

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

CONSIDERATION OF PROJECT MODIFICATIONS As noted above, after publication of the Final EIR, the City and the Developer proposed minor changes to the proposed land use designations under the SLSP. Specifically, 24.4 acres previously proposed as Public/Quasi Public Facilities under the SLSP, was changed to Light Industrial. The total area designated Light Industrial is now 246.4 acres (rather than 222 as previously proposed) and the total area designated Public/Quasi Public Facilities is now 11.6 acres (rather than 36 as previously proposed). City staff has analyzed these changes and their potential environmental implications, and determined the minor modifications would not change the analysis and conclusions in the EIR. Based on the analysis in the Staff Report and the Final EIR, the City finds that the minor modifications in land use designations do not change the analysis or conclusions in the Final EIR. The City further finds that the mitigation measures included in the final EIR are adequate and do not require modification.

SEVERABILITY

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

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. AESTHETICS AND VISUAL RESOURCES

1. **IMPACT 4.2: CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION**
 - (a) **Potential Impact.** The potential for the Project to result in impacts to the visual character of the region is discussed on pages 4.0-5 and 4.0-6 of the Draft EIR.
 - (b) **Mitigation Measures.** No feasible mitigation measures were identified.

- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Effects of Mitigation and Remaining Impacts. Implementation of the SLSP would convert the Plan Area from its existing agricultural character to a developed industrial and commercial complex with various buildings, landscaping, and parking areas. SLSP implementation would alter the existing visual character of the Plan Area; however, the guidelines and standards within the SLSP would ensure consistent development that is in line with the City's vision for the community's identity. Under cumulative conditions, buildout of the Lathrop General Plan and Manteca General Plan and surrounding areas of San Joaquin County could result in changes to the visual character and quality of the City of Lathrop through development of undeveloped areas and/or changes to the character of existing communities. Development of this SLSP, in addition to other future projects in the area, would change the existing visual and scenic qualities of the City. There are no mitigation measures or alternatives that could reduce this impact to a less than significant level except a ceasing of all future development, which is not a feasible option. As such, the Projects' contribution to this impact is cumulatively considerable and the impact is significant and unavoidable.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to the visual character of the region, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

B. AGRICULTURAL RESOURCES

1. IMPACT 3.2-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN THE CONVERSION OF FARMLANDS, INCLUDING PRIME FARMLAND, UNIQUE FARMLAND, AND FARMLAND OF STATEWIDE IMPORTANCE, TO NON-AGRICULTURAL USES
 - (a) Potential Impact. The potential for the Project to result in the conversion of farmlands, including important farmlands, to nonagricultural uses is discussed on pages 3.2-13 and 3.2-16 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1 and 3.2-2.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.2-1 would require the project proponents to participate in the City of Lathrop agricultural mitigation program and the SJMSCP prior to conversion of important farmland in the Plan Area by paying the established fees on a per-acre

basis for the loss of important farmland. Fees paid toward the City of Lathrop's program must include half of the mitigation (\$1,000/acre) to be paid to the Central Valley Farm Trust (CVFT). The CVFT would use these funds to purchase conservation easements on agricultural lands to fulfill the compensatory mitigation. The other half (\$1,000/acre) will be collected by the City of Lathrop and may be passed to the CVFT or other trust, or may be retained by the City of Lathrop to be applied to local easements or other agricultural mitigation. In addition to the \$2,000/acre paid through the City's program, fees paid toward the SJMSCP will benefit both habitat and agriculture. Fees paid toward the SJMSCP shall be in accordance with the fees established at the time they are paid (2013 fees for Agricultural Habitat is \$12,711/acres). The SJCOG shall use these funds to purchase conservation easements on agricultural habitat lands to fulfill the compensatory mitigation. Written proof of payment to SJCOG and CVFT shall be provided to the City. The combination of the City's mitigation program and the SJMSCP will provide compensatory mitigation at a ratio of 1:1 or more.

Implementation of Mitigation Measure 3.2-2 would require the project proponent to provide Right-to-Farm disclosures to the purchaser prior to the close of real property transactions within the SLSP. This provision is required for all properties within the Plan Area which may be impacted or affected by on-going farming operations.

Changes or alterations have been required in, or incorporated into, the Project which will substantially lessen, but not to a less than significant level, the significant environmental effect as identified in the Final EIR. Since no feasible mitigation measures or alternatives are available to reduce this impact to a less than significant level, this impact remains significant and unavoidable. While Mitigation Measures 3.2-1 and 3.2-2 would result in protection or improvement of comparable farmlands, the potential remains for a net reduction, albeit small when compared to the overall amount of farmland in the County, in the amount of important and/or significant farmlands in San Joaquin County as a result of the Project. This would represent a significant and unavoidable impact of the Project.

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

2. IMPACT 4.4: CUMULATIVE IMPACT ON AGRICULTURAL AND FOREST RESOURCES

- (a) Potential Impact. The potential for the Project to result in a cumulative impact on agricultural and forest is discussed at pages 4.0-6 and 4.0-7 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1 and 3.2.2.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.2-1 would require the project proponents to participate in the City of Lathrop agricultural mitigation program and the SJMSCP by paying the established fees on a per-acre basis for the loss of farmland. Fees also include \$1,000/acre to be paid to the Central Valley Farm Trust (CVFT) for use to purchase conservation easements on agricultural lands, \$1,000/acre paid to the City of Lathrop to either be passed to the CVFT or other trust, or to be retained by the City of Lathrop to be applied to local easements or other agricultural mitigation. In addition to the \$2,000/acre paid through the City's program, fees paid toward the SJMSCP will benefit both habitat and agriculture. Fees paid toward the SJMSCP will be in accordance with the fees established at the time they are paid (2013 fees for Agricultural Habitat is \$12,711/acres). The SJCOG will use these funds to purchase conservation easements on agricultural habitat lands to fulfill the compensatory mitigation. Written proof of payment to SJCOG and CVFT must be provided to the City. The combination of the City's mitigation program and the SJMSCP will provide compensatory mitigation at a ratio of 1:1 or more.

Implementation of Mitigation Measure 3.2-2 would require the project proponent to provide Right-to-Farm disclosures to the purchaser prior to the close of real property transactions within the SLSP. This provision is required for all properties within the Plan Area which may be impacted or affected by on-going farming operations.

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen, but not to a less than significant level, the significant environmental effect as identified in the final EIR. Since no feasible mitigation measures or alternatives are available to reduce this impact to a less than significant level, this impact remains significant and unavoidable. While Mitigation Measures 3.2-1 and 3.2-2 would result in protection or improvement of comparable farmlands, the potential remains for a net reduction, albeit small when compared to the overall amount of farmland in the County, in the amount of important and/or significant farmlands in San Joaquin County as a result of the Project. Therefore, the Projects' contribution to this impact is cumulatively considerable and the impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project

associated with cumulative impacts on agricultural land and uses, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

C. AIR QUALITY

1. IMPACT 3.3-1: PROJECT OPERATION HAS THE POTENTIAL TO CAUSE A VIOLATION OF AN AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION

- (a) Potential Impact. The potential for the Project to result in cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation is discussed on pages 3.3-16 and 3.3-20 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1, 3.3-2, 3.3-3, and 3.3-4.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. Implementation of Mitigation Measure 3.3-1 would require the project proponent to submit an Air Impact Assessment (AIA) application to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for District Rule 9510 Indirect Source Review (ISR) to obtain AIA approval from the District prior to final discretionary approval. The project proponent must demonstrate compliance with District Rule 9510 including payment of all fees prior to the issuance of a building permit.

Implementation of Mitigation Measure 3.3-2 would require the project proponent to incorporate the numerous features into project plans and specifications consistent with adopted City of Lathrop Design and Construction Standards (2007) prior to the approval of improvement plans. These include: Bus turnouts and transit improvements where requested by the San Joaquin RTD; Continuous public sidewalks adjacent to all proposed public streets; Pavement and striping for bike lanes/paths; Street lighting; Pedestrian signalization, signage and safety designs at signalized intersections; Shade trees to shade sidewalks in street-side landscaping areas; and Require low-VOC cleaning supplies to be used by businesses and cleaning services within the Plan Area.

Implementation of Mitigation Measure 3.3-3 would require the project proponent to prepare and implement a transportation demand management (TDM) plan that includes numerous measures prior to the approval of improvement plans. These include: Provide secure bicycle parking in conjunction with commercial and office development; Provide designated vanpool parking spaces close to the employment center entry locations; Provide preferential carpool parking spaces close to the employment center entry locations; Provide on-site amenities that

encourage alternative transportation modes such as locker, shower, and secure bike storage facilities; Provide on-site services such as personal mail boxes and day care that reduce mid-day trip generation; Provide information to business owners regarding the benefits of telecommuting options; Provide transit vouchers; Provide information to employees regarding carpooling, ride sharing and other available programs; and Coordinate SJCOG's Commute Connection Program.

Implementation of Mitigation Measure 3.3-4 would require the project proponent to provide the City of Lathrop with confirmation that they have met with the SJVAPCD to explore the potential of entering into a Voluntary Emissions Reduction Agreement (VERA) as a method to achieve emissions reductions in excess of District Rule 9510 (Indirect Source Review) requirements. The City must confirm that the project proponent has made a good-faith effort to reduce emissions through a VERA, taking into consideration whether emissions reductions through a VERA can be accomplished in a successful manner within a reasonable period of time, and taking into account economic, environmental, legal, social, and technological factors.

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen, but not to a less than significant level, the significant environmental effect as identified in the Final EIR. Since no feasible mitigation measures or alternatives are available to reduce this impact to a less than significant level, this impact remains significant and unavoidable. Mitigation Measures 3.3-1, 3.3-2, and 3.3-3, could result in substantial mitigation of emissions. The reductions are accomplished by the incorporation of mitigation measures into projects and/or by the payment of an Indirect Source Rule fee for any required reductions that have not been accomplished through project mitigation commitments. The current fees are \$9,350 per ton of NO_x and \$9,011 per ton per of PM. The actual calculations will be accomplished by the SJVAPCD and project applicants as individual projects (i.e. portions of the Specific Plan) are brought forward for approval under Rule 9510. However, even with the application of the ISR and the mitigation measures described above, emissions levels would remain above the defined thresholds of significance. As such, operation of the SLSP would have a significant and unavoidable impact relative to operational air emissions. Additionally, Mitigation Measure 3.3-4 requires the applicant to add policy language into the Specific Plan that addresses the potential use of a VERA as a method to achieve emissions reductions in excess of District Rule 9510 (Indirect Source Review) requirements. The policy also requires consideration of the benefits of improved air quality with the costs of implementation in the decision making process. Because a VERA is a voluntary contractual agreement that is negotiated, it cannot be certain that both parties will agree to acceptable terms. The inclusion of this policy language does not guarantee that the impact would be reduced to a less than significant level. As such, the impact would be significant and unavoidable.

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

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

- (a) Potential Impact. The potential for the Project to have a cumulative impact on the regional's air quality is discussed on pages 4.0-7 and 4.0-8 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1, 3.3-2, 3.3-3, and 3.3-4.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Changes or alterations have been required in, or incorporated into, the project which will substantially lessen, but not to a less than significant level, the significant environmental effect as identified in the Final EIR. Since no feasible mitigation measures or alternatives are available to reduce this impact to a less than significant level, this impact remains significant and unavoidable. Mitigation Measures 3.3-1, 3.3-2, and 3.3-3, could result in substantial mitigation of emissions. The reductions are accomplished by the incorporation of mitigation measures into projects and/or by the payment of an Indirect Source Rule fee for any required reductions that have not been accomplished through project mitigation commitments. The current fees are \$9,350 per ton of NOx and \$9,011 per ton per of PM. The actual calculations will be accomplished by the SJVAPCD and project applicants as individual projects (i.e. portions of the Specific Plan) are brought forward for approval under Rule 9510. However, even with the application of the ISR and the mitigation measures described above, emissions levels would remain above the defined thresholds of significance. As such, operation of the SLSP would have a significant and unavoidable impact relative to operational air emissions. Additionally, Mitigation Measure 3.3-4 requires the applicant to add policy language into the Specific Plan that addresses the potential use of a VERA as a method to achieve emissions reductions in excess of District Rule 9510 (Indirect Source Review) requirements. The policy also requires consideration of the benefits of improved air quality with the costs of implementation in the decision making process. Because a VERA is a voluntary contractual agreement that is negotiated, it cannot be certain that both parties will agree to acceptable terms. The inclusion of this policy language does not guarantee that the impact would be reduced to a less than significant level. As such, the Projects contribution to this impact is cumulatively considerable and the impact is significant and unavoidable.

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

D. HYDROLOGY AND WATER QUALITY

1. IMPACT 4.13: CUMULATIVE IMPACTS RELATED TO DEGRADATION OF GROUNDWATER SUPPLY OR RECHARGE

- (a) Potential Impact. The potential for the Project to result in the degradation of groundwater supply or recharge is discussed at page 4.0-15 and 4.0-16 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. According to the City of Lathrop Municipal Services Review and Sphere of Influence Plan, with groundwater pumping projected to increase in the City and in Manteca, absolute preservation of groundwater supply does not appear possible (City of Lathrop, 2009). The impact, however, will be mitigated through: 1) the implementation of the SCWSP and the subsequent blending of groundwater with low-TDS surface water; 2) water treatment; and, 3) pursuit of alternative water supplies in accordance with WSS findings. In addition, regional implementation of the integrated conjunctive use program presented in the ESJGB-GMP (including groundwater recharge, increased surface water use, and reduced rates of groundwater pumping) could slow or reverse the migration of the groundwater salinity front.

While the impact of groundwater use by the Cities of Lathrop and Manteca may be lessened by the mitigation discussed previously, the Department of Water Resources (DWR) Bulletin 118 (DWR, 2003), has determined that the Eastern San Joaquin River Groundwater Basin (ESJGB) is in a critical condition of overdraft. The estimated safe yield of the groundwater basin is approximately 618,000 AF/YR (0.87 AFY per acre, average) and the estimated overdraft is 113,000 AF/YR. The available groundwater supply for the City is projected to increase to 12,096 AFY by 2020.

The demand on groundwater cannot, at this time, keep up with the supply. While the SLSP would not increase the demand on groundwater above the City of Lathrop allocation, future development projects or those outside of the City's jurisdiction may increase the demand for groundwater. Because of projected future growth in the ESJGB, the likelihood of a continued groundwater overdraft is present. Until other sources of water or the implementation of water reduction

techniques that will lessen the dependence on groundwater can occur, the cumulative effect of groundwater will continue to be in an overdraft state. While many jurisdictions within the ESJGB area require the use of water saving appliances and facilities for new construction, existing structures are not held to this standard. One mitigation measure would be to require all water users to incorporate water saving features into their structures. However, this is beyond the control of the City of Lathrop and is considered infeasible mitigation as the City has no jurisdiction over other cities or counties. There are no feasible alternatives or mitigation measures that would reduce this impact to less than significant. As such, the Project would have a cumulatively considerable contribution to this impact and the impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the degradation of groundwater supply or recharge, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

E. MINERAL RESOURCES

1. IMPACT 3.11-1: THE PROJECT WOULD RESULT IN THE LOSS OF A KNOWN MINERAL RESOURCE THAT WOULD BE OF VALUE TO THE REGION

- (a) Potential Impact. The potential for the Project to result in the loss of a known mineral resource that would be of value to the region is discussed at page 3.11-6 through 3.11-7 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Effects of Mitigation and Remaining Impacts. Implementation of the SLSP would permanently convert the Plan Area to urban uses and would preclude the recovery of mineral resources from the Plan Area. While mitigation requiring the reclamation of mineral resources prior to urbanization of the site has been considered, this mitigation would conflict with project objectives identified in Chapter 2, Project Description, individually and collectively. Project objectives that would be in conflict are reprinted below.
- *“Establish a core of regional and local serving business and commercial uses that capitalize upon the visibility and access provided by SR 120, and augment City sales tax revenue.”*
 - *“Provide for local and regional employment opportunities that take advantage of the Plan Area’s high level of accessibility, allow for the expansion of the*

City's economic base, help create a jobs/housing balance, and reduce the commute for regional residents."

- *"Provide access to the San Joaquin River Trail, connecting to the City of Lathrop."*
- *"Provide an efficient circulation system that includes not only automobile transportation but also pedestrian, bicycle and public transit."*
- *"Provide infrastructure and services that meet City standards, integrate with existing and planned facilities and connections and do not diminish services to existing residents of the City."*
- *"Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards."*
- *"Strengthen the City's economic base through South Lathrop Specific Plan's job creation; development related investment; disposable income from future employees; and increased property, sales, and transient occupancy taxes."*
- *"Development of land use densities and intensities at quantities that maximize the use of the land to meet the demands of the market while considering zoning and land uses restrictions. The quantifiable objectives include the development of up to 222 acres of limited industrial, 10 acres of commercial office, 31.5 acres of open space, 36 acres of related public facilities and 15.5 acres of right-of-way at ultimate build out, with a projected potential of approximately 4,288,918 square feet of employment-generating development."*

A mitigation measure that would require recovery of mineral resources prior to urbanization of the Plan Area would be in conflict with the project objectives described above individually and collectively. Additionally, because of the high groundwater levels in the area, due in part to the proximity of the Plan Area to the San Joaquin River, recovery of the mineral resources would result in a mine pit filled with water that would effectively become a manmade lake. Two examples are present on neighboring properties—the Brown Sand mining facility directly to the south of the Plan Area, and the Oakwood Lakes Subdivision to the southeast. The Brown Sand facility is an active mine that has resulted in a large pit filled with water. The water filled pit is undevelopable for urban uses in the future. The Oakwood Lakes Subdivision is a reclaimed mine, that includes a large lake (the result of a mine pit) that is surrounded by residential homes. The large lake was deemed undevelopable at the time the property was reclaimed and developed. Similar to these two examples, mining of the Plan Area would result in a pit filled with water which would make the majority of the Plan Area undevelopable for

urban uses. A mitigation measure that would require recovery of mineral resources prior to urbanization of the site would be in conflict with the project objectives, and would significantly reduce the area that could be developed with urban uses. There are no feasible alternatives or mitigation measures available that would reduce the impact to a less than significant level. Therefore, this impact is considered significant and unavoidable.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the loss of a known mineral resource that would be of value to the region, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 3.11-2: THE PROJECT WOULD RESULT IN THE LOSS OF A LOCALLY IMPORTANT MINERAL RESOURCE RECOVERY SITE DELINEATED ON A LOCAL GENERAL PLAN

(a) Potential Impact. The potential for the Project to result in the loss of a locally important mineral resource recovery site delineated on a local general plan is discussed at page 3.11-8 of the Draft EIR.

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

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

(1) Effects of Mitigation and Remaining Impacts. The Plan Area is designated as MRZ-2 by the City's General Plan and the City's General Plan includes policies in support of the reclamation of MRZ-2 mineral resources and specifically includes those resources in the project area. The City's General Plan indicates that the lands classified as MRZ-2 are considered important to the area and of regional and statewide significance. Specifically, the General Plan identifies Mineral Resources Policy 1 which indicates that MRZ-2 lands should be mined and reclaimed, if determined practical and feasible, prior to their use for various urban purposes. Mineral Resources Policy 2 indicates that the depth of the known sand deposits of regional significance is considerable and that potential for mining to the depth is recognized for the lands between the I-5/SR 120 merge and the UPRR, which is where the Plan Area is located. Mineral Resources Policy 3 requires lands classified MRZ-2 with potential to mine to depth to have the combining "mineral resource open space zone." While Policies 1 through 3 encourage the mining and reclamation of MRZ-2 lands, which includes those in the Plan Area, Policy 4 provides for development of such lands with urban uses without first being mined if compelling reasons can be stated by the City in support of such actions and the requirements of the relevant Public Resources Code sections are fulfilled. The analysis in the Draft EIR is limited to the environmental impacts of the SLSP and is not focused on the project's social or economic merits. The project has significant

social and economic benefits from the job opportunities and tax revenue that would be generated through the project. These social and economic merits are especially beneficial to and desirable by the City of Lathrop during the current economic climate.

While mitigation requiring the reclamation of mineral resources prior to urbanization of the Plan Area has been considered, this mitigation would conflict with the project objectives identified in Chapter 2, Project Description as described under Impact 3.11-1 and would significantly reduce the area that could be developed with urban uses. Because there are no feasible mitigation measures or alternatives that would reduce this impact to a less than significant level, this impact is considered significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the loss of a locally important mineral resource recovery site delineated on a local general plan, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. IMPACT 4.17: CUMULATIVE IMPACTS RESULTING IN THE LOSS OF A KNOWN MINERAL RESOURCE

- (a) Potential Impact. The potential for the Project to result in the loss of a known mineral resource is discussed at page 4.0-17 of the Draft EIR.

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

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

- (1) Effects of Mitigation and Remaining Impacts. Implementation of the SLSP would permanently convert the Plan Area to urban uses and would preclude the recovery of mineral resources from the Plan Area. For the reasons described above under Impacts 3.11-1 and 3.11-2, this was determined to be a significant and unavoidable impact because there are no feasible mitigation measures or alternatives. Because mineral resources are a finite resource, the loss of this mineral resource in the Plan Area would result in a cumulatively considerable contribution to this impact and the impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the loss of a known mineral resource, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

F. PUBLIC SERVICES AND RECREATION

1. IMPACT 4.19: CUMULATIVE IMPACT ON FIRE SERVICES

- (a) Potential Impact. The cumulative impacts on fire services are discussed at page 4.0-19 and 4.0-20 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Implementation of the SLSP would contribute toward an increased demand for fire service within the Lathrop-Manteca Fire Protection District and a new fire station site at the northeast corner of McKinley Boulevard and Yosemite Avenue is planned. This new station will provide service to the project within the City's and LMFPD's response times; however, until the fire station is constructed, development within the Plan Area and surrounding will exceed City and LMFPD guidelines for response times. Development in the SLSP will pay all applicable fire service fees and assessments required to fund its fair share of LMFPD facilities and services. This funding would assist in the development of fire facilities in order to meet the City's and LMFPD response time standards.

While the funding for a new fire station may be provided with the development of future projects in the City, the actual construction and operation of this facility has not been determined at this time. Thus, fire protection may continue to operate under sub-standard conditions for some areas of the City. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Until the planned fire station is constructed and is fully operational, the impact is significant and unavoidable and the Projects' contribution to this impact is cumulatively considerable.

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

G. TRANSPORTATION

1. IMPACT 3.14-1: UNDER EXISTING PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SR 120/YOSEMITE AVENUE UNSIGNALIZED RAMP-TERMINAL INTERSECTIONS (#1 & 2)
 - (a) Potential Impact. The potential for the Project to have a significant impact at the SR 120/Yosemite Avenue unsignalized ramp-terminal intersections (#1 & 2) under existing plus project conditions is discussed at pages 3.14-23 through 3.14-25 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Mitigation and Remaining Impacts. The ramp-terminal intersections at SR 120/Yosemite Avenue currently operate at LOS A during both the AM and PM peak hours for the side-street approach (i.e., the SR 120 off-ramps) and do not satisfy the peak hour volume signal warrant under existing conditions. The addition of project traffic (existing plus 100% and 50% project conditions) would impact the ramp-terminal intersection operations from acceptable LOS A to unacceptable LOS F during both peak hours, as well as cause the intersection to meet the peak hour signal warrant.

The City considered limiting development to a level that could be handled by the current interchange through the “Reduced Project Alternative” as described on page 5.0-4 in Section 5.0 Alternatives. The Reduced Project Alternative would produce an estimated 9,019 daily trips (the SLSP produces a total of 10,342 daily trips), 1,323 less trips than the SLSP. The Reduced Project Alternative would represent an approximately 12.8 percent reduction in the amount of traffic generated from the Plan Area. Based on this analysis, this alternative would have less impact to traffic when compared to the SLSP. The Reduced Project Alternative was determined to be the third best alternative after the No Project and Agricultural Protection Alternative. However, the Reduced Project Alternative was rejected for the reasons described below in Section VI Project Alternatives.

The City’s General Plan designates Light Industrial land uses on the south side of the SR 120 and Light Industrial, General Industrial and Freeway Commercial on the north side of SR 120. These General Plan land use designations have been planned for over ten years and are the primary reason the SR 120 / Yosemite Avenue interchange is planned in San Joaquin Council of Governments (SJCOG) Tier II list of improvements in the 2013 Final RTP. The City intends to develop the city in accordance with the General Plan. The City does not desire to limit development in the City.

In order to initiate the programming of Tier II (unfunded) improvements at the SR 120 / Yosemite Avenue interchange, an analysis of both Existing Plus Project and Existing Plus 50% Build-out of the SLSP was completed based on a scoping meeting requested by Caltrans District 10. Under Mitigation Measure 3.14-1, a phased analysis of improvements needed to accommodate 50% Build-out of the SLSP were identified. The EPP+50% technical analysis printouts were added to Appendix H of the South Lathrop Specific Plan EIR. The results of the EPP+50% analysis were

documented in Transportation and Circulation Section of the SLSP EIR under the section “Improvements needed to accommodate 50% Build-out of South Lathrop Specific Plan”. The improvements needed are listed below:

- Install traffic signal control at both ramp-terminal intersections and provide coordinated signal operation. An evaluation of all applicable signal warrants should be conducted and additional factors (e.g., congestion, approach conditions, driver confusion) should be considered before the decision to install a signal is made.
- Widen the eastbound and westbound off-ramps to accommodate one shared through/left-turn lane and a separate right-turn lane.
- Widen Guthmiller Road (south of SR 120) to four lanes to provide one through and one right turn lane on the northbound approach.
- Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes (2 mixed-flow and 1 HOV) and ramp metering.

Under Mitigation Measure 3.14-1 and 3.14-10, the City of Lathrop in coordination with Caltrans will prepare a Project Study Report – Project Development Support (PSR-PDS) document. According to Caltrans’ Preparation Guidelines for Project Study Report – Project Development Support Project Initiation Document, “The development of a project study report-project development support (PSR-PDS) provides a key opportunity for Caltrans and involved regional and local agencies to achieve consensus on the purpose and need, scope, and schedule of a project.” The PSR-PDS document will be used to develop encroachment permit designs and cost estimates at the SR 120 / Yosemite Avenue interchange based on the analysis contained in Chapter 3.14 Transportation and Circulation. In addition, the PSR-PDS document will be used by the City of Lathrop, Caltrans and SJCOG to identify the SR 120 / Yosemite Avenue interchange as a Tier 1 project and refine the \$22 Million dollar cost estimate currently identified on the Regional Transportation Plan List – Interchange Projects Tier II Category.

Implementation of the improvements outlined in Mitigation Measure 3.14-1 would reduce the impact to a less than significant level. As shown in Table 3.14-12 in the Draft EIR, the SR 120 EB Ramps intersection would operate at LOS A with 9 seconds of delay in the AM peak hour and LOS C with 22 seconds of delay in the PM peak hour. The SR 120 WB ramp intersection would operate at LOS B with 17 seconds of delay in the AM peak hour and LOS C with 21 seconds of delay in the PM peak hour. However, these measures are within the jurisdiction of Caltrans and beyond the control of the City of Lathrop to implement without Caltrans approval. Furthermore, funding for these improvements has not been secured. If Caltrans does not approve the proposed improvements and/or full funding is not

secured, then the intersections would continue to operate at an unacceptable level of service. There are no other feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Due to the fact that the implementation of identified measures is beyond the control of the City of Lathrop and that full improvement funding has not been secured, the impact is considered to be significant and unavoidable.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the SR 120/Yosemite Avenue unsignalized ramp-terminal intersections (#1 & 2), as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. **IMPACT 3.14-2: UNDER EXISTING PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD ADD TRAFFIC TO THE YOSEMITE AVENUE/AIRPORT WAY INTERSECTION AND RESULT IN UNACCEPTABLE LEVELS OF SERVICE IN THE PM PEAK HOUR**

- (a) **Potential Impact.** The potential for the Project to add traffic to the Yosemite Avenue/Airport Way intersection and result in unacceptable levels of service in the PM peak hour under existing plus project conditions is discussed at page 3.14-25 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-2.
- (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Mitigation and Remaining Impacts.** The Yosemite Avenue/Airport Way intersection currently operates at LOS D with 51 seconds of delay in the PM peak hour. The addition of project traffic would result in unacceptable LOS E operations with 56 seconds of delay. Implementation of the improvements outlined in Mitigation Measure 3.14-2, would reduce the impact to a less than significant level. As shown in Table 3.14-12, the Yosemite Avenue/Airport Way intersection would operate at LOS C with 32 seconds of delay in the AM peak hour and LOS D with 50 seconds of delay in the PM peak hour with mitigation. However, implementation of these measures is beyond the control of the City of Lathrop. There are no other feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, this impact is considered to be significant and unavoidable.
 - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with additional traffic at the Yosemite Avenue/Airport Way intersection

that results in unacceptable levels of service in the PM peak hour, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. IMPACT 3.14-4: UNDER EXISTING PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD RESULT IN A SIGNIFICANT IMPACT TO FREEWAY FACILITIES

- (a) Potential Impact. The potential for the Project to result in a significant impact to freeway facilities under existing plus project conditions is discussed at pages 3.14-29 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-4.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Mitigation and Remaining Impacts. The addition of project traffic would exacerbate unacceptable operations (LOS E or F) on the following freeway facilities: Eastbound SR 120 between I-5 and Yosemite Avenue, Eastbound SR 120 diverge at Yosemite Avenue, Eastbound SR 120 merge at Yosemite Avenue, Eastbound SR 120 mainline between Yosemite Avenue and Airport, Eastbound SR 120 diverge at Airport Way, Eastbound SR 120 merge at Airport Way, Westbound SR 120 diverge at Airport Way, Westbound SR 120 mainline between Airport Way and Yosemite Avenue, Westbound SR 120 diverge at Yosemite Avenue, Westbound SR 120 mainline between Yosemite Avenue and I-5, and Westbound SR 120 diverge at the I-5 NB on-ramp. Implementation of the improvements outlined in Mitigation Measure 3.14-4 would require the project applicant to pay the appropriate San Joaquin Regional Traffic Impact Fee (RTIF), which is collecting fees from new developments to help fund widening of SR 120 to six lanes. The widening of SR 120 to six lanes would potentially improve operations at each impacted location to an acceptable level. Implementation of this mitigation measure would reduce the significance of the impact. However, this improvement is within the jurisdiction of Caltrans and is not scheduled to be completed by the time demand is anticipated to be under Existing Plus Project conditions. There are no feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Therefore, the impact is significant and unavoidable.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with freeway facilities, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

4. IMPACT 3.14-7: THE PROPOSED PROJECT COULD ADD STAA TRUCK TRAFFIC TO THE SR 120/YOSEMITE AVENUE INTERCHANGE, WHICH IS NOT STAA APPROVED. THIS IS CONSIDERED A POTENTIALLY SIGNIFICANT IMPACT

(a) Potential Impact. The potential for the Project to add STAA truck traffic to the SR 120/Yosemite Avenue Interchange, which is not STAA approved is discussed at pages 3.14-30 and 3.14-31 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-1.

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

(1) Mitigation and Remaining Impacts. The project would allow warehousing and distribution land uses, which would add STAA truck traffic to the SR 120/Yosemite Avenue Interchange. SR 120/Yosemite Avenue Interchange is not STAA approved. Implementation of the improvements outlined in Mitigation Measure 3.14-7, would reduce the impact to a less than significant level. However, these measures are within the jurisdiction of Caltrans and beyond the control of the City of Lathrop to implement without Caltrans approval. Furthermore, funding for these has not been secured. If Caltrans does not approve the proposed improvements and/or full funding is not secured, then the intersections would continue to operate at an unacceptable level of service. There are no feasible alternatives or mitigation measures that could reduce this impact to a less than significant level. Therefore, the impact is considered to be significant and unavoidable.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with additional STAA truck traffic to the SR 120/Yosemite Avenue Interchange, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

5. IMPACT 3.14-9: THE PROPOSED PROJECT COULD RESULT IN INADEQUATE EMERGENCY VEHICLE ACCESS

(a) Potential Impact. The potential for the Project to result in inadequate emergency vehicle access is discussed at pages 3.14-31 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-6.

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

- (1) Mitigation and Remaining Impacts. All emergency vehicles would need to use Yosemite Avenue to access the project site. If Yosemite Avenue were to become impassable due to an incident (i.e., fire, flooding, or auto accident) emergency responders would not be able to reach the project site nor could the site be evacuated through Yosemite. Changes or alterations have been required in, or incorporated into, the project which will substantially lessen, but not to a less than significant level, the significant environmental effect as identified in the Final EIR. Since no feasible mitigation measures or alternatives are available to reduce this impact to a less than significant level, this impact remains significant and unavoidable.

The City of Lathrop considered a secondary access early in the public scoping process. The City's key considerations in identifying a secondary access were as follows:

- Consideration of San Joaquin County Approvals (existing development): The potential vehicular access across the elevated railroad tracks to the south was included in the General Plan to provide connectivity to future development to the south of Lathrop in unincorporated San Joaquin County. However, a residential neighborhood (Oakwood Shores Subdivision) was approved by San Joaquin County and has been developed without a connection to the Plan Area as shown in the Lathrop General Plan. The current roadway layout in the Oakwood Shores subdivision includes developed houses fronting on Chiavari Way, which fronts the railroad tracks. This approval for this existing development occurred without acknowledgement or consistency with the City of Lathrop's General Plan.
- Consideration of Physical Constraints: Construction of the conceptual vehicular access as shown on the Lathrop General Plan Map is not ideal from a land use planning perspective now that Oakwood Shores is developed because it would require industrial traffic to travel through a residential neighborhood. Engineering of a ramped secondary access is not feasible because there is a significant elevation difference between the tracks and the adjacent ground with a short distance between the tracks and the lake within the Oakwood Shores Subdivision. Engineering an undercrossing is also not feasible because of the high groundwater.
- Consideration of Permit/Approval Requirements: A railroad crossing would require approvals/permits from Union Pacific Rail Road and the Public Utilities Commission, as well as an agreement with Oakwood Shores (a private gated residential community) given that San Joaquin County approved the Oakwood Shores development without the connection.
- Consideration of Population Density: The majority of the industrial land use within the Plan Area is anticipated to consist of large logistical warehouses.

This land use will not generate population center where people reside. While the industrial development will create employment opportunities it is not anticipated to require the number of employees or create the amount of vehicle trips that retail, office or other types of non-residential uses might. Because the population density for the proposed uses is substantially lower compared to other urban uses within the City of Lathrop, the need for a secondary access is considered a lower priority to ensure the health and safety of people in the event of an emergency.

- **Consideration of Non-roadway Public Safety Measures:** The proposed project includes a looped water system to provide fire flow rates and pressure to meet city and fire district requirements. Additionally, the City of Lathrop and the Lathrop-Manteca Fire Protection District (LMFPD) is committed to maintaining and updating emergency service plans, including plans for managing emergency operations, the handling of hazardous materials and the rapid cleanup of hazardous materials spills. The City continues to cooperate with the LMFPD, the County of San Joaquin, and other agencies in predisaster planning activities such as evacuation required in the event of a serious fire, hazardous spill, or breach of an upstream dam capable of flooding the community.
- **Consideration of a Secondary Access:** The preparation of the SLSP included consideration of a secondary access across the San Joaquin River via a bridge, connecting to Mancuso Road; however, a new bridge across the San Joaquin River was determined to be cost prohibitive rendering the industrial development economically infeasible. Additionally, because the City has not planned for growth in this area to the south of the Plan Area, a bridge in this location could induce unplanned growth. This secondary access is considered infeasible: The preparation of the SLSP also included consideration of a secondary access onto I5 or SR 120 from Madrugá Road or a new roadway; however, due to the distance between interchanges on these freeway segments relative to the location of the Plan Area it is not a feasible option to place a new interchange/secondary access onto the State Highway from the Plan Area.

Below is a bulleted list of justifications for adopting the SLSP Circulation Plan without a Secondary Access.

- **Entry Road Design:** The entry road will be designed as a divided arterial with a raised median. The design will allow for continued circulation if one side becomes blocked during an emergency condition.
- **Access to Levee Road:** Two points of connection will be provided from the development to the existing levee road allowing for non-public secondary access.

- Internal Loop Road: Internal circulation will be designed with an emergency vehicle access road that will create a loop. The emergency road will also allow for public use under an emergency condition.
- Land Use & Site Plan: The industrial land use is anticipated to consist primarily of large logistical warehouses, which will not create a population (residents, employees, or visitors) or vehicle trips that residential, retail, office or other non-residential uses would.
- Eliminate GP Conceptual Crossing at UPRR: The UPRR crossing is proposed to be eliminated for the following reasons:
 - The Oakwood Shore Subdivision was approved by the County without the connection. It is presumed that San Joaquin County did not desire the connection to the Plan Area by this approval and it is unlikely that existing residents would agree to the access from an industrial project.
 - The proposed SLSP uses (mostly industrial) would generate truck traffic that would not be compatible with the travel characteristics of the existing Oakwood Shores Subdivision (private gated residential community).
 - The physical constraints, including ground elevation difference, short distance between the tracks and the lake and high groundwater, make the engineering and constructability of the secondary access infeasible.
 - A railroad crossing would require approvals/permits/agreements, which may not be possible.
- Other Non-Roadway Public Safety Measures: The project will construct a looped water system and the developer will work with the City to prepare an emergency service and evacuation plan.

A secondary access to the project site is infeasible for the reasons stated above. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, this impact is considered to be significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with inadequate emergency vehicle access, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

6. IMPACT 3.14-10: UNDER CUMULATIVE CONDITIONS, PROJECT IMPLEMENTATION WOULD EXACERBATE LEVELS OF SERVICE AT THE SR 120/YOSEMITE AVENUE RAMP-TERMINAL INTERSECTIONS (INTERSECTIONS 1&2)

- (a) Potential Impact. The potential for the Project to exacerbate levels of service at the SR 120/Yosemite Avenue ramp-terminal intersections (Intersections 1&2) under cumulative conditions is discussed at pages 3.14-37 through 3.14-39 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-7.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Mitigation and Remaining Impacts. The SR 120 EB Ramps/Yosemite Avenue intersection would operate at an unacceptable LOS F during the AM and PM peak hours under both Cumulative No Project and Cumulative Plus Project conditions. The addition of project traffic would exacerbate unacceptable operations and would increase average control delay for the critical turn movement at the intersection by more than five seconds. The SR 120 WB Ramps/Yosemite Avenue intersection would operate at an acceptable LOS C and B in the AM and PM peak hours, respectively under Cumulative No Project conditions. The addition of project traffic would result in unacceptable LOS F operations during both peak hours. Both intersections would satisfy the peak hour signal warrant of installation of traffic signal control. Implementation of the improvements outlined in Mitigation Measure 3.14-7 would reduce the impact to a less than significant level. The SR 120 Eastbound Ramps/Yosemite Avenue intersection would operate at LOS B with 12 seconds of delay in the AM peak hour and LOS C with 24 seconds of delay in the PM peak hour. The SR 120 Westbound Ramps/Yosemite Avenue intersection would operate at LOS A with 8 seconds of delay in the AM peak hour and LOS B with 17 seconds of delay in the PM peak hour. However, these measures are within the jurisdiction of Caltrans and beyond the control of the City of Lathrop to implement without Caltrans approval. Furthermore, funding for the remaining share of the cost has not been secured. If Caltrans does not approve the proposed improvements and/or full funding is not secured, then the intersections would continue to operate at an unacceptable level of service, and the projects contribution to this impact would be considered a significant impact. Due to the fact that the implementation of these measures is beyond the control of the City of Lathrop and that full improvement funding has not been secured, the impact is considered to be significant and unavoidable.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the exacerbation of levels of service at the SR 120/Yosemite Avenue ramp-terminal intersections (Intersections 1&2) under cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

7. IMPACT 3.14-12: UNDER CUMULATIVE CONDITIONS, PROJECT IMPLEMENTATION WOULD EXACERBATE CUMULATIVELY UNACCEPTABLE LEVELS OF SERVICE AT THE LOUISE AVENUE/MCKINLEY AVENUE INTERSECTION
- (a) Potential Impact. The potential for the Project to exacerbate levels of service at the Louise Avenue/McKinley Avenue intersection under cumulative conditions is discussed at pages 3.14-37 and 3.14-39 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-9.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Mitigation and Remaining Impacts. The intersection of Louise Avenue/McKinley Avenue would operate unacceptably at LOS D and LOS F in the AM and PM peak hour, respectively, under Cumulative No Project conditions. The addition of project traffic would exacerbate unacceptable operations and result in LOS E and LOS F conditions in the AM and PM peak hours, respectively. If the City of Lathrop constructs the proposed improvements described in Mitigation Measure 3.14-9, the intersection operations would improve to acceptable service levels. Mitigation Measure 3.14-9 requires the project applicant to pay its fair share toward the improvements. However, funding the remaining share of the cost of this improvement has not secured. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, this impact is considered significant and unavoidable.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated the exacerbation of levels of service at the Louise Avenue/McKinley Avenue intersection under cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
8. IMPACT 3.14-13: UNDER CUMULATIVE CONDITIONS, PROJECT IMPLEMENTATION WOULD EXACERBATE CUMULATIVELY UNACCEPTABLE LEVELS OF SERVICE AT THE SR 120/AIRPORT WAY RAMP-TERMINALS INTERSECTIONS AND THE AIRPORT WAY/DANIELS STREET INTERSECTION
- (a) Potential Impact. The potential for the Project to exacerbate levels of service at the SR 120/Airport Way ramp-terminals intersections and the Airport Way/Daniels Street intersection under cumulative conditions is discussed at pages 3.14-40 and 3.14-45 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-10.

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

(1) Mitigation and Remaining Impacts. The SR 120/Airport Way ramp-terminal intersections and Airport Way/Daniels Street intersections are projected to operate at unacceptable LOS F conditions during both peak hours under Cumulative No Project. The addition of project traffic would exacerbate unacceptable operations at these intersections. Implementation of the improvements described in Mitigation Measure 3.14-10 would reduce the impact to a less than significant level. The Airport Way/Daniels Street intersection would operate at LOS C with 31 seconds of delay in the AM peak hour and LOS D with 53 seconds of delay in the PM peak hour. The SR 120 WB Ramps/Airport Way intersection would operate at LOS B with 13 seconds of delay in the AM peak hour and LOS D with 36 seconds of delay in the PM peak hour. The SR 120 EB Ramps/Airport Way intersection would operate at LOS B with 12 seconds of delay in the AM peak hour and LOS D with 42 seconds of delay in the PM peak hour. However, these measures are within the jurisdiction of Caltrans and City of Manteca and beyond the control of the City of Lathrop to implement without Caltrans and City of Manteca approval. Furthermore, funding for the remaining share of the cost has not been secured. If Caltrans and the City of Manteca do not approve the proposed improvements and/or full funding is not secured, then the intersections would continue to operate at an unacceptable level of service, and the project's contribution to this impact would be considered a significant impact. Since implementation of these measures is beyond the control of the City of Lathrop and full improvement funding has not been secured, and because there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level, the impact is considered to be significant and unavoidable.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with exacerbation of levels of service at the SR 120/Airport Way ramp-terminals intersections and the Airport Way/Daniels Street intersection under cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

9. IMPACT 3.14-14: UNDER CUMULATIVE CONDITIONS, PROJECT IMPLEMENTATION WOULD EXACERBATE CUMULATIVELY UNACCEPTABLE LEVELS OF SERVICE ON SR 120 AND I-5

(a) Potential Impact. The potential for the Project to exacerbate levels of service at the SR 120 and I-5 under cumulative conditions is discussed at pages 3.14-46 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-11.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Mitigation and Remaining Impacts. The addition of project traffic would exacerbate unacceptable LOS in the AM and PM peak hours at 17 of the 23 study freeway facilities on SR 120 and I-5. Mitigation Measure 3.14-11 would require the project applicant to pay appropriate San Joaquin County Regional Traffic Impact Fee (RTIF), which is collecting fees from new development to help fund improvements to SR 120. The cumulative conditions analysis assumed the programmed widening of SR 120 from four to six lanes. These improvements are partially paid for with the RTIF, which the development will be subject to. Without these assumed improvements, freeway operations would be worse than described. In addition, the commercial components of the project will generate additional revenues through the Measure K sales, which help fund SR 120 improvements. Additional improvements, beyond widening the SR 120 mainline to six lanes, are not currently planned or fully funded. However, implementation of planned parallel arterial roadway improvements and system-wide operational improvements such as ramp metering and auxiliary lane improvements will benefit SR 120 mainline operation during peak travel periods. Operational improvements will be developed through coordination with Caltrans during the Encroachment Permit process associated with improvements. However, the impact is considered significant and unavoidable because the improvements on SR 120 are within the jurisdiction of Caltrans and because implementation of operational improvements, while beneficial, would not reduce the impact to a less than significant level. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level.
 - (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with exacerbation of levels of service at the SR 120 and I-5 under cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

10. IMPACT 4.21: UNDER CUMULATIVE CONDITIONS, PROJECT IMPLEMENTATION WOULD EXACERBATE LEVELS OF SERVICE AT VARIOUS TRAFFIC FACILITIES WITHIN THE STUDY AREA

- (a) Potential Impact. The potential for the Project to exacerbate levels of service at various traffic facilities within the study area is discussed at pages 4.0-21 through 4.0-23 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-10, 3.14-12, 3.14-13, and 3.14-14.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Mitigation and Remaining Impacts. The SR 120 EB Ramps/Guthmiller Road intersection would operate at an unacceptable LOS F during the AM and PM peak hours under both Cumulative No project and Cumulative Plus project conditions. The addition of project traffic would exacerbate unacceptable operations and would increase average control delay for the critical turn movement at the intersection by more than five seconds. The SR 120 WB Ramps/Guthmiller Road intersection would operate at an acceptable LOS C and B in the AM and PM peak hours, respectively under Cumulative No project conditions. The addition of project traffic would result in unacceptable LOS F operations during both peak hours. Both intersections would satisfy the peak hour signal warrant of installation of traffic signal control. Implementation of the improvements outlined in Mitigation Measure 3.14-10 would make the SR 120 Eastbound Ramps/Guthmiller Road intersection operate at LOS B with 12 seconds of delay in the AM peak hour and LOS C with 24 seconds of delay in the PM peak hour. The SR 120 Westbound Ramps/Guthmiller Road intersection would operate at LOS A with 8 seconds of delay in the AM peak hour and LOS B with 17 seconds of delay in the PM peak hour. However, these measures are within the jurisdiction of Caltrans and beyond the control of the City of Lathrop to implement without Caltrans approval. Furthermore, funding for the remaining share of the cost has not been secured. If Caltrans does not approve the proposed improvements and/or full funding is not secured, then the intersections would continue to operate at an unacceptable level of service, and the projects contribution to this impact would be cumulatively considerable. Due to the fact that the implementation of these measures is beyond the control of the City of Lathrop and that full improvement funding has not been secured, the impact is considered to be significant and unavoidable.

The Lathrop Road/McKinley Avenue intersection operates at LOS F during the PM peak period under Cumulative No project conditions. The addition of project traffic would exacerbate unacceptable LOS F conditions at this intersection and increase control delay during the PM peak hour by more than five seconds. This intersection satisfies the Peak Hour Signal Warrant for installation of traffic signal control under both cumulative scenarios. Implementation of the improvements outlined in Mitigation Measure 3.14-11 would make the intersection operate at an acceptable LOS A with 10 seconds of delay in the AM peak hour and LOS B with 12 seconds of delay in the PM peak hour. However, the impact would remain significant and unavoidable and would be a cumulatively considerable contribution

because funding the remaining share of the cost of this improvement has not secured.

The intersection of Louise Avenue/McKinley Avenue would operate unacceptably at LOS D and LOS F in the AM and PM peak hour, respectively, under Cumulative No project conditions. The addition of project traffic would exacerbate unacceptable operations and result in LOS E and LOS F conditions in the AM and PM peak hours, respectively. Implementation of the improvements outlined in Mitigation Measure 3.14-12 would make the intersection operate at LOS C with 23 seconds of delay in the AM peak hour and LOS D with 54 seconds of delay in the PM peak hour. However, the impact would remain significant and unavoidable and would be a cumulatively considerable contribution because funding the remaining share of the cost of this improvement has not secured.

The SR 120/Airport Way ramp-terminal intersections and Airport Way/Daniels Street intersections are projected to operate at unacceptable LOS F conditions during both peak hours under Cumulative No project. The addition of project traffic would exacerbate unacceptable operations at these intersections. Implementation of the improvements outlined in Mitigation Measure 3.14-13 would make the Airport Way/Daniels Street intersection operate at LOS C with 31 seconds of delay in the AM peak hour and LOS D with 53 seconds of delay in the PM peak hour. The SR 120 WB Ramps/Airport Way intersection would operate at LOS B with 13 seconds of delay in the AM peak hour and LOS D with 36 seconds of delay in the PM peak hour. The SR 120 EB Ramps/Airport Way intersection would operate at LOS B with 12 seconds of delay in the AM peak hour and LOS D with 42 seconds of delay in the PM peak hour. However, these measures are within the jurisdiction of Caltrans and City of Manteca and beyond the control of the City of Lathrop to implement without Caltrans and City of Manteca approval. Furthermore, funding for the remaining share of the cost has not been secured. If Caltrans and the City of Manteca do not approve the proposed improvements and/or full funding is not secured, then the intersections would continue to operate at an unacceptable level of service, and the project's contribution to this impact would be cumulatively considerable. Due to the fact that the implementation of these measures is beyond the control of the City of Lathrop and that full improvement funding has not been secured, the impact is considered to be significant and unavoidable.

The addition of project traffic would exacerbate unacceptable LOS in the AM and PM peak hours at 15 of the 23 study freeway facilities on SR 120. Mitigation Measure 3.14-14 requires the payment of a Regional Traffic Impact Fee (RTIF), which will fund a portion of the improvements necessary to improve SR 120 to an acceptable LOS. The cumulative conditions analysis assumed the programmed widening of SR 120 from four to six lanes. These improvements are partially paid for with the RTIF. Without these assumed improvements, freeway operations

would be worse than described. In addition, the commercial components of the SLSP will generate additional revenues through the Measure K sales, which help fund SR 120 improvements. Additional improvements, beyond widening the SR 120 mainline to six lanes, are not currently programmed. However, implementation of planned parallel arterial roadway improvements and system-wide operational improvements such as ramp metering and auxiliary lane improvements will benefit SR 120 mainline operation during peak travel periods. Operational improvements will be developed through coordination with Caltrans, SJCOG, and the local jurisdiction where the improvement is located. If the improvements and/or full funding are not secured, then SR 120 would continue to operate at an unacceptable level of service, and the project's contribution to this impact would be cumulatively considerable. Since the implementation of these measures is beyond the control of the City of Lathrop and full improvement funding has not been secured and because there are no other feasible alternatives or mitigation measures that would reduce this impact to a less than significant level, the impact is considered to be significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with exacerbation of levels of service at various traffic facilities within the study area under cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

H. UTILITIES AND SERVICE SYSTEMS

1. IMPACT 3.15-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WASTEWATER TREATMENT OR COLLECTION FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS
 - (a) Potential Impact. The potential for the Project to require or result in the construction of new wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects is discussed at pages 3.15-15 through 3.15-18 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.2-1, 3.4-1, 3.4-2, 3.6-1, and 3.6-3.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Mitigation and Remaining Impacts. Changes or alterations have been required in, or incorporated into, the project which will substantially lessen, but not to a less than significant level, the significant environmental effect as identified in the Final

EIR. Since no feasible mitigation measures or alternatives are available to reduce this impact to a less than significant level, this impact remains significant and unavoidable.

With development of the Plan Area, new and/or expanded wastewater system improvements will be constructed to meet these needs. Development of the wastewater system within the Plan Area and Offsite would contribute to the conversion of designated Important Farmland to nonagricultural use. The loss of Important Farmland is considered a potentially significant environmental impact. Mitigation Measure 3.2-1 contained in Section 3.2 Agricultural Resources requires payment of fees to SJMSCP in order to fund the purchase of conservation easements on agricultural and habitat lands in the project vicinity. The conservation easements ensure protection of land for agricultural uses in perpetuity, although it does not result in the creation of new farmland. As such, the development of infrastructure within the Plan Area would contribute to the loss of Important Farmland which would be a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the construction of new wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 3.15-6: THE PROPOSED PROJECT HAS THE POTENTIAL TO REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORM WATER DRAINAGE FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS

- (a) Potential Impact. The potential for the Project to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects is discussed at pages 3.15-54 through 3.15-61 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.2-1, 3.4-1, 3.4-2, 3.4-3, 3.4-5, 3.4-6, 3.6-1, and 3.6-3.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Mitigation and Remaining Impacts. Changes or alterations have been required in, or incorporated into, the project which will substantially lessen, but not to a less than significant level, the significant environmental effect as identified in the Final EIR. Since no feasible mitigation measures or alternatives are available to reduce

this impact to a less than significant level, this impact remains significant and unavoidable.

With development of the Plan Area, both the total volume of runoff and the peak discharge rate into the San Joaquin River will increase. New drainage infrastructure improvements will be constructed to meet these needs. Development of the storm drainage infrastructure within the Plan Area would contribute to the conversion of designated Important Farmland within the Plan Area to nonagricultural use. The loss of Important Farmland is considered a potentially significant environmental impact. Mitigation Measure 3.2-1 contained in Section 3.2 Agricultural Resources requires payment of fees to SJMSCP in order to fund the purchase of conservation easements on agricultural and habitat lands in the project vicinity. The conservation easements ensure protection of land for agricultural uses in perpetuity, although it does not result in the creation of new farmland. As such, the development of storm drainage infrastructure within the Plan Area would contribute to the loss of Important Farmland which would be a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. IMPACT 4.22: CUMULATIVE IMPACT ON WASTEWATER UTILITIES

- (a) Potential Impact. The potential for the Project to impact wastewater utilities is discussed at pages 4.0-24 and 4.0-25 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.2-1, 3.4-1, 3.4-2, 3.6-1, 3.6-3, 3.15-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Mitigation and Remaining Impacts.

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen, but not to a less than significant level, the significant environmental effect as identified in the Final EIR. Since no feasible mitigation measures or alternatives are available to reduce this impact to a less than significant level, this impact remains significant and unavoidable.

Although several wastewater disposal options exist, the timing of improvements associated with these facilities is unknown at this time. For example, the City plans to construct a second water recycling plant (WRP-2) to accommodate expected growth in the City. Construction of WRP-2 would provide sufficient wastewater treatment capacity to serve the SLSP project. However, WRP-2 does not currently exist, and it cannot be assured that treatment capacity at WRP-2 would be brought into service concurrently with demand generated by the SLSP. In addition, until further phases are constructed at the existing water recycling plant (WRP-1), treatment capacity at WRP-1 may not be sufficient to serve the SLSP and other development in the City. Because sufficient wastewater treatment capacity is not currently available to support the SLSP, this impact is considered significant. Mitigation Measure 3.15-1 requires that adequate treatment capacity be available prior to occupancy.

The Wastewater Treatment and Disposal Master Plan (WTDMP) projects new development would increase the total wastewater discharge to an average dry weather flow of approximately 11.9 million gallons per day (mgd) at build-out. The City has plans for upgrading the existing WRP-1-MBR (MBR = Membrane Bioreactor) to increase the treatment capacity, upgrade the treatment technology, and improve operational flexibility of the plant. With these improvements the WRP-1-MBR would have a treatment capacity of 3.12 mgd. The City also plans to construct WRP-2 with a capacity of 3.12 mgd to accommodate anticipated growth. A total combined treatment capacity is planned by the City at buildout of 11.9 mgd through a combination of expansions at the WRP-1-MBR, WRP-2, the Manteca-Lathrop Wastewater Quality Control Facility (WQCF) and the Crossroads Publicly Owned Treatment Works (POTW). The 11.9 mgd of capacity would be able to adequately serve the major planned development within the City and SOI. The City's current Wastewater Discharge Requirement (WDR) from the Central Valley Regional Water Quality Control Board limits the treatment capacity of the City to 6.24 mgd.

The WTDMP identifies the steps needed to treat the City's wastewater under cumulative conditions; however WRP-2 of the wastewater treatment process has not been constructed at this time. While the Project by itself does not exceed the existing capacity of the wastewater treatment plant, the SLSP in combination with future projects under buildout conditions would likely result in a deficit of capacity warranting improvements to increase treatment capacity. Each project that receives wastewater collection and treatment services is required to pay a connection fee, which serves as a project share of service expansion. However, it cannot be assumed that all potential environmental impacts associated with the development of the additional wastewater capacity and infrastructure required to serve these related projects would necessarily be mitigated to less than significant levels. For instance, development of the wastewater system within the Plan Area and Offsite, would contribute to the conversion of designated Important Farmland

to nonagricultural use. The loss of Important Farmland is considered a potentially significant environmental impact. Mitigation Measure 3.2-1 contained in Section 3.2 Agricultural Resources requires payment of fees to SJMSCP in order to fund the purchase of conservation easements on agricultural and habitat lands in the project vicinity. The conservation easements ensure protection of land for agricultural uses in perpetuity, although it does not result in the creation of new farmland. As such, the development of infrastructure within the Plan Area would contribute to the loss of Important Farmland which would be a significant and unavoidable impact.

While the payment of fees would reduce the fiscal impacts to wastewater services, this fee does not remove the potential environmental impact caused by the construction and operation of new wastewater facilities. Further, no feasible mitigation for these impacts can be determined at this time as the future treatment facilities have not been designed. Again, there are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, the Project's contribution to this impact would be cumulatively considerable and the impact is significant and unavoidable.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with wastewater utilities, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

4. IMPACT 4.23: CUMULATIVE IMPACT ON WATER UTILITIES

- (a) **Potential Impact.** The potential for the Project to have a cumulative impact on water utilities is discussed at pages 4.0-25 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.2-1, 3.4-1, 3.4-2, 3.6-1, and 3.6-3.
- (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Mitigation and Remaining Impacts.**

Changes or alterations have been required in, or incorporated into, the project which will substantially lessen, but not to a less than significant level, the significant environmental effect as identified in the Final EIR. Since no feasible mitigation measures or alternatives are available to reduce this impact to a less than significant level, this impact remains significant and unavoidable.

The total projected water demand for the SLSP at buildout is estimated to be approximately 565 acre-feet per year (af/yr). According to the Water Supply

Assessment completed for the SLSP, the City's existing and additional potable water supplies are sufficient to meet the City's existing and projected future potable water demands, including those future water demands associated with the SLSP, to the year 2035 under all hydrologic conditions. In addition, the SLSP anticipates the use of recycled water to provide irrigation for landscaped areas in order to reduce the demand for potable water.

Development of the water system within the Plan Area and Offsite, would contribute to the conversion of designated Important Farmland to nonagricultural use. The loss of Important Farmland is considered a potentially significant environmental impact. Mitigation Measure 3.2-1 contained in Section 3.2 Agricultural Resources requires payment of fees to SJMSCP in order to fund the purchase of conservation easements on agricultural and habitat lands in the project vicinity. The conservation easements ensure protection of land for agricultural uses in perpetuity, although it does not result in the creation of new farmland. As such, the development of infrastructure within the Plan Area would contribute to the loss of Important Farmland which would be a significant and unavoidable impact.

While the payment of fees would reduce the fiscal impacts to water services, this fee does not remove the potential environmental impact caused by the construction and operation of new water facilities, as identified above. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, the Project would result in a cumulatively considerable contribution to this impact and the impact is significant and unavoidable.

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

5. IMPACT 4.24: CUMULATIVE IMPACT ON STORMWATER FACILITIES

- (a) Potential Impact. The potential for the Project to have a cumulative impact on stormwater utilities is discussed at pages 4.0-25 and 4.0-26 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.2-1, 3.4-1, 3.4-2, 3.4-3, 3.4-5, 3.4-6, 3.6-1, and 3.6-3.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Mitigation and Remaining Impacts. Discharge rates are required to be limited to a maximum of 30 percent of the 100-year flow rate. Runoff from the Plan Area is

anticipated to discharge to the San Joaquin River through a proposed outfall located near the southwest corner of the Plan Area. The outfall is regional facility consistent with the City's Master Drainage Plan, which will also serve the Lathrop Gateway Business Park Specific Plan (LGBPSP) area and development area along the McKinley Corridor. The City of Lathrop requires all development projects in the City to be consistent with the drainage regulations established in the Storm Water Development Standards Plan (SWDS). These standards have been developed in response to the requirements contained in its Municipal Separate Storm Water Sewer System (MS4) NPDES Permit. All drainage facilities will be constructed according to City standards. All drainage facilities for the SLSP will be developed on-site, except for a possible interim connection to the Crossroad outfall, and would not require the construction or expansion of existing City drainage facilities.

Development of the storm drainage system within the Plan Area and Offsite, would contribute to the conversion of designated Important Farmland to nonagricultural use. The loss of Important Farmland is considered a potentially significant environmental impact. Mitigation Measure 3.2-1 contained in Section 3.2 Agricultural Resources requires payment of fees to SJMSCP in order to fund the purchase of conservation easements on agricultural and habitat lands in the project vicinity. The conservation easements ensure protection of land for agricultural uses in perpetuity, although it does not result in the creation of new farmland. As such, the development of infrastructure within the Plan Area would contribute to the loss of Important Farmland which would be a significant and unavoidable impact.

While the payment of fees would reduce the fiscal impacts to storm water services, this fee does not remove the potential environmental impact caused by the construction and operation of new storm water facilities, as identified above. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, the Project would result in a cumulatively considerable contribution to this impact and the impact is significant and unavoidable.

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

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

A. AESTHETICS

1. IMPACT 3.1-3: PROJECT IMPLEMENTATION MAY SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF THE PLAN AREA AND ITS SURROUNDINGS

- (a) Potential Impact. The potential for the Project to result in the potential to substantially degrade the existing visual character or quality of the Plan Area and its surroundings as discussed on pages 3.1-8 through 3.1-17 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-5 and 3.4-6.
- (c) Findings. The majority of the Plan Area has been intensively disturbed through urban development, agricultural operations, and other activities. As a result, limited natural scenic areas can be found within the Plan Area. The natural scenic resources that do exist are typically scattered and of nominal quality. The key exception is the San Joaquin River and its associated environs, which is adjacent to the western edge of the Plan Area and is considered the most significant visual resource in the vicinity. The SLSP includes provisions to leave this portion of the Plan Area in tact as Open Space with the exception of a storm drainage outfall and trail system. The storm drainage outfall located near the southwest corner of the Plan Area is located within riparian habitat.

Mitigation Measure 3.4-5 was incorporated into the EIR to require that the storm drainage outfall be designed and located such that it avoids and minimizes impacts to riparian vegetation to the extent feasible (i.e. identify areas where vegetation density is lower and trees are sparse). Mitigation Measure 3.4-6 was incorporated into the EIR to require compensation/replacement for any disturbance to riparian habitat along the San Joaquin River in association with the storm drainage outfall. The compensation/replacement ratios are established at a minimum ratio of 1 acre restored, created, and/or preserved for every 1 acre of riparian disturbed. These two mitigation measures, while specifically aimed at reducing impacts to biological resources, collectively also serve as mitigation for impacts to the visual character and quality of this area because the biological resources that are affected function as the most notable and important visual quality of the area. Any remaining impacts after implementation of mitigation measures 3.4-5 and 3.4-6 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-5 and 3.4-6 are appropriate changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on the existing visual character or quality of the Plan Area and its surroundings will be mitigated to a less than significant level.

B. AIR QUALITY

1. IMPACT 3.3-2: PROJECT CONSTRUCTION HAS THE POTENTIAL TO CAUSE A VIOLATION OF AN AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION

- (a) Potential Impact. The potential for project construction to have cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation is discussed at pages 3.3-20 through 3.3-23 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-5, 3.3-6, 3.3-7, 3.3-8, 3.3-9, and 3.3-10.
- (c) Findings. The annual emissions generated from Project construction will not exceed the SJVAPCD thresholds of significance for construction. However, regardless of emission quantities, the SJVAPCD requires construction related mitigation in accordance with their rules and regulations. Mitigation Measures 3.3-5, 3.3-6, 3.3-7, 3.3-8, 3.3-9, and 3.3-10 were incorporated into the EIR to ensure that construction activities implement required SJVAPCD construction related mitigation measures and best available control measures to reduce construction-related air emissions.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.3-5, 3.3-6, 3.3-7, 3.3-8, 3.3-9, and 3.3-10 are appropriate changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on air quality will be mitigated to a less than significant level.

2. IMPACT 3.3-4: THE PROPOSED PROJECT HAS THE POTENTIAL FOR PUBLIC EXPOSURE TO TOXIC AIR CONTAMINANTS

- (a) Potential Impact. The potential for the Project to expose the public to toxic air contaminants is discussed at pages 3.3-26 through 3.3-30 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-11 (listed as Mitigation Measure 3.3-12 in the Draft EIR, but renumbered to 3.3-11 in the Final EIR).
- (c) Findings. Mitigation Measure 3.3-11 was incorporated into the EIR to ensure that each future business is assessed for TACs in accordance with the requirements of the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990) and the Air Toxics "Hot Spots" Information and Assessment Act. Mitigation is required for facilities that are identified to have the potential to expose the public to toxic air contaminant levels that would be considered significant. The mitigation will ensure that the toxic air

contaminants are reduced to levels below the identified threshold. Any remaining impacts after implementation of Mitigation Measure 3.3-11 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.3-11 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects from toxic air contaminants will be mitigated to a less than significant level.

C. BIOLOGICAL RESOURCES

1. IMPACT 3.4-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE A DIRECT OR INDIRECT EFFECT ON SPECIAL-STATUS INVERTEBRATE SPECIES

- (a) Potential Impact. The potential for the Project to have a direct or indirect effect on special-status invertebrate species is discussed at pages 3.4-23 through 3.4-25 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-1.
- (c) Findings. No special-status invertebrates were observed within the Plan Area or offsite improvement corridors during field surveys and none are expected to be affected by the SLSP. Therefore, the SLSP, including the offsite improvements (i.e. storm drainage outfall) would have a less than significant impact on special-status invertebrate species. While there are no special status invertebrate species that are anticipated to be affected by the SLSP, participation in the SJMSCP will provide the coverage for the incidental take of a species if it were to occur. Mitigation measure 3.4-1 was incorporated into the EIR to require participation in the SJMSCP even though no special status invertebrate species are anticipated to be affected by the SLSP.

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

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

- (a) Potential Impact. The potential for the Project to have a direct or indirect effect on special-status reptile and amphibian species is discussed at pages 3.4-25 through 3.4-26 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-1.
- (c) Findings. No special-status reptiles or amphibians were observed within the Plan Area or offsite improvement corridors during field surveys and none are expected to be affected by the SLSP. Therefore, the SLSP would have a less than significant impact on special status reptile or amphibian species. While there are no special status reptiles or amphibians species that are anticipated to be affected by the SLSP, participation in the SJMSCP will provide the coverage for the incidental take of a species if it were to occur. Mitigation Measure 3.4-1 was incorporated into the EIR to require participation in the SJMSCP even though no special status reptile or amphibian species are anticipated to be affected by the SLSP.

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

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

- (a) Potential Impact. The potential for the Project to have a direct or indirect effect on special-status bird species is discussed at pages 3.4-26 through 3.4-30 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1 and 3.4-2.
- (c) Findings. The Project has the potential to have a direct or indirect effect on a variety of special-status bird species. Mitigation Measure 3.4-1 was incorporated into the EIR to require participation in the SJMSCP. Coverage under the SJMSCP involves compensation for habitat impacts on covered species through payment of development fees for conversion of open space lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. In addition, coverage includes incidental take avoidance and minimization measures for species that could be affected as a result of the proposed project. There are a wide variety of incidental take avoidance and minimization measures contained in the SJMSCP that were developed in consultation with the USFWS, CDFW, and local agencies. The applicability of incidental takes avoidance and minimization measures are determined by SJCOG on a project basis. The process of obtaining coverage for a project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a) and California

Fish and Game Code Section 2081. The Section 10(a) permit also serves as a special-purpose permit for the incidental take of those species that are also protected under the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. The SJMSCP includes the implementation of an ongoing Monitoring Plan to ensure success in mitigating the habitat impacts that are covered. The SJMSCP Monitoring Plan includes an Annual Report process, Biological Monitoring Plan, SJMSCP Compliance Monitoring Program, and the SJMSCP Adaptive Management Plan SJCOG. Mitigation Measure 3.4-2 was incorporated into the EIR to require a preconstruction survey of the Plan Area and immediate vicinity to be completed prior to construction to prevent impacts to nesting birds. If nesting birds are found, an appropriate buffer will be developed around active nests as deemed appropriate in coordination with the CDFW to ensure that the nesting birds are not disrupted during the breeding season. Any remaining impacts species after implementation of mitigation measures 3.4-1 and 3.4-2 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-1 and 3.4-2 are appropriate changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on special status species will be mitigated to a less than significant level.

4. **IMPACT 3.4-4: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE A DIRECT OR INDIRECT EFFECT ON SPECIAL-STATUS MAMMAL SPECIES**

- (a) **Potential Impact.** The potential for the Project to have a direct or indirect effect on special-status mammal species is discussed at pages 3.4-31 through 3.4-32 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-1.
- (c) **Findings.** No special-status, candidate, and sensitive mammal species were observed within the Plan Area or offsite improvement corridors (i.e. storm drainage outfall, etc.) during field surveys and habitat evaluations. Nevertheless, the special-status species are covered species under the SJMCP and participation in the SJMSCP will provide the coverage for the incidental take of a species if it were to occur. SJCOG, as administrator of the SJMSCP will impose appropriate avoidance and minimization measures as part of the incidental take permit. Mitigation Measure 3.4-1 was incorporated into the EIR to ensure coverage under the SJMSCP.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as

identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on special status species will be mitigated to a less than significant level.

5. **IMPACT 3.4-5: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE A DIRECT OR INDIRECT EFFECT ON SPECIAL-STATUS PLANT SPECIES**

- (a) **Potential Impact.** The potential for the Project to have a direct or indirect effect on special-status plant species is discussed at pages 3.4-32 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation measure 3.4-1.
- (c) **Findings.** No special-status plants are expected to be affected by the SLSP. No special-status plants were observed within the Plan Area or offsite improvement corridors (i.e. storm drainage outfall, etc.) during field surveys and habitat evaluations. The surveys were conducted within the blooming period for all species. Nevertheless, special-status, candidate, and sensitive plant species and their habitat are covered species under the SJMCP and participation in the SJMSCP will provide the coverage for the incidental take of a species if it were to occur. SJCOG, as administrator of the SJMSCP will impose appropriate avoidance and minimization measures as part of an incidental take permit. Mitigation Measure 3.4-1 was incorporated into the EIR to ensure coverage under the SJMSCP.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on special-status, candidate, and sensitive plant species and their habitat will be mitigated to a less than significant level.

6. **IMPACT 3.4-6: EFFECTS ON PROTECTED WETLANDS AND JURISDICTIONAL WATERS**

- (a) **Potential Impact.** The potential for the Project to affect protected wetlands and jurisdictional waters is discussed at pages 3.4-32 through 3.4-34 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation measures 3.4-3 and 3.4-4.
- (c) **Findings.** Implementation of the proposed project, including the storm drainage outfall, would impact a limited amount of jurisdictional area (i.e. wetlands). Mitigation Measure 3.4-3 was incorporated into the EIR to require the appropriate permits/authorizations to be obtained prior to any activities that could disturb

wetlands. All requirements of these authorizations must be adhered to throughout the construction phase. Mitigation Measure 3.4-4 was incorporated into the EIR to require compensation for any authorized disturbance to protected wetlands and/or jurisdictional areas to ensure no net loss of habitat functions and values. Any remaining impacts after implementation of Mitigation Measures 3.4-3 and 3.4-4 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-3 and 3.4-4 are appropriate changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on protected wetlands and jurisdictional waters will be mitigated to a less than significant level.

7. IMPACT 3.4-7: ADVERSE EFFECTS ON RIPARIAN HABITAT OR SENSITIVE NATURAL COMMUNITY

- (a) Potential Impact. The potential for the Project to affect riparian habitat or sensitive natural community is discussed at pages 3.4-34 through 3.4-35 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation measures 3.4-5 and 3.4-6.
- (c) Findings. None of the sensitive natural communities identified in the EIR occur within the portion of the Plan Area that will be developed with commercial and industrial uses. The strip of riparian habitat along the San Joaquin River will remain in open space to preserve the biological functions of the area, with the exception of the area affected by the storm drainage outfall construction. The riparian habitat contains elements of the above referenced sensitive natural communities, but is not identified as such in any local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and is not high quality habitat that is commonly associated with these sensitive natural community designations. Nevertheless, the majority of the riparian habitat will remain intact. The storm drainage outfall located near the southwest corner of the Plan Area is located within riparian habitat. The exact design and placement of the storm drain outfall has not been identified in the SLSP; therefore the impact acreage on riparian habitat cannot be precisely quantified. There are, however, areas where the outfall could be placed that would avoid or minimize the impact on riparian habitat because the riparian vegetation along the San Joaquin River frontage is discontinuous. For example, the storm drainage outfall should be located in an area with low vegetation density and sparse tree coverage to minimize impacts on riparian habitat.

Mitigation Measures 3.4-5 and 3.4-6 were incorporated into the EIR to ensure that the potential impact on riparian habitat or a sensitive natural community is reduced to a less than significant level. Mitigation Measure 3.4-5 requires the outfall to be designed and placed such that it avoids and minimizes the impacts on riparian habitat to the extent feasible (i.e. place outfall in one of the areas along the San Joaquin River with minimal existing riparian habitat and low vegetation density). Mitigation Measure 3.4-6 requires compensation/replacement for any disturbance to riparian habitat along the San Joaquin River in association with the storm drainage outfall. Compensation/replacement ratios must be at a minimum ratio of 1 acre restored, created, and/or preserved for every 1 acre of riparian disturbed. The acreage impacted must be calculated based on the final design of the storm drainage outfall. Any remaining impacts after implementation of mitigation measures 3.4-5 and 3.4-6 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-5 and 3.4-6 are appropriate changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on riparian habitat or a sensitive natural community will be mitigated to a less than significant level.

8. IMPACT 3.4-8: INTERFERENCE WITH THE MOVEMENT OF NATIVE FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED WILDLIFE CORRIDORS, OR IMPEDE THE USE OF NATIVE WILDLIFE NURSERY SITES

- (a) Potential Impact. The potential for the Project to cause interference with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites is discussed at pages 3.4-35 through 3.4-38 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-7, 3.4-8, and 3.4-9.
- (c) Findings. No documented wildlife corridors or wildlife nursery sites are located on or adjacent to the project site. The San Joaquin River, however, is a natural movement corridor for native fish that are documented in the region. The land uses within the Plan Area would not have any direct disturbance to the San Joaquin River or its tributaries, and therefore, would not have any direct disturbance to these fish species. The stormwater outfall would require limited construction activities on the bank of the San Joaquin River. These activities would not be expected to have a direct impact on these fish species as it would not interfere with movement or use of the San Joaquin River during or after the construction activities.

Construction activities associated with the outfall could have indirect impacts on these fish species from the potential for sedimentation and other pollution to enter into the San Joaquin River during construction. The outfall construction will require authorization from the USACE, RWQCB, and CDFW through the regulatory permit processes (See Mitigation Measure 3.4-3 and 3.4-4). These regulatory agencies will impose standard conditions that include best management practices that are aimed at minimizing pollution associated with construction activities.

The ongoing operational phase of the SLSP requires discharge of stormwater into the San Joaquin River through the above referenced outfall. The discharge of stormwater could result in indirect impacts to special status fish and wildlife if stormwater was not appropriately treated through BMPs prior to its discharge to the San Joaquin River. There are various non-structural and structural stormwater BMPs that can be implemented to reduce pollution. Non-structural BMPs are typically aimed at prevention of pollution through public education and outreach. Non-structural BMPs identified in the City's Storm Water Master Plan (SWMP) include: school educational programs, newsletters, website information, commercial, billboards/advertisements, river cleanups, and storm drain stenciling. Structural BMPs are aimed at the physical collection, filtering, and detaining of stormwater. Structural BMPs include items such as drop inlet filters, vault filters, hydrodynamic separators, surface detention basins, and underground detention facilities.

Mitigation Measures 3.4-7, 3.4-8 were incorporated into the EIR to ensure that BMPs are implemented to reduce the amount of pollution in stormwater discharged from the Plan Area into the San Joaquin River. The management of water quality through BMPs is intended to ensure that water quality does not degrade to levels that would interfere or impede fish or wildlife in the San Joaquin River. Mitigation Measure 3.4-9 were incorporated into the EIR to require the project applicant to coordinate with local, state, and federal agencies prior to construction of the storm drain outfall to obtain the proper permits and to establish avoidance, minimization, and compensation for impacts to special status fish species including species specific work periods to avoid spawning periods. Any remaining impacts related to the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites after implementation of mitigation measures 3.4-7, 3.4-8, and 3.4-9 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-7, 3.4-8, and 3.4-9 are appropriate changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause interference with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites will be mitigated to a less than significant level.

D. CULTURAL RESOURCES

1. **IMPACT 3.5-1: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5**

- (a) **Potential Impact.** The potential for the Project to have an impact on significant historical resources is discussed at page 3.5-17 through 3.5-23 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.
- (c) **Findings.** There are no known cultural and/or historical resources, human remains, or submerged resources on the project site. However, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural and/or historical resource or human remains. Mitigation Measure 3.5-1 was incorporated into the EIR to provide requirements to be implemented in the event of discovery of a previously unknown cultural and/or historical resource or human remains, or submerged resources. The requirements will ensure that this impact is less than significant. Any remaining impacts related to historical resources after implementation of mitigation measure 3.5-1 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause an adverse impact on historical resources will be mitigated to a less than significant level.

2. **IMPACT 3.5-2: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT ARCHAEOLOGICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5**

- (a) **Potential Impact.** The potential for the Project to have an impact on significant archaeological resources is discussed at page 3.5-24 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-1.
- (c) **Findings.** There are no known significant archeological resources or sites in the Plan Area. However, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural resource or human remains. Mitigation Measure 3.5-1 was incorporated into the EIR

to provide requirements to be implemented in the event of discovery of a previously unknown cultural and/or historical resource or human remains, or submerged resources that will ensure that this impact is less than significant. Any remaining impacts related to archaeological resources after implementation of mitigation measure 3.5-1 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause an adverse impact on archaeological resources will be mitigated to a less than significant level.

3. IMPACT 3.5-3: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE

- (a) Potential Impact. The potential for the Project to have an impact on significant paleontological resources is discussed at page 3.5-24 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation measure 3.5-2.
- (c) Findings. Field surveys did not reveal any surface evidence of paleontological resources in the Plan Area. The Plan Area is not expected to contain subsurface paleontological resources, although it is possible. Mitigation Measure 3.5-2 was incorporated into the EIR to provide requirements to be implemented that will reduce impacts to paleontological resources in the event that they are discovered during construction. Any remaining impacts related to paleontological resources after implementation of mitigation measure 3.5-2 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-2 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause an adverse impact on paleontological resources will be mitigated to a less than significant level.

4. IMPACT 3.5-4: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES

- (a) Potential Impact. The potential for the Project to have an impact on human remains is discussed at page 3.5-24 and 3.5-25 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation measure 3.5-3.
- (c) Findings. Indications are that humans have occupied San Joaquin County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials. Mitigation Measure 3.5-3 was incorporated into the EIR to require all construction activities that inadvertently discover human remains to implement state required consultation methods to determine the disposition and historical significance of any discovered human remains. Any remaining impacts related human remains after implementation of mitigation measure 3.5-3 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-3 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause an adverse impact on human remains will be mitigated to a less than significant level.

E. GEOLOGY AND SOILS

- 1. IMPACT 3.6-2: IMPLEMENTATION AND CONSTRUCTION OF THE PROPOSED PROJECT MAY RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL
 - (a) Potential Impact. The potential for the Project to result in substantial soil erosion or the loss of topsoil is discussed at pages 3.6-14 through 3.4-16 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
 - (c) Findings. The Project has the potential to result in substantial soil erosion or the loss of topsoil. Mandated by Congress under the Clean Water Act, the NPDES Stormwater Program is a comprehensive two-phased national program for addressing the non-agricultural sources of stormwater discharges which adversely affect the quality of our nation's waters. The program uses the National Pollutant Discharge Elimination System (NPDES) permitting mechanism to require the implementation of controls designed to prevent harmful pollutants, including soil erosion, from being washed by stormwater runoff into local water bodies. The construction activities for the proposed project would be governed by the General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ). To ensure that construction activities are covered under General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ), projects in California must prepare a Stormwater Pollution

Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP is reviewed by the Regional Water Quality Control Board as part of the permitting process. The SWPPP, once approved, is kept on site and implemented during construction activities and must be made available upon request to representatives of the RWQCB and/or the lead agency.

The NRCS Custom Soils Report identifies the Plan Area as having a “slight” potential for erosion. This is largely due to the fact that the Plan Area is relatively flat. Regardless of the potential for erosion, there is always the potential for human caused erosion associated with construction activities or through the operational phase of a project. Grading, excavation, removal of vegetation cover, and loading activities associated with construction activities temporarily expose soils and increase the potential for soil erosion and sedimentation during rail events. Construction activities can also result in soil compaction and wind erosion effects that can adversely affect soils and reduce the revegetation potential at construction sites and staging areas.

In accordance with the NPDES Stormwater Program, an SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities, must be approved. The specific controls are subject to the review and approval by the RWQCB and are existing regulatory requirements. Therefore, this impact would be less than significant.

Mitigation Measure 3.6-1 was incorporated into the EIR to ensure that the SLSP complies with the regulatory requirements described above. Any remaining impacts after implementation of Mitigation Measure 3.6-1 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in substantial soil erosion or the loss of topsoil will be mitigated to a less than significant level.

2. IMPACT 3.6-4: POTENTIAL FOR EXPANSIVE SOILS TO CREATE SUBSTANTIAL RISKS TO LIFE OR PROPERTY
 - (a) Potential Impact. The potential for expansive soils to create substantial risks to life or property is discussed at pages 3.6-18 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-2.
- (c) Findings. The Project has the potential for expansive soils to create substantial risks to life or property. The California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 requires specific geotechnical evaluation when a preliminary geotechnical evaluation determines that expansive or other special soil conditions are present, which, if not corrected, would lead to structural defects. The City of Lathrop also requires a final geotechnical evaluation to be performed at a design-level to ensure that the foundations, structures, roadway sections, sidewalks, and other improvements can accommodate the specific soils, including expansive soils, at those locations. Mitigation Measure 3.6-3 provides the requirement for a final geotechnical evaluation in accordance with the standards and requirements outlined in the California Building Code, Title 24, Part 2, Chapter 16, Chapter 17, and Chapter 18, which addresses structural design, tests and inspections, and soils and foundation standards. The final geotechnical evaluation will include design recommendations to ensure that soil conditions do not pose a threat to the health and safety of people or structures. The grading and improvement plans, as well as the storm drainage outfall and building plans, are required to be designed in accordance with the recommendations provided in the final geotechnical evaluation.

Mitigation Measure 3.6-2 was incorporated into the EIR to ensure that the SLSP complies with the regulatory requirements described above. Any remaining impacts after implementation of Mitigation Measure 3.6-2 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.6-2 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in impacts from expansive soils will be mitigated to a less than significant level.

F. GREENHOUSE GASES AND CLIMATE CHANGE

1. IMPACT 3.7-1: POTENTIAL TO GENERATE GREENHOUSE GAS EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT OR POTENTIAL TO CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GREENHOUSE GASES
- (a) Potential Impact. The potential for the Project to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases is discussed at pages 3.7-16 through 3.7-22 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.7-1.
- (c) Findings. The Project has the potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The Project also has the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Mitigation Measure 3.7-1 and those mitigation measures presented in the Air Quality section of the EIR were incorporated into the EIR to reduce the overall annual GHG emissions associated with the SLSP by over 36.3 percent by the year 2020. This reduction is consistent with applicable standards and threshold of a 29 percent reduction. Because the SLSP would meet and exceed the City's 29 percent minimum reduction threshold with these mitigation measures, the SLSP would not hinder the State's ability to reach the GHG reduction target.

Moreover, the Final Staff Report for the SJVAPCD's Climate Change Action Plan provides a table of GHG emission reduction measures for development projects, along with a point value that corresponds to a percentage decrease in GHG emissions when available. According to the Final Staff Report, projects achieving a 29 percent reduction in GHG emissions would be determined to have a less than significant individual and cumulative impact for GHG emissions. The percentage reduction is consistent with the GHG reduction percentage sought by the state's Scoping Plan. As discussed, the GHG emission reductions anticipated from Specific Plan features plus the proposed mitigation measures would be at 36.3 percent. Therefore, the SLSP would be consistent with the reduction target set in the Climate Change Action Plan. Overall, the SLSP would be consistent with the reduction targets established by the Scoping Plan and the SJVAPCD. Based on the criteria set forth in the SJVAPCD's Climate Change Action Plan, the SLSP would have an individual and cumulative impact that is less than significant.

Mitigation Measure 3.7-1 was incorporated into the EIR to ensure that the Project's energy requirements would be reduced by 15.0 percent (natural gas) and 18.5 percent (electricity) through various requirements. The Project will comply with Title 24, Part 6 of the California Code of Regulations, known as the Building Energy Efficiency Standards. This includes the CALGreen requirements for new buildings to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials. Any remaining impacts after implementation of Mitigation Measure 3.7-1 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.7-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council,

this City Council finds that the potential to result in impacts from greenhouse gas emissions, either directly or indirectly, will be mitigated to a less than significant level.

G. HAZARDS AND HAZARDOUS MATERIALS

1. IMPACT 3.8-1: POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT

- (a) Potential Impact. The potential for the Project to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed at pages 3.8-17 through 3.7-20 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1, 3.8-2, 3.8-3, 3.8-4, and 3.8-5.
- (c) Findings. The project has the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Mitigation Measure 3.8-1 was incorporated into the EIR to require that a Soils Management Plan (SMP) be submitted and approved by the San Joaquin County Department of Environmental Health prior to the issuance of a grading permit. The SMP must establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. Mitigation Measures 3.8-2 and 3.8-3 were incorporated into the EIR to require Phase 2 Environmental Site Assessments under specified conditions and sets forth specific requirements to mitigate potential impacts. Mitigation Measure 3.8-4 was incorporated into the EIR to set forth requirements for septic tank and domestic water supply wells and to ensure that any destruction of these facilities will be in accordance with in accordance with the San Joaquin County Well Standards. Lastly, Mitigation Measure 3.8-5 was incorporated into the EIR to require preparation of a Hazardous Materials Business Plan that must be reviewed and approved by the San Joaquin County Department of Environmental Health. The BMPs and other requirements of these mitigation measures will ensure that any impacts are less than significant during the construction and operational phases of the Project. Any remaining impacts after implementation of mitigation measures 3.8-1, 3.8-2, 3.8-3, 3.8-4, and 3.8-5 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.8-1, 3.8-2, 3.8-3, 3.8-4, and 3.8-5 are appropriate changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant

environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be mitigated to a less than significant level.

H. HYDROLOGY AND WATER QUALITY

1. IMPACT 3.9-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS DURING CONSTRUCTION

- (a) Potential Impact. The potential for the Project to violate water quality standards or waste discharge requirements during construction is discussed at pages 3.9-17 through 3.9-19 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
- (c) Findings. The Project has the potential to violate water quality standards or waste discharge requirements during construction. Mandated by Congress under the Clean Water Act, the NPDES Stormwater Program is a comprehensive two-phased national program for addressing the non-agricultural sources of stormwater discharges which adversely affect the quality of our nation's waters. The program uses the National Pollutant Discharge Elimination System (NPDES) permitting mechanism to require the implementation of controls designed to prevent harmful pollutants, including soil erosion, from being washed by stormwater runoff into local water bodies. The construction activities for the proposed project would be governed by the General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ). To ensure that construction activities are covered under General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ), projects in California must prepare a Stormwater Pollution Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP is reviewed by the Regional Water Quality Control Board as part of the permitting process. The SWPPP, once approved, is kept on site and implemented during construction activities and must be made available upon request to representatives of the RWQCB and/or the lead agency.

In accordance with the NPDES Stormwater Program, Mitigation Measure 3.6-1, ensures compliance with existing regulatory requirements to prepare a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using

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

Mitigation Measure 3.6-1 was incorporated into the EIR to ensure compliance with existing regulatory requirements to prepare a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. Any remaining impacts after implementation of Mitigation Measure 3.6-1 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to violate water quality standards or waste discharge requirements during construction will be mitigated to a less than significant level.

2. **IMPACT 3.9-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS DURING OPERATION**

- (a) **Potential Impact.** The potential for the Project to violate water quality standards or waste discharge requirements during operation is discussed at pages 3.9-19 through 3.9-23 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-7 and 3.4-8.
- (c) **Findings.** The Project has the potential to violate water quality standards or waste discharge requirements during operation. The management of water quality through obtaining a General Industrial Stormwater Permit and implementing BMPs is intended to ensure that water quality does not degrade to levels that would violate water quality standards. These are existing regulatory requirements. Mitigation Measures 3.4-7 and 3.4-8 were incorporated into the EIR to ensure that the SLSP complies with these regulatory requirements and to ensure that BMPs are implemented to reduce the amount of pollution in stormwater discharged from the Plan Area into the San Joaquin River during the operational phase of the project.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-7 and 3.4-8 are appropriate changes or alterations that have been required in, or

incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to violate water quality standards or waste discharge requirements during operation will be mitigated to a less than significant level.

3. IMPACT 3.9.5 THE PROPOSED PROJECT HAS THE POTENTIAL TO OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY

- (a) Potential Impact. The potential for the Project to otherwise substantially degrade water quality is discussed at pages 3.9-26 through 3.9-28 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1, 3.4-7, 3.4-8, and 3.9-1.
- (c) Findings. The Project has the potential to otherwise substantially degrade water quality. The SLSP is required to comply with several existing regulatory requirements that will ensure that the Project does not substantially degrade water quality. Mitigation Measure 3.6-1 was incorporated into the EIR to require an approved SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP is reviewed by the Regional Water Quality Control Board as part of the permitting process. The SWPPP, once approved, is kept on site and implemented during construction activities and must be made available upon request to representatives of the RWQCB and/or the lead agency. The RWQCB has stated that these erosion control measures are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. The specific controls are subject to the review and approval by the RWQCB.

Mitigation Measures 3.4-7 and 3.4-8 were incorporated into the EIR to ensure that BMPs are implemented to reduce the amount of pollution in stormwater discharged from the Plan Area into the San Joaquin River during the operational phase of the project. There are various non-structural and structural stormwater BMPs that can be implemented to reduce water pollution. Non-structural BMPs are typically aimed at prevention of pollution through public education and outreach. Non-structural BMPs identified in the City's Storm Water Master Plan (SWMP) include: school educational programs, newsletters, website information, commercial, billboards/advertisements, river cleanups, and storm drain stenciling. Structural BMPs are aimed at the physical collection, filtering, and detaining of stormwater. Structural BMPs include items such as drop inlet filters, vault filters, hydrodynamic separators, surface detention basins,

and underground detention facilities. The management of water quality through obtaining a General Industrial Stormwater Permit and implementing BMPs is intended to ensure that water quality does not degrade to levels that would violate water quality standards.

Mitigation Measure 3.9-1 was incorporated into the EIR to require the project applicant to obtain a lease agreement from the California Lands Commission prior to any in-stream construction in the San Joaquin River associated with the outfall structure. The lease agreement will include the latest BMP requirements, or standards, that are intended to avoid, minimize, and/or mitigate the potential for release of mercury or methylmercury from sediments into the Sacramento-San Joaquin Delta Estuary. The BMP requirements, or standards, associated with any approval by the California Lands Commission for in-water construction will be in accordance with their latest studies that have been funded to identify potential methylmercury control methods in the Delta, and/or their Exposure Reduction Program. The intent of any BMP must be an effort to ensure that the project comply with the CVRWQCB TMDL for this pollutant. Examples of BMPs include minimizing disturbance areas to the minimum required for construction, in-water excavation at low flow periods, avoiding spawning periods, etc.

The regulatory requirements are intended to treat runoff close to the source during the construction and long term operational phase of the project to reduce stormwater quality impacts. Mitigation Measures 3.6-1, 3.4-7, 3.4-8, and 3.9-1 will further ensure that the regulatory requirements are satisfied.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.6-1, 3.4-7, 3.4-8, and 3.9-1 are appropriate changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to otherwise substantially degrade water quality will be mitigated to a less than significant level.

I. NOISE

1. IMPACT 3.12-5: THE PROPOSED PROJECT HAS THE POTENTIAL TO INCREASE STATIONARY NOISE AT SENSITIVE RECEPTORS
 - (a) Potential Impact. The potential for the Project to increase stationary noise at sensitive receptors is discussed at pages 3.12-21 through 3.12-25 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation measure 3.12-1.

- (c) Findings. The Project has the potential to increase stationary noise at sensitive receptors. Mitigation Measure 3.12-1 was incorporated into the EIR to require the City of Lathrop to review any proposed extensive noise generating uses such as heavy trucking, outdoor manufacturing, or large ventilation systems (exhaust, dust collection, etc. other than HVAC systems) to ensure that exterior noise levels would not exceed the applicable San Joaquin County and City of Lathrop noise standards. This mitigation measure also prohibits the City from approving a use that would cause an exceedance of the noise standards at any sensitive receptor. The specific development proposals within the Plan Area must be reviewed by the City of Lathrop when the detailed information is available for the individual development/construction approvals, which may occur during Architectural Design Review and/or Building Permit. Implementation of this mitigation measure would ensure consistency with the City's noise standards. Any remaining impacts after implementation of Mitigation Measure 3.12-1 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.12-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to increase stationary noise at sensitive receptors will be mitigated to a less than significant level.

J. TRANSPORTATION AND CIRCULATION

1. IMPACT 3.14-6: THE PROPOSED PROJECT DOES NOT IDENTIFY SPECIFIC TRANSIT FACILITIES (SUCH AS SHELTERED TRANSIT STOPS OR PULLOUTS)
- (a) Potential Impact. The potential for the Project to affect transit facilities (such as sheltered transit stops or pullouts) is discussed at pages 3.14-30 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-5.
- (c) Findings. The Project has the potential to affect transit facilities (such as sheltered transit stops or pullouts). The project would not directly disrupt existing or planned transit services or facilities or create an inconsistency with a General Plan policy relating to transit. Mitigation Measure 3.14-5 was incorporated into the EIR to require the project applicant to incorporate bus turnouts and shelters into the South Lathrop Specific Plan as required by the City's General Plan. Any remaining impacts after implementation of mitigation measure 3.14-4 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.14-5 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council,

this City Council finds that the potential to affect transit facilities (such as sheltered transit stops or pullouts) will be mitigated to a less than significant level.

2. IMPACT 3.14-11: UNDER CUMULATIVE CONDITIONS, PROJECT IMPLEMENTATION WOULD EXACERBATE CUMULATIVELY UNACCEPTABLE LEVELS OF SERVICE AT THE LATHROP ROAD/MCKINLEY AVENUE INTERSECTION

- (a) Potential Impact. The potential for the Project to exacerbate unacceptable levels of service at the Lathrop Road/McKinley Avenue intersection under cumulative conditions is discussed at pages 3.14-39 through 3.14-40 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation measure 3.14-8.
- (c) Findings. The Project has the potential to exacerbate unacceptable levels of service at the Lathrop Road/McKinley Avenue intersection under cumulative conditions. Mitigation Measure 3.14-7 was incorporated into the EIR to require the project applicant to pay its fair share toward improvements to the City of Lathrop for the Lathrop Road/McKinley Avenue intersection, which is currently under contract. The project's fair share traffic contribution to these improvements is estimated to be 0.8%¹ would be necessary to provide acceptable operations under cumulative conditions: Install traffic signal control; and provide for protected eastbound to southbound left-turn signal phasing. When the City of Lathrop constructs the proposed improvements described in Mitigation Measure 3.14-8, the intersection will operate at an acceptable LOS A with 10 seconds of delay in the AM peak hour and LOS B with 12 seconds of delay in the PM peak hour. This improvement is under contract and the intersection will be signalized by December 2014. Any remaining impacts after implementation of mitigation measure 3.14-8 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.14-7 and 3.14-8 are appropriate changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to exacerbate

¹ Fair share calculation is based on the project's cumulative traffic contribution (total AM and PM peak hour volumes on the four freeway on- and off-ramps using the following formula:

$$\text{Fair Share Percentage} = [\text{Project Only Total Volume} / (\text{Cumulative Plus Project Total Volume} - \text{Existing Count Volume})]$$

$$\text{Fair Share Percentage} = [22 / (5,250 - 2,401)] = 0.8 \%$$

unacceptable levels of service at the Lathrop Road/McKinley Avenue intersection under cumulative conditions will be mitigated to a less than significant level.

K. UTILITIES AND SERVICE SYSTEMS

1. IMPACT 3.15-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT AND/OR COLLECTION PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IS DOES NOT HAVE ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS
 - (a) Potential Impact. The potential for the Project to result in a determination by the wastewater treatment and/or collection provider which serves or may serve the project that is does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments is discussed at pages 3.15-11 to 3.15-15 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.15-1.
 - (c) Findings. The Project has the potential to result in a determination by the wastewater treatment and/or collection provider which serves or may serve the project that is does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Mitigation Measure 3.15-1 was incorporated into the EIR to require the project proponent to secure adequate wastewater treatment capacity prior to occupancy of any building that would require wastewater treatment services. The wastewater treatment capacity may come from a variety of existing facilities including the Lathrop Consolidated Treatment Facility, Crossroads POTW, and/or Lathrop-Manteca WQCF. These existing plants are permitted facilities that have undergone the appropriate environmental review. Alternatively, the wastewater treatment capacity may come from a variety of future facilities or expansions to existing facilities including a newly constructed wastewater treatment plant at the Lathrop Consolidated Treatment Facility, or a capacity expansion at Lathrop Consolidated Treatment Facility, Crossroads POTW, or Lathrop-Manteca WQCF. The second wastewater treatment plant at the Lathrop Consolidated Treatment Facility has undergone environmental review and is permitted under the City's waste discharge permit. The expansion of an existing facility would require the appropriate environmental review and waste discharge permits. Additionally, the project proponent would be required to install/connect the necessary collection/transmission infrastructure to ensure the appropriate treatment of all wastewater. Any remaining impacts after implementation of mitigation measure 3.15-1 would not be significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.15-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in a determination by the wastewater treatment and/or collection provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments will be mitigated to a less than significant level.

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

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

Aesthetics: The following specific impacts were found to be less than significant: 3.1-1, 3.1-2, and 3.1-4.

Agricultural Resources: The following specific impacts were found to be less than significant: 3.2-2, 3.2-3, and 3.2-4.

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

Biological Resources: The following specific impacts were found to be less than significant: 3.4-9 and 3.4-10.

Geology and Soils: The following specific impacts were found to be less than significant: 3.6-1, and 3.6-2,

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

Hydrology and Water Quality: The following specific impacts were found to be less than significant: 3.9-3, 3.9-4, 3.9-6, and 3.9-7.

Land Use and Population: The following specific impacts were found to be less than significant: 3.10-1, 3.10-2, 3.10-3, 3.10-4, and 3.10-5.

Noise: The following specific impacts were found to be less than significant: 3.12-1, 3.12-2, 3.12-3, and 3.12-4.

Public Services and Recreation: The following specific impacts were found to be less than significant: 3.13-1, 3.13-2, 3.13-3, 3.13-4, 3.13-5, and 3.13-6.

Traffic and Circulation: The following specific impacts were found to be less than significant: 3.14-3, 3.14-5, and 3.14-8.

Utilities and Services Systems: The following specific impacts were found to be less than significant: 3.15-1, 3.15-4, 3.15-5, and 3.15-7.

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

Aesthetics: The following specific impact was found to be less than cumulatively considerable: Impact 4.1 and 4.3

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

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

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

Greenhouse Gas Emissions: The following specific impact was found to be less than cumulatively considerable: 4.9.

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

Hydrology and Water Quality: The following specific impact was found to be less than cumulatively considerable: 4.11, 4.12, and 4.14.

Land Use and Population: The following specific impact was found to be less than cumulatively considerable: 4.15 and 4.16.

Noise: The following specific impact was found to be less than cumulatively considerable: 4.18.

Public Services and Recreation: The following specific impact was found to be less than cumulatively considerable: 4.20.

Utilities and Service Systems: The following specific impact was found to be less than cumulatively considerable: 4.25.

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

- The EIR determined that the impact is less than significant for the Project.

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

VI. PROJECT ALTERNATIVES

A. IDENTIFICATION OF PROJECT OBJECTIVES

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

Chapter 2.0 of the Draft EIR identifies the Project’s goals and objectives. The Project objectives include the following:

The principal objective of the proposed project is the approval and subsequent implementation of the South Lathrop Specific Plan (SLSP). Implementation would involve the development of potential uses under the land use designations of commercial office, limited industrial and open space. Although this is the principle objective, it was not used to restrict the range of alternatives considered in the EIR. As noted below, the EIR includes various alternatives to the SLSP. In fact, no alternatives were rejected as not meeting any one of the objectives individually.

The quantifiable objectives of the proposed project include the development of up to 222 acres of limited industrial, 10 acres of commercial office, 31.5 acres of open space, 36 acres of related public facilities and 15.5 acres of right-of-way at ultimate build out, with a projected potential of approximately 4,288,918 square feet of employment-generating development.

The South Lathrop Specific Plan has developed the following objectives for the proposed project:

- Commercial Office: Establish a core of regional and local serving business and commercial uses that capitalize upon the visibility and access provided by SR 120, and augment City sales tax revenue.
- Employment Opportunities: Provide for local and regional employment opportunities that take advantage of the Plan Area’s high level of accessibility, allow for the expansion of the City’s economic base, help create a jobs/housing balance, and reduce the commute for regional residents.
- Provide access to the San Joaquin River Trail, connecting to the City of Lathrop.

- Transportation: Provide an efficient circulation system that includes not only automobile transportation but also pedestrian, bicycle and public transit.
- Public Facilities and Services: Provide infrastructure and services that meet City standards, integrate with existing and planned facilities and connections and do not diminish services to existing residents of the City.
- Phasing: Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Environmental Mitigation: Create a “self-mitigating” plan that, to the extent practical incorporates environmental mitigation measures into project design.
- Economic Contribution: Strengthen the City’s economic base through South Lathrop Specific Plan’s job creation; development related investment; disposable income from future employees; and increased property, sales, and transient occupancy taxes.
- Quantified Development. Development of land use densities and intensities at quantities that maximize the use of the land to meet the demands of the market while considering zoning and land uses restrictions. The quantifiable objectives include the development of approximately to 220 acres of limited industrial, 10 acres of commercial office, 31 acres of open space, 36 acres of related public facilities and 15 acres of right-of-way at ultimate build out, with a projected potential of approximately 4,288,918 square feet of employment-generating development.

B. ALTERNATIVES NOT SELECTED FOR FURTHER CONSIDERATION

1. ALTERNATIVE LOCATION CONSIDERED:

An Alternative Location is discussed on pages 5.0-2 of the Draft EIR.

Findings: The City of Lathrop considered alternative locations early in the public scoping process. The City’s key considerations in identifying an alternative location were as follows:

- Is there an alternative location where significant effects of the project would be avoided or substantially lessened?
- Is there a site available within the City’s Sphere of Influence with the appropriate size and characteristics such that it would meet the basic project objectives?

The City’s consideration of alternative locations for the project included a review of previous land use planning and environmental documents in Lathrop including the General Plan, the Central Lathrop Specific Plan, the Lathrop Gateway Business Park Specific Plan, the River Islands Specific Plan, the West Lathrop Specific Plan, and the Mossdale Landing Specific Plan. The City found that there are no feasible alternative locations that exist within the City’s Sphere of Influence with the appropriate size and characteristics that would meet the basic project objectives and avoid or substantially

lessen a significant effect. The City determined that alternative locations outside the Sphere of Influence would not be feasible because an expansion of the Sphere of Influence would induce unplanned growth and cause impacts greater than development on the proposed location. For these reasons, the City of Lathrop determined that there are no feasible alternative locations.

2. OTHER ALTERNATIVES CONSIDERED:

A Notice of Preparation (NOP) was circulated to the public to solicit recommendations for a reasonable range of alternatives to the SLSP. Additionally, a public scoping meeting was held during the public review period to solicit recommendations for a reasonable range of alternatives to the SLSP. No specific alternatives were recommended by commenting agencies or the general public during the NOP public review process.

The Draft EIR was also circulated for public review and comment. No specific alternatives were recommended by commenting agencies or the general public during the Draft EIR public review process that were not previously considered by the City.

One commentor suggested that the range of alternatives considered for the SLSP should include alternatives that avoid impacts to wetlands or other waters of the United States, or in the event that there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from implementation. The Draft EIR pages 3.4-32 through 3.4-24 include an analysis of the impacts associated with wetlands, as well as mitigation measures that could offset the impact. The impact to wetlands is associated with the proposed storm drain outfall. The City considered alternatives that would avoid, minimize, or eliminate environmental impacts, including those to wetlands. However, the City has planned for the storm drainage outfall included in the Plan Area to serve areas outside of the Plan Area (i.e. Gateway Business Park) regardless of the proposed project. The outfall is part of a watershed that extends beyond the Plan Area and drains to the south through the Plan Area. The storm drain outfall location is consistent with the General Plan and Storm Drain Master Plan. The City considered a full detention/retention system; however, that was eliminated from consideration because it is in conflict with the City's storm drainage master plan. As such, there are no alternatives that would eliminate impacts to wetlands from the storm drain outfall because this improvement is part of an adopted city-wide plan.

One commenter suggested that the City should consider an alternative site for the Project, but as noted previously, the City already considered the potential for an off-site alternative during the scoping process and rejected it for the reasons described above and in the Final EIR.

C. ALTERNATIVES ANALYSIS IN EIR

1. NO BUILD ALTERNATIVE:

The **No Build Alternative** is discussed on pages 5.0-3, 5.0-6 through 5.0-11 of the Draft EIR. This alternative assumes development of the Plan Area would not occur, and the Plan Area would remain in its current condition.

Findings: Environmental benefits of this alternative over the SLSP include the reduction of impacts to aesthetics and visual resources, agricultural and forest resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gases and climate change, hazards and hazardous materials, hydrology and water quality, land use and population, mineral resources, noise, public services and recreation, transportation and circulation, and utilities.

While the City recognizes the environmental benefits of the No Build Alternative, this alternative is not consistent with the General Plan, would not achieve the project objectives, and would not provide new local jobs and tax revenue generation for the City of Lathrop. For these reasons, this alternative is rejected.

2. NO PROJECT ALTERNATIVE (GENERAL PLAN ALTERNATIVE):

The **No Project Alternative (General Plan Alternative)** is discussed on pages 5.0-3 through 5.0-4, and 5.0-11 through 5.0-20 of the Draft EIR. The CEQA Guidelines (Section 15126.6(e)) require consideration of a no project alternative that represents the existing conditions, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved. CEQA Guidelines Section 15126.6 (e)(3)(A) explains that “When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation the “no project” alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the project impacts of the proposed plans would be compared to the impacts that would occur under the existing plan.” Accordingly, this alternative assumes a continuation of the Lathrop General Plan into the future. The Plan Area is listed as within the Sub Plan Area # 1 of the General Plan and has the General Plan land use designation of Limited Industrial.

Findings: Environmental benefits of this alternative over the SLSP include the reduction of impacts to land use and population, and transportation and circulation. The environmental impacts associated with the following topics would be equal to the SLSP: aesthetics and visual resources, agricultural and forest resources, biological resources, cultural resources, geology and soils, and mineral resources. The environmental impacts associated with the following topics would be greater than the SLSP: air quality, greenhouse gases and climate change, hazards and hazardous materials, hydrology and water quality, noise, public services and recreation, and utilities.

While the City recognizes that this alternative would have some environmental benefits, it would also have numerous environmental impacts that are greater than the proposed project under some topics and it does not achieve numerous project objectives.

This alternative would not meet the “Quantified Development” objective for the project, which would involve the development of land use densities and intensities at quantities that maximize the use of the land to meet the demands of the market while

considering zoning and land uses restrictions. The quantifiable objectives include the development of approximately to 220 acres of limited industrial, 10 acres of commercial office, 31 acres of open space, 36 acres of related public facilities and 15 acres of right-of-way at ultimate build out, with a projected potential of approximately 4,288,918 square feet of employment-generating development. The project has been modified to increase the acreage of limited industrial as a result of decreasing the area designated for related public facilities, but it still generally meets the objective. This alternative would not adequately meet the quantified objectives for development.

This alternative would not meet the “Commercial Office” objective for the project, which would involve the establishment of a core of regional and local serving business and commercial uses that capitalize upon the visibility and access provided by SR 120, and augment City sales tax revenue.

The proposed project includes a General Plan amendment to maximize a small Commercial opportunity that fronts on a high traffic freeway (SR120), while maintaining the remainder of the site for Industrial uses. This alternative, on the other hand, would not take advantage of the commercial opportunity located immediately off the SR 120 off-ramps. For the reasons provided above, this alternative is rejected.

3. REDUCED PROJECT ALTERNATIVE:

The **Reduced Project Alternative** is discussed on pages 5.0-4 through 5.0-5, and 5.0-20 through 5.0-28 of the Draft EIR. This alternative assumes the Plan Area would be developed with the same components as described in the Project Description, but the area utilized for the industrial and commercial uses would be reduced.

Findings: Environmental benefits of this alternative over the SLSP include the reduction of impacts to aesthetics and visual resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gases and climate change, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, public services and recreation, transportation and circulation, and utilities. The environmental impacts associated with the following topics would be equal to the SLSP: agricultural and forest resources, and land use and population.

While the City recognizes the environmental benefits of this alternative, this alternative is not consistent with the General Plan, would not provide the number of new local jobs that the City has anticipated for this site based on the General Plan and zoning designations, would not generate the tax revenue for the City of Lathrop that is anticipated through a full buildout of the project site (reduced by one third), and does not achieve numerous project objectives as discussed below.

This alternative would not meet the “Quantified Development” objective for the project, which would involve the development of land use densities and intensities at

quantities that maximize the use of the land to meet the demands of the market while considering zoning and land uses restrictions. The quantifiable objectives include the development of approximately 220 acres of limited industrial, 10 acres of commercial office, 31 acres of open space, 36 acres of related public facilities and 15 acres of right-of-way at ultimate build out, with a projected potential of approximately 4,288,918 square feet of employment-generating development. This alternative would reduce the development by approximately one third. The project has been modified to increase the acreage of limited industrial as a result of decreasing the area designated for related public facilities, but it still generally meets the objective. This alternative would not adequately meet the quantified objectives for development.

This alternative would not meet the “Commercial Office” objective for the project, which would involve the establishment of a core of regional and local serving business and commercial uses that capitalize upon the visibility and access provided by SR 120, and augment City sales tax revenue. This alternative would reduce the Commercial Office development by approximately one third, which would be expected to reduce the City’s sales tax revenue from the Plan Area by one third.

This alternative would not meet the “Employment Opportunities” objective, which would provide for local and regional employment opportunities that take advantage of the Plan Area’s high level of accessibility, allow for the expansion of the City’s economic base, help create a jobs/housing balance, and reduce the commute for regional residents. This alternative would reduce the development by approximately one third, which would be expected to reduce the Employment Opportunities from the Plan Area by one third.

This alternative would not meet the “Economic Contribution” objective, which would strengthen the City’s economic base through South Lathrop Specific Plan’s job creation; development related investment; disposable income from future employees; and increased property, sales, and transient occupancy taxes. This alternative would reduce the development by approximately one third, which would be expected to reduce the Economic Contribution from the Plan Area by one third.

This alternative does not meet the Quantified Development objective, Commercial Office objective, Employment Opportunities objective, or the Economic Contribution objective. This alternative would not generate the tax revenue for the City of Lathrop that is anticipated through a full buildout of the project site (tax revenue reduced by approximately one third). For the reasons provided above, this alternative is rejected.

4. AGRICULTURAL PROTECTION ALTERNATIVE:

The **Agricultural Protection Alternative** is discussed on pages 5.0-5, and 5.0-29 through 5.0-38 of the Draft EIR. This alternative assumes the SLSP would be developed in such a way to protect those lands currently identified as prime farmland and farmland of statewide importance.

Findings: Environmental benefits of this alternative over the SLSP include the reduction of impacts to aesthetics and visual resources, agricultural and forest resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gases and climate change, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, public services and recreation, transportation and circulation, and utilities. The environmental impacts associated with the following topics would be equal to the SLSP: land use and population.

While the City recognizes the environmental benefits of this alternative, this alternative is not consistent with the General Plan, would not provide the number of new local jobs that the City has anticipated for this site based on the General Plan and zoning designations, would not generate the tax revenue for the City of Lathrop that is anticipated through a full buildout of the project site (reduced by 63.8 percent), and does not achieve numerous project objectives as discussed below.

This alternative would not meet the “Quantified Development” objective for the project, which would involve the development of land use densities and intensities at quantities that maximize the use of the land to meet the demands of the market while considering zoning and land uses restrictions. The quantifiable objectives include the development of approximately 220 acres of limited industrial, 10 acres of commercial office, 31 acres of open space, 36 acres of related public facilities and 15 acres of right-of-way at ultimate build out, with a projected potential of approximately 4,288,918 square feet of employment-generating development. This alternative would reduce the development by approximately 63.8 percent. The project has been modified to increase the acreage of limited industrial as a result of decreasing the area designated for related public facilities, but it still generally meets the objective. This alternative would not adequately meet the quantified objectives for development.

This alternative would not meet the “Employment Opportunities” objective, which would provide for local and regional employment opportunities that take advantage of the Plan Area’s high level of accessibility, allow for the expansion of the City’s economic base, help create a jobs/housing balance, and reduce the commute for regional residents. This alternative would reduce the development by approximately 63.8 percent, which would be expected to reduce the Employment Opportunities from the Plan Area by 63.8 percent.

This alternative would not meet the “Economic Contribution” objective, which would strengthen the City’s economic base through South Lathrop Specific Plan’s job creation; development related investment; disposable income from future employees; and increased property, sales, and transient occupancy taxes. This alternative would reduce the development by approximately 63.8 percent, which would be expected to reduce the Economic Contribution from the Plan Area by 63.8 percent.

This alternative does not meet the Quantified Development objective, Employment Opportunities objective, or the Economic Contribution objective. This alternative would not generate the tax revenue for the City of Lathrop that is anticipated through a full buildout of the project site (tax revenue reduced by approximately 63.8 percent). For the reasons provided above, this alternative is rejected.

5. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

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

As discussed in Chapter 5 of the Draft EIR and summarized in Table 5.0-18 of the Draft EIR, the No Project Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Reduced Project and Agricultural Alternatives both rank higher than the SLSP. Comparatively, the Agricultural Protection Alternative would result in less impact than the Reduced Project Alternative because it provides the greatest reduction of potential impacts in comparison to the SLSP. While the City recognizes the environmental benefits of the Reduced Project and Agricultural Alternatives, these alternatives are not consistent with the General Plan, would not provide the number of new local jobs that the City has anticipated for this site based on the General Plan and zoning designations, would not generate the tax revenue for the City of Lathrop that is anticipated through a full buildout of the project site, and does not achieve numerous project objectives as discussed in detail in paragraphs C.3 and C.4 above.

The Reduced Project alternative does not meet the Quantified Development objective, Commercial Office objective, Employment Opportunities objective, or the Economic Contribution objective. This alternative would not generate the tax revenue for the City of Lathrop that is anticipated through a full buildout of the project site (tax revenue reduced by approximately one third). For the reasons provided above, this alternative is rejected.

This Agricultural Protection alternative does not meet the Quantified Development objective, Employment Opportunities objective, or the Economic Contribution objective. This alternative would not generate the tax revenue for the City of Lathrop that is anticipated through a full buildout of the project site (tax revenue reduced by approximately 63.8 percent). For the reasons provided above, this alternative is rejected.

VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE SOUTH LATHROP SPECIFIC PLAN FINDINGS

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

- Impact 4.2: Cumulative Degradation of the Existing Visual Character of the Region
- Impact 3.2-1: The proposed project has the potential to result in the conversion of Farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to non-agricultural uses
- Impact 4.4: Cumulative Impact on Agricultural and Forest Resources
- Impact 3.3-1: Project operation has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation
- Impact 4.5: Cumulative Impact on the Region's Air Quality
- Impact 4.13: Cumulative Impacts Related to Degradation of Groundwater Supply or Recharge
- Impact 3.11-1: The project would result in the loss of a known mineral resource that would be of value to the region
- Impact 3.11-2: The project would result in the loss of a locally important mineral resource recovery site delineated on a local general plan
- Impact 4.17: Cumulative Impacts Resulting in the Loss of a Known Mineral Resource
- Impact 4.19: Cumulative Impact on Fire Services
- Impact 3.14-1: Under Existing Plus Project Conditions, project implementation would result in a significant impact at the SR 120/Yosemite Avenue unsignalized ramp-terminal intersections (#1 & 2)
- Impact 3.14-2: Under Existing Plus Project Conditions, project implementation would add traffic to the Yosemite Avenue/Airport Way intersection and result in unacceptable levels of service in the PM peak hour
- Impact 3.14-4: Under Existing Plus Project Conditions, project implementation would result in a significant impact to freeway facilities
- Impact 3.14-7: The proposed project could add STAA truck traffic to the SR 120/Yosemite Avenue Interchange, which is not STAA approved. This is considered a potentially significant impact
- Impact 3.14-9: The proposed project could result in inadequate emergency vehicle access
- Impact 3.14-10: Under cumulative conditions, project implementation would exacerbate levels of service at the SR 120/Yosemite Avenue ramp-terminal intersections (Intersections 1&2)
- Impact 3.14-12: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service at the Louise Avenue/McKinley Avenue intersection

- Impact 3.14-13: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service at the SR 120/Airport Way ramp-terminals intersections and the Airport Way/Daniels Street intersection
- Impact 3.14-14: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service on SR 120 and I-5
- Impact 4.21: Under cumulative conditions, project implementation would exacerbate levels of service at various traffic facilities within the study area
- Impact 3.15-3: The proposed project has the potential to require or result in the construction of new wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
- Impact 3.15-6: The proposed project has the potential to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
- Impact 4.22: Cumulative Impact on Wastewater Utilities
- Impact 4.23: Cumulative Impact on Water Utilities
- Impact 4.24: Cumulative Impact on Stormwater Facilities

The adverse effects listed above, and described in detail in Section III, are substantive issues of concern to the City. However, the City of Lathrop has a General Plan that provides for an array of land uses throughout the City that are intended to accommodate the City's needs for growth over the foreseeable future. For over ten years the proposed project has been designated with land uses that are intended to generate jobs and tax revenue for the City. Much of the development over the past ten years in the City has been housing and a large percentage of the current population in the City commutes to jobs outside the City. The proposed project would provide an increase in local jobs that could be served by the citizens of Lathrop, reducing the number of citizens commuting. The actual number of jobs would vary by the exact business that locates within the Plan Area. Additionally, the proposed project would generate tax revenue that the City would not otherwise benefit from if the project was not developed. The jobs and tax benefits discussed above would ultimately improve the overall quality of life in the City of Lathrop.

More specifically, the City finds that each of the SLSP's significant adverse impacts identified above is acceptable in light of each of these overriding considerations:

- The project establishes a core of regional and local serving business and commercial uses that capitalize upon the visibility and access provided by SR 120, and augment City sales tax revenue.
- The project provides for local and regional employment opportunities that take advantage of the Plan Area's high level of accessibility, allow for the expansion of the City's economic base, help create a jobs/housing balance, and reduce the commute for regional residents.
- The project provides access to the San Joaquin River Trail, connecting to the City of Lathrop.

- The project provides an efficient circulation system that includes not only automobile transportation but also pedestrian, bicycle and public transit.
- The project provides infrastructure and services that meet City standards, integrate with existing and planned facilities and connections and do not diminish services to existing residents of the City.
- The project establishes a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- The project creates a “self-mitigating” plan that, to the extent practical, incorporates environmental mitigation measures into project design.
- The project strengthens the City’s economic base through South Lathrop Specific Plan’s job creation; development related investment; disposable income from future employees; and increased property, sales, and transient occupancy taxes.

Based on the entire record and the EIR, the economic and social benefits of the Project in Lathrop outweigh and override any significant unavoidable environmental effects that would result from future Project implementation as more fully described in Section III Findings and Recommendations Regarding Significant and Unavoidable Impacts. The City Council has determined that any environmental detriment caused by the proposed project has been minimized to the extent feasible through the mitigation measures identified herein, and, where mitigation is not feasible, has been outweighed and counterbalanced by the significant social, environmental, and land use benefits to be generated to the region.