



FINAL
ENVIRONMENTAL IMPACT REPORT

FOR THE

THE SOUTH LATHROP SPECIFIC PLAN
(SCH: 2013012064)

JUNE 2014

Prepared for:

City of Lathrop
390 Towne Centre Dr.
Lathrop, CA 95330
(209) 941-7298

Prepared by:

De Novo Planning Group
4630 Brand Way
Sacramento, CA 95819
(916) 580-9818

D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm



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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

1.0 INTRODUCTION

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 222 acres and can accommodate up to an estimated maximum of approximately 4,158,238 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.

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. Madrugá 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 Madrugá 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.

1.1 PURPOSE AND INTENDED USES OF THE EIR CEQA REQUIREMENTS FOR A FINAL EIR

This Final Environmental Impact Report (FEIR) for the proposed project has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that an FEIR consist of the following:

- the Draft Environmental Impact Report (Draft EIR) or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development, and an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

PURPOSE AND USE

The City of Lathrop, as the lead agency, has prepared the Draft EIR and this Final EIR to disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed projects, and confers an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

This document and the Draft EIR, as amended herein, constitute the Final EIR, which will be used by the City of Lathrop to determine whether to approve, modify, or deny the proposed project in light of the project's environmental effects. The EIR will be used as the primary environmental document to evaluate full development, all associated infrastructure improvements, and permitting actions associated with proposed project. All of the actions and components of the proposed project are described in detail in Section 2.0 of the Draft EIR.

1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

NOTICE OF PREPARATION

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.

NOTICE OF AVAILABILITY AND 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, 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 Draft EIR contains a description of the SLSP, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

RESPONSE TO COMMENTS/FINAL EIR

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, this Final EIR responds to the comments received during the public review period. Comments received after the public review period closed may be considered by the City of Lathrop in their review of the proposed project. These late comments are included in this section.

The Final EIR also contains minor edits to the Draft EIR, which are included in Section 3.0, Errata. This document and the Draft EIR, as amended herein, constitute the Final EIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The City of Lathrop will independently review and consider the Final EIR. If the City of Lathrop finds that the Final EIR is "adequate and complete", the City Council may certify the Final EIR in accordance with CEQA. The rule of adequacy generally holds that an EIR can be certified if:

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and
- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

Upon certification of the Final EIR, the City Council may take action to approve, revise, or reject the project. A decision to approve the proposed project, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. A Mitigation Monitoring and Reporting Program, as described below, would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Program will be designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

CHAPTER 1.0 – INTRODUCTION

Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead, agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

Chapter 2.0 provides a list of commentors, copies of written comments made on the Draft EIR (coded for reference), and responses to those written comments.

CHAPTER 3.0 - ERRATA

Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments on the Draft EIR, as well as minor staff edits. The revisions to the Draft EIR do not change the intent or content of the analysis or mitigation.

CHAPTER 4.0 – FINAL MMRP

Chapter 4.0 consists of a Mitigation Monitoring and Reporting Program (MMRP). The MMRP is presented in a tabular format that presents the impacts, mitigation measure, and responsibility, timing, and verification of monitoring.

CHAPTER 5.0 – REPORT PREPARERS

Chapter 5.0 lists all authors and agencies that assisted in the preparation of the EIR, by name, title, and company or agency affiliation.

2.1 INTRODUCTION

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, this Final EIR responds to the comments received during the public review period. Comments received after the public review period closed may be considered by the City of Lathrop in their review of the proposed project. These late comments are included in this section.

Acting as lead agency, the City of Lathrop has prepared a response to the written comments that were submitted during the public review period for the Draft EIR. Responses to comments received during the comment period do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

2.2 LIST OF COMMENTORS

Table 2-1 lists the written comments on the Draft EIR that were submitted to the City of Lathrop during the public review period. The assigned comment number, comment date, commentor, and affiliation, if presented in the comment or if representing a public agency, are also listed.

TABLE 2-1 LIST OF COMMENTORS

RESPONSE NUMBER	SIGNATORY	AFFILIATION	DATE
A	Martin Harris	Citizen/Neighbor	10-28-13
B	Laurel Boyd	SJCOG, Inc	10-31-13
C	Ken Chiang, P.E.	California Public Utilities Commission	11-5-2013
D	Joe Reyes	City of Lathrop Public Works	11-22-13
E	Cy R. Oggins	California State Lands Commission	11-25-13
F	Scott Morgan	Governor’s Office of Planning and Research	11-25-13
G	Ken Reed	City of Lathrop Parks and Recreation	11-25-13
H	Tom Dumas	California Department of Transportation	12-12-13
I	Erik Vink	Delta Protection Commission	12-16-13
J	Trevor Cleak	Central Valley Regional Water Quality Control Board	12-17-13
K	David Warner	San Joaquin Valley Air Pollution Control District	12-23-13
L	Thomas Terpstra	Law Office of Thomas H. Terpstra	1-3-2014
M	Georgiena Vivian	VRPA Technologies	12-9-2013
N	Kathleen A. Dadey, Ph.D	United Stated Army Corps of Engineers	1-13-14

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

RESPONSE NUMBER	SIGNATORY	AFFILIATION	DATE
O	Laura Brunn, PMP	San Joaquin Council of Governments	12-6-13
P	Tom Dumas	California Department of Transportation	2-18-14

2.3 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by the commentor, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commentors provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commentors provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the Draft EIR.

RESPONSES TO COMMENTS

Written and oral comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter or oral comment is lettered (i.e., Comment A) and each comment within each letter or oral comment is numbered (i.e., comment A-1, comment A-2).
- Where changes to the Draft EIR text result from the response to comments, those changes are included in the response and identified with revision marks (underline for new text, ~~strike out~~ for deleted text).

Harris Properties LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

October 28, 2013

Clifton Taylor
Richland Communities, Inc.
1508 Eureka Road, Suite 140
Roseville, CA 95661-3816

Re: 315 acre South Lathrop Project

Dear Mr. Taylor,

Thank you for taking the time to meet with me on October 24, 2013.

At that time, you hand delivered some supplemental project drawings with additional information meant to help me as I review the draft EIR you sent me on October 08, 2013

Further, I informed you that I had not yet had time to thoroughly review the EIR due to the current demands that the Ag Harvest Season places on our business.

With that in mind, I assured you that reviewing your project was a priority and would be completed in accordance with the normal EIR comment and review period requirements set forth by the City of Lathrop.

In closing, I thank you for your thoughtfulness in supplying me with the project documents as I prepare my thoughts in anticipation of receiving formal notice relating to the currently unscheduled public comment deadline.

Yours truly,



Martin Harris

A-1

Response to Comment A Martin Harris, Citizen/Neighbor

Response A-1: The commentor notes that the applicant met with him on October 24, 2013, at which time the applicant hand delivered some project drawings and information meant to help him review the Draft EIR. The applicant acknowledged that he had not yet had time to thoroughly review the Draft EIR due to the demands his business. The commentor noted that reviewing the project was a priority and would be completed in accordance with the normal EIR comment and review period requirements set forth by the City of Lathrop. The commentor thanked the applicant for his supplying the project documents.

This comment is noted. This serves as a letter memorializing an informational meeting between the applicant and the commentor. There are no comments specific to the Draft EIR. These comments do not warrant a response. No further response is necessary.



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

**SJMSCP RESPONSE TO LOCAL JURISDICTION (RTL)
ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

To: Rebecca Willis, AICP, Community Development Director, City of Lathrop
From: Laurel Boyd, Habitat Planner Technician, SJCOG, Inc.
Date: October 31, 2013
Local Jurisdiction Project Title: REVISED - NOA for the South Lathrop Specific Plan Draft EIR
Assessor Parcel Number(s): 241-020-70, -71, 241-030-13, -14, 241-410-25, -28, -27, -03, -06, -39, -38, -02, -05, -43, -37, -42, -41, -07
Local Jurisdiction Project Number: N/A
Total Acres to be converted from Open Space Use: 315 acres
Habitat Types to be Disturbed: Urban, Multi-Purpose Open Space, Agricultural, and Natural Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Ms. Willis:

SJCOG, Inc. has reviewed the application for the South Lathrop Specific Plan. This project includes development of commercial office, limited industrial, park/open space, public facilities, and roads. 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 Limited Industrial use comprises of 222 acres and can accommodate up to an estimated maximum of approximately 4,158,238 square feet of gross leasable space. The open space area, located 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. The Public/Quasi Public Facilities land use designation includes the storm water and recycled water basins required for storage and treatment of the storm water and recycled water within the Plan area. The South Lathrop Specific Plan is located east of the San Joaquin River, south of State Route 120.

City of Lathrop is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

B-1

At this time, the applicant is providing a Notice of Preparation of a Draft Environmental Impact Report and Notice of EIR Scoping Meeting listing a variety of Agency-assisted redevelopment activities. While not proposed as specific projects at this time, individual future projects that require ground disturbance will be subject to participate in the SJMSCP and should be resubmitted to this agency.

This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

B-2

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant

2 | S J C O G , I n c .

must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.

2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0600.

B-2 Cont'd

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S J C O G , I n c .

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department,
Other: _____

FROM: Laurel Boyd, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.
 Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: Revised Notice of Availability for the South Lathrop Specific Plan Draft EIR

Assessor Parcel #s: Multiple APN's

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Rebecca Willis

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.



Response to Comment B: Laurel Boyd , SJCOG, Inc.

Response B-1: The commentor indicates that SJCOG, Inc. has reviewed the application for the South Lathrop Specific Plan. The commentor states that the City of Lathrop is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The commentor states that the “LOCAL JURISDICTION” retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. The commentor also notes that “While not proposed as specific projects at this time, individual future projects that require ground disturbance will be subject to participate in the SJMSCP and should be resubmitted to this agency.”

This comment is noted. These comments are largely intended to be informative and are adequately addressed in the Draft EIR Section 3.4 Biological Resources. These comments do not warrant a response. No further response is necessary.

Response B-2: The commentor indicates that the SLSP is subject to the SJMSCP and then provides some information regarding the process and requirements. The commentor requests that the City and/or applicant contact SJMSCP staff regarding completing the these steps to satisfy SJMSCP requirements. The commentor also notes that if the project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days.

This comment is noted. These comments are largely intended to be informative and are adequately addressed in the Draft EIR Section 3.4 Biological Resources. These comments do not warrant a response. No further response is necessary.

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
 LOS ANGELES, CA 90013
 (213) 576-7083



November 5, 2013

Rebecca Willis
 City of Lathrop
 390 Towne Centre Drive
 Lathrop, CA 95330

Dear Ms. Willis:

Re: SCH 2013012064 Lathrop South Lathrop Specific Plan – DEIR

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the draft *Environmental Impact Report (DEIR)* for the proposed City of Lathrop (City) South Lathrop Specific Plan project.

C-1

The project area includes active railroad tracks. RCES recommends that the City add language to the Specific Plan so that any future development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian/bike circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

C-2

If you have any questions in this matter, please contact me at (213) 576-7076, ykc@cpuc.ca.gov.

Sincerely,

Ken Chiang, P.E.
 Utilities Engineer
 Rail Crossings Engineering Section
 Safety and Enforcement Division

C: State Clearinghouse

Response to Comment C Ken Chiang, P.E., California Public Utilities Commission

Response C-1: The commentor notes that the California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California and that the California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The commentor notes that the Commission Rail Crossings Engineering Section (RCES) is in receipt of the draft Environmental Impact Report (DEIR) for the proposed City of Lathrop (City) South Lathrop Specific Plan project.

This comment is noted. These comments are largely intended to be introductory statements. These comments do not warrant a response. No further response is necessary.

Response C-2: The commentor notes that the project area includes active railroad tracks and that RCES recommends that the City add language to the Specific Plan so that any future development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian/bike circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

This comment is noted. The proposed project does not include any railroad crossings or any grade separations for major thoroughfares; however, the proposed project would increase traffic volumes at at-grade crossings in the region and it is the City of Lathrop's priority to ensure safety for automobiles, bicyclists, and pedestrians. The City requires safety considerations to be incorporated into the design of all traffic, bicycle, and pedestrian facilities in their jurisdiction, including at-grade crossings. These comments relate to the Specific Plan language and content, and not specifically to the Draft EIR. As such, the project applicant has considered this comment in their effort to revise the Specific Plan to accommodate recommendations and mitigation measures in the Draft EIR and from the public process. The applicant has revised the text to the Specific Plan Circulation Section 4.1 (overview) and Design Guidelines Section 5.5.1 (site design) to address safety at at-grade crossings. In the Circulation Section the applicant has added

the following statement: *“Development shall be planned with safety of the rail corridor in mind. Vehicular, pedestrian and bicycle circulation patterns shall be taken into consideration including compliance with the Americans with Disabilities Act.”* In the Design Guidelines Section the applicant has repeated the circulation section text presented above and also included the following statement: *“Vandal resistant fencing or other appropriate barriers to limit access of trespassers onto the railroad right-of-way should be considered with site specific development applications.”* These revisions to the Specific Plan accommodate the commentor’s recommendations. No further response is necessary.

Comments – Joseph Reyes

November 22, 2013

South Lathrop Specific Plan

Draft Environmental Impact Report

Executive Summary

- | | | |
|--|--|-----|
| <p>1. ES-32. Impact 3.14-11. The improvements at Lathrop Road/McKinley Avenue are being constructed as part of the Lathrop Road Grade Separation Project, currently under contract. Applicant to pay fair share of these improvements, estimated to be 0.8%.</p> | | D-1 |
| <p>2. ES-35. Impact 3.15-2. The wastewater master plan will need to be updated to address the wastewater treatment services, to include: offsite improvements, plant improvements, recycled wastewater storage and disposal, permit, funding.</p> | | D-2 |

Project Description

- | | | |
|---|--|-----|
| <p>1. 2.0-11. Wastewater Treatment. The plant name is “Lathrop Consolidated Treatment Facility” (changed from WRP-1). WRP-1 and WRP-2 have been combined. Revise information in the report to reflect the revision.</p> | | D-3 |
|---|--|-----|

Transportation and Circulation

- | | | |
|--|--|-----|
| <p>1. 3.14-9. The Lathrop Road Westerly Grade Separation project includes Proposition 1B and Measure K funding. Completion is expected in 2015</p> | | D-4 |
| <p>2. 3.14-9. I-5/Lathrop Road Improvements. Interim improvements have been completed.</p> | | D-5 |
| <p>3. 3.14-38. Impact 3.14-11. The improvements at Lathrop Road/McKinley Avenue are being construction as part of the Lathrop Road Grade Separation Project.</p> | | D-6 |

Utilities

- | | | |
|--|--|------|
| <p>1. 3.15-4. Future Demand. The treatment facilities have been combined to one location. The facility is the “Lathrop Consolidated Treatment Facility”. Wastewater flows will be treated at Lathrop Road Consolidated Treatment Facility, Crossroads POTW, or Lathrop-Manteca WQCF.</p> | | D-7 |
| <p>2. 3.15-5. The Master Plans will need to be updated.</p> | | D-8 |
| <p>3. 3.15-7. The City of Lathrop does not have a permit that allows discharge of effluent to the San Joaquin River. There is currently no active plan to apply for river discharge permit.</p> | | D-9 |
| <p>4. 3.15-8. Utility Master Plans will require updates. Options for capacity need to be reviewed. Permits, capacity, engineering, environmental, testing and other approvals need to be obtained.</p> | | D-10 |

- | | |
|---|-------------|
| <p>5. 3.15-26. City of Lathrop is preparing a 2010 UWMP and Water Master Plans. Updated information related to storage, supply and demand will be included in these plans.</p> | <p>D-11</p> |
| <p>6. 3.15-38. Recycled water is currently not being used for landscape areas due to permit conditions.</p> | <p>D-12</p> |
| <p>7. 3.15-45. A new Phase II Small Municipal Separate Storm Sewer (MS4) General Permit became effective July 1, 2013. A new Phase II Small Municipal Separate Storm Sewer (MS4) General Permit was adopted by the State Water Resources Control Board on February 5, 2013 and became effective as of July 1, 2013. The Permit has numerous new components and the City is required to implement these components in stages over the five year period of the Permit. The first year requirements must be implemented by July 1, 2014.</p> | <p>D-13</p> |
| <p>8. 3.15-63. Allied Waste of San Joaquin County (Allied Waste), dba Republic Services Company is the commercial and residential franchise waste hauler. Waste is hauled to the Forward Landfill location. The SJ County Lovelace Transfer Station or the Foothill landfill are not used.</p> | <p>D-14</p> |

Response to Comment D: Joe Reyes, City of Lathrop

Response D-1: The commentor references the Executive Summary section page ES-32 under Impact 3.14-11 and indicates that the improvements at Lathrop Road/McKinley Avenue are being constructed as part of the Lathrop Road Grade Separation Project, currently under contract. Applicant to pay fair share of these improvements, estimated to be 0.8%.

These comments warrant additional text to clarify that this improvement is currently under contract. Based on other revisions/additions made in this section, the text revisions are made on page ES-33 as opposed to the original location (ES-32) of this section.

Revisions from Page ES-33 of the Draft EIR:

***Mitigation Measure 3.14-8:** The project applicant shall 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%. The following mitigation measure as shown in Figure 3.14-13 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. 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.

The additional text does not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response D-2: The commentor references the Executive Summary section page ES-35 under Impact 3.15-2 and indicates that the wastewater master plan will need to be updated to address the wastewater treatment services, to include: offsite improvements, plant improvements, recycled wastewater storage and disposal, permit, funding.

This comment is noted. The Wastewater Master Plan is a document that addresses the wastewater treatment services city-wide and it is updated by the City at its discretion. The developer is responsible for the payment of impact fees, of which the City can utilize to update its Master Plan as well as install necessary improvements as warranted. The project proponent is responsible for paying impact fees to the City as a condition of project approval. These comments do not warrant changes to the Draft EIR. No further response is necessary.

Response D-3: The commentor references the Project Description section page 2.0-11 regarding the Wastewater Treatment plant name. The commentor notes that the plant name is “Lathrop Consolidated Treatment Facility” (changed from WRP-1) and that

WRP-1 and WRP-2 have been combined. The commentor requests that this information be revised in the report.

These comments warrant text revisions to clarify the accurate name of the wastewater treatment plant(s) in the City of Lathrop.

Revisions from Page 2.0-11 of the Draft EIR:

Wastewater Treatment: Wastewater generated by the SLSP is proposed to be treated by future expansions of the ~~City of Lathrop's treatment plant, Water Recycling Plant #1 (WRP-1)~~ Lathrop Consolidated Treatment Facility, formerly named Water Recycling Plant #1 (WRP-1). Alternatively, the wastewater could be treated at the Regional Water Quality Control Facility treatment plant located in the City of Manteca. On an interim basis wastewater may be treated at the City of Lathrop's Crossroads Treatment Plant. The provision of wastewater treatment is subject to the review and approval by the City of Lathrop and/or wastewater treatment plant owner/operator.

Wastewater Disposal: The City of Lathrop does not possess a river discharge permit for the Lathrop Consolidated Treatment Facility WRP-1 or the Crossroads Treatment Plant. ~~Although the City is pursuing such a permit for WRP-1, until one is approved~~ Unless the City pursues such a permit, all treated wastewater disposal from Lathrop Consolidated Treatment Facility WRP-1 would occur by irrigating landscaped areas and/or "spray fields" (aka "disposal fields). Section 3.15 Utilities provides information relative to the recycled water infrastructure and disposal. Disposal of any wastewater treated at the Regional Manteca Wastewater Quality Control Facility would not require disposal land.

Revisions from Page 2.0-12 of the Draft EIR:

Recycled Water: The SLSP would maximize reuse opportunities for recycled water. The term "recycled water" refers to wastewater that has been treated and disinfected to tertiary levels. Water treated to this level has been determined by governmental regulations to be acceptable for human contact without cause for concern and is commonly used for irrigation. The use of recycled water is regulated by the RWQCB and the Department of Health Services, which apply stringent water quality, treatment and disinfection standards.

The use of recycled water for irrigation serves to conserve potable water for other uses. In addition, in the event the potable water supply is limited at any time, such as a "dry year" situation, the use of recycled water ensures a supply for landscaped areas and reduces the likelihood that potable water would be needed for this purpose.

The SLSP proposes to make recycled water an option for public irrigation uses, subject to approval by the RWQCB. This includes irrigation of landscaped areas within street rights-of-way and open space. In addition, there may be potential for the use of recycled water for private irrigation uses as well, such as common open space areas and landscaping around buildings.

As wastewater is treated off-site, it must be returned to the Plan Area or sent to the off-site disposal areas. Wastewater generated in the Plan Area would be conveyed to ~~City of Lathrop's WRP #1 and/or #2~~ the City of Lathrop's Lathrop Consolidated Treatment Facility for treatment. Alternatively, if available, all or a portion of the Project's wastewater could be routed to the City of Manteca Wastewater Treatment Plant pursuant to an agreement between the two cities.

If the Lathrop Consolidated Treatment Facility WRP #1 and/or #2 is used for wastewater treatment, a portion of the recycled water generated by the future uses within the Plan Area could be land applied onsite for irrigation of public (e.g., landscape within roadway rights-of-way) and private

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

landscaping if this option is pursued by the applicant and approved by the RWQCB. The remainder would be disposed of offsite through irrigation of dedicated agricultural spray fields.

Recycled water leaving ~~the Lathrop Consolidated Treatment Facility~~ ~~WRPs #1 and #2~~ would be disinfected and would undergo tertiary treatment to Title 22 standards for unrestricted use. Tertiary treatment includes the removal of nutrients such as phosphorous and nitrogen, and practically all suspended and organic matter from wastewater. Therefore, the recycled water would contain minimal to no water quality constituents that could be directly (via runoff of recycled water) or indirectly (via deposition in the recycled water disposal areas then subsequent mobilization through stormwater runoff) transported to the San Joaquin River, or reach groundwater aquifers via percolation through the soil.

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response D-4: The commentor references the Transportation and Circulation section page 3.14-9 and indicates that the Lathrop Road Westerly Grade Separation project includes Proposition 1B and Measure K funding. The commentor notes that the completion of this improvement is expected in 2015.

These comments warrant text revisions to clarify that this CIP project is funded and anticipated for completion in 2015.

Revisions from Page 3.14-9 of the Draft EIR:

~~According to the City of Lathrop Adopted Budget (Fiscal year 2009—2010), funds are being collected for the following Capital Improvement Program projects: The following Capital Improvement Program project includes Proposition 1B and Measure K funding and is expected to be completed in 2015:~~

- Lathrop Road westerly railroad grade-separation. Other sources of funding include Section 190 funds from the PUC, and State Transportation Improvement Program (STIP) funds. Completion is expected in 2012.

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response D-5: The commentor references the Transportation and Circulation section page 3.14-9 and indicates that the interim improvements to the I-5/Lathrop Road have been completed.

These comments warrant text revisions to clarify that this CIP project completed.

Revisions from Page 3.14-9 of the Draft EIR:

~~The following Capital Improvement Program projects have been completed:~~

- I-5/Lathrop Road improvements. The City ~~is pursuing~~ has completed interim improvements as the ultimate improvements are several years away. Funding for ultimate improvements will be through developer fees, Measure K Renewal, and other sources.

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response D-6: The commentor references the Transportation and Circulation section page 3.14-38 (Impact 3.14-11) and indicates that the improvements at Lathrop Road/McKinley Avenue are being constructed as part of the Lathrop Road Grade Separation Project.

These comments warrant text revisions to clarify that this CIP project is currently under contract.

Revisions from Page 3.14-39 of the Draft EIR:

Mitigation Measure 3.14-8: *The project applicant shall 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%. The following mitigation measure as shown in Figure 3.14-13 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. 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.*

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response D-7: The commentor references the Utilities section page 3.15-4 and indicates that the treatment facilities have been combined to one location and is called the “Lathrop Consolidated Treatment Facility”. The commentor notes that the Wastewater flows will be treated at Lathrop Road Consolidated Treatment Facility, Crossroads POTW, or Lathrop-Manteca WQCF.

These comments warrant text revisions to clarify the accurate name of the wastewater treatment plant(s) in the City of Lathrop.

Revisions from Page 3.15-1 through 3.15-5 of the Draft EIR:

Wastewater Conveyance

The existing wastewater collection system is owned and operated by the City of Lathrop. The current collection system is comprised of sewer pipes, manholes, sewer mains, sewer pump stations, and/or other conveyance system elements and directs the raw sewage to the treatment facilities.

The wastewater collection system for historic Lathrop includes gravity sewers, lift stations, and a regional pump station. Lift stations are located at Easy Court and J Street. The Easy Court lift station contains two 5-horsepower (hp) pumps and has a capacity of 350 gallons per minute (gpm). The J Street lift station has a capacity of 550 gpm with two 5-hp pumps. The regional facility contains two 47-hp pumps and one 20-hp pump located on O Street west of Halmar Lane. The regional pump station conveys wastewater to a 12-inch force main, which discharges to the Manteca-Lathrop Wastewater Quality Control Facility (WQCF).

The wastewater collection system for Mossdale Landing includes a sewer pumping station designed for a peak wet weather flow rate of 3.4 mgd. This pump station conveys wastewater to [the Lathrop Consolidated Treatment Facility, formerly known as WRP-1-MBR](#), via 8-inch and 12-inch diameter force mains located within the right-of-way of existing or planned roadways and under I-5.

The wastewater collection system for the Central Lathrop Specific Plan area will include a sewer pumping station designed for a peak wet weather flow rate of 7.8 mgd. This pump station will convey wastewater to [second treatment plant at the Lathrop Consolidated Treatment Facility, formerly known as WRP-2](#), which has not been built, via 16-inch and 12-inch diameter force mains located within the right-of-way of existing or planned roadways and under I-5.

The wastewater collection system for River Islands will include a sewer pump station designed for a peak wet weather flow rate of 4.9 mgd. This pump station will convey wastewater to [the Lathrop Consolidated Treatment Facility WRP-1-MBR](#) via a 12-inch diameter force main located within the right-of-way of existing or planned roadways and under I-5.

The wastewater collection system for the Crossroads Publicly Owned Treatment Works (POTW) includes a network of pipes and a pump station within the Crossroad Commerce Business Park area. The pump station conveys wastewater to the Crossroads POTW.

Wastewater Treatment

Wastewater from the City is currently treated at the [Lathrop Consolidated Treatment Facility](#)~~City's Water Recycling Plant (WRP-1-MBR¹)~~, the Crossroads Publicly Owned Treatment Works (POTW), and the Manteca-Lathrop Wastewater Quality Control Facility (WQCF). The City owns [the Lathrop Consolidated Treatment Facility WRP-1-MBR](#) and the Crossroads POTW, and 14.7 percent of the WQCF by contract. The City's Wastewater Collection Master Plan and Wastewater Treatment and Disposal Master Plan (prepared in 2000 and updated in 2004) and the 2006 Lathrop 5-year Plan are the primary documents that outline the City's long term strategy for meeting future discharge and capacity requirements for a planning horizon that extends to build-out.

CROSSROADS POTW

The City's original treatment facility (Crossroads POTW) was constructed in 1996 and is limited by the land application area to a capacity 0.20 MGD. The City's treatment plant was constructed by the developers of the Crossroads Commerce Center.

~~THE LATHROP CONSOLIDATED TREATMENT FACILITY LATHROP WRP-1-MRB~~

The existing [the Lathrop Consolidated Treatment Facility WRP-1-MBR](#) has a current capacity of 0.75 MGD. The City has plans to increase the treatment capacity, upgrade the treatment technology, and

¹ ~~MBR – Membrane Bioreactor~~

improve operational flexibility of [the Lathrop Consolidated Treatment Facility WRP-1 MBR](#) and increase the treatment capacity to 3.12 MGD. The Waste Discharge Requirements (WDRs) Order No. R5-2006-0094 allows the [Lathrop Consolidated Treatment Facility WRP-1](#) to expand capacity up to 3.12 mgd. [The Lathrop Consolidated Treatment Facility WRP-1](#) serves portions of River Islands, Mossdale Landing, West Central Lathrop, and Stewart Tract developments.

MANTECA-LATHROP WQCF

The City conveys most of its wastewater to a regional plant in Manteca for treatment and disposal. The City has a contractual relationship with Manteca whereby 14.7 percent of the Manteca-Lathrop WQCF capacity is allocated for Lathrop flows. The Waste Discharge Requirements (WDRs) Order No. R5-2009-0095 NPDES NO. CA0081558 allows the Manteca-Lathrop WQCF to expand capacity up to 17.5 mgd.

WASTEWATER QUALITY

The [Lathrop Consolidated Treatment Facility WRP-1 MBR's](#) Waste Discharge Requirement (WDR) specifies that effluent from the [Lathrop Consolidated Treatment Facility WRP-1 MBR](#) must not exceed the limits presented in Table 3.15-1 (WDR Recycled Effluent Discharge Limitations). Recycled water from the [Lathrop Consolidated Treatment Facility WRP-1](#) is delivered to land application areas or storage ponds until it is used. The storage ponds are lined to minimize percolation.

TABLE 3.15-1: WDR RECYCLED EFFLUENT DISCHARGE LIMITATIONS

CONSTITUENT	UNITS	MONTHLY AVERAGE	DAILY MAXIMUM
BOD5	mg/L	10	20
TSS	mg/L	10	n/a
Total N	mg/L	10	<20
TDS	mg/L	600	n/a
Total Coliform	Median Concentration < 2.2 per 100 mL		
	Max once per month MPN > 23 per 100 mL		
	MPN < 240 per 100 mL at all times		
Turbidity	Not exceed 0.2 NTU > 5% time w/in 24 hr		
	Not exceed 0.5 NTU at any time		
pH	Average Daily: 6.5 < pH < 10		

SOURCE: LATHROP 2009, PG 3-25

The Central Valley RWQCB regulates the [Lathrop Consolidated Treatment Facility WRP-1 MBR](#) and use of recycled water through Board Order Number R5-2006-0094. The order allows land application only to those areas subject to review in a final document adopted pursuant to the California Environmental Quality Act (CEQA) and prior to the date of adoption of the order. The board order limits the application of recycled water to lands where shallow groundwater TDS average concentrations exceed 1,000 mg/L to minimize groundwater quality degradation. Recycled water TDS is a function of the TDS in the source water supply and mineral pickup through daily use and wastewater treatment (Lathrop 2009, pg 3-25).

The WDR specifies that recycled water application from the [Lathrop Consolidated Treatment Facility WRP-1 MBR](#) must not cause groundwater to contain constituents in concentrations greater than presented in Table 3.15-2 (Interim WDR Groundwater Water Constituent Limits) or greater than the natural background concentrations, whichever is greater until a background groundwater quality report, which was completed in March 2009, is accepted by the Central Valley RWQCB. Recycled water application must not impart taste, odor, toxicity, or color that creates nuisance or impairs any of the beneficial uses of the groundwater basin identified by the Central Valley RWQCB.

TABLE 3.15-2: INTERIM WDR GROUNDWATER CONSTITUENT LIMITS

CONSTITUENT	UNITS	LIMITATION
Boron	mg/L	0.7

Chloride	mg/L	106
Iron	mg/L	0.3
Manganese	mg/L	0.05
Sodium	mg/	69
Total Coliform Organisms	MPN/100mL	<2.2
TDS	mg/L	450
Total Nitrogen mg/L	mg/L	10
Nitrite (as N) mg/L 1	mg/L	1
Nitrate (as N) mg/L 10	mg/L	10
Ammonia (as NH ₄) mg/L 1.5	mg/L	1.5
Bromoform ug/L 4	ug/L	4
Bromodichloromethane ug/L 0.27	ug/L	0.27
Chloroform ug/L 1.1	ug/L	1.1
Dibromochloromethane ug/L 0.37	ug/L	0.37
pH must be 6.5 or greater and 8.4 or less		

SOURCE: LATHROP 2009, PG 3-25

Future Demand

The Wastewater Treatment and Disposal Master Plan 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 [Lathrop Consolidated Treatment Facility WRP-1 MBR](#) to increase the treatment capacity, upgrade the treatment technology, and improve operational flexibility of the plant. With these improvements the [Lathrop Consolidated Treatment Facility WRP-1 MBR](#) would have a treatment capacity of 3.12 mgd. The City also plans to construct a second water recycling plant, [formerly known as \(WRP-2\), at the Lathrop Consolidated Treatment Facility. The second plant would have a](#) ~~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 [Lathrop Consolidated Treatment Facility WRP-1 MBR, WRP-2, WQCF and Crossroads 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 RWQCB limits the treatment capacity of the City to 6.24 mgd. The City's wastewater planning documents have been continually updated to identify the collection and treatment requirements anticipated at buildout within the City and SOI.

The Wastewater Treatment and Disposal Master Plan projects new developments will increase the total wastewater flow to an average dry weather flow of approximately 11.9 mgd at buildout (City of Lathrop 2009, pg. 3-26). These projected wastewater flows were based on land use designations for the various development areas in 2004. The projected flows have not been updated to current land use assumptions. All wastewater flows will be treated at the [Lathrop Consolidated Treatment Facility WRP-1 MBR, WRP-2, Crossroads POTW, or Lathrop-Manteca WQCF](#), however it is not clearly defined how much would be allocated to each treatment plant. The 2004 wastewater flows (per the 2004 Master Plan) and projected future wastewater flows of the three major City areas are presented in Table 3.15-3.

Revisions from Page 3.15-8 through 3.15-10 of the Draft EIR:

WASTE DISCHARGE REQUIREMENTS (WDRs) ORDER No. R5-2006-0094

The City of Lathrop owns and operates a wastewater treatment system including [the Lathrop Consolidated Treatment Facility WRP-1](#), a wastewater collection/conveyance system, recycled water basins/disposal fields, and a recycled water conveyance/irrigation system. The wastewater

treatment system treats domestic wastewater from residential and commercial sources. After treatment, wastewater is recycled as irrigation water for land application areas.

Waste Discharge Requirements (WDRs) Order No. R5-2006-0094 is Master Reclamation Permit that allows treatment and application of up to 0.75 mgd, and would allow, but does not guarantee, the City of Lathrop to increase the flow limit based on the treatment equipment, storage capacity, and land application area expansions. [A second treatment plant located at the Lathrop Consolidated Treatment Facility WRP-2](#) is a planned future treatment plant that has not yet been constructed, but is permitted under this Order.

The wastewater system consists of the collection system, mechanical treatment equipment, recycled water distribution piping, six HDPE-lined wastewater storage ponds providing a storage capacity of 150.7 Mgal, and 182.9 acres of land application areas. Approximately 102.2 acres of the total land application acreage described in the Order are owned by private corporations that are developing the land served by the wastewater system. The treatment system produces disinfected tertiary recycled water that is consistent with the definition in Title 22.

The Order was prepared to allow flexibility in changing the size and use of land areas for recycled water storage or land application. Changes to the approved configuration will be requested by the City of Lathrop through Recycled Water Expansion Reports (RWERS) that will be approved, as appropriate, by the Executive Officer of the RWQCB Central Valley Region. The ultimate flow rate available under the Order is 6.24 MGD but the Order does not guarantee any flow rate increase over the presently permitted 0.75 MGD.

The City of Lathrop expects land use to change with continuing development, and that may result in land that is presently used for land application or wastewater storage to be developed for other uses later. The Order would allow such changes as long as adequate treatment, wastewater storage, and land application areas are maintained.

On February 14, 2006 the City of Lathrop submitted a Report of Waste Discharge (RWD) and a Title 22 Engineering Report for a wastewater treatment facility to treat and dispose of domestic wastewater generated in existing and planned residential and commercial developments within the City of Lathrop. The City provided additional information to the RWQCB on May 10, 2006. These Waste Discharge Requirements (WDRs) provided in the Waste Discharge Requirements (WDRs) Order No. R5-2006-0094 were prepared by the RWQCB as part of a Master Reclamation Permit described by California Water Code Section 13523.1(b)(1).

The Waste Discharge Requirements (WDRs) Order No. R5-2006-0094 includes: Discharge Prohibitions, Discharge Specifications, Effluent Limitations, General Solids Disposal Specifications, Water Recycling Specifications, Groundwater Limitations, and Provisions. This Order was approved on September 22, 2006. Also approved with the Order was a Monitoring and Reporting Program No R5-2006-0094, which includes monitoring and reporting for: Influent, Effluent, Effluent Storage Ponds, Recycled Water Land Application Areas, Groundwater, Sludge, and Water Supply.

The City of Lathrop's wastewater treatment system is currently in compliance with the WDR requirements of Order No. R5-2006-0094. The SLSP wastewater treatment system options covered under this Order include: [Lathrop Consolidated Treatment Facility WRP-1](#) (including an expansion up to 1.62 mgd), the existing collection system, the existing and expanded basin/disposal fields, the recycling conveyance and irrigation system, and [the second wastewater treatment plant located at the Lathrop Consolidated Treatment Facility WRP-2](#). Implementation of SLSP under any of these permitted options would not exceed the wastewater discharge requirements in this Order. Implementation of SLSP would have a *less than significant* impact relative to this topic. The allocation of wastewater service capacity is discussed in the following impact topic.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Revisions from Page 3.15-11 of the Draft EIR:

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 it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (less than significant with mitigation)

The SLSP would require wastewater collection and treatment services. The provision of the wastewater collection services would be provided by the City of Lathrop wastewater system which currently includes [Lathrop Consolidated Treatment Facility WRP-1 MBR](#), the Crossroads POTW, and the Manteca-Lathrop WQCF. Current capacity at [the Lathrop Consolidated Treatment Facility WRP-1](#) is 750,000 gpd. The [Lathrop Consolidated Treatment Facility WRP-1](#) has a projected wastewater flow of 5.53 mgd at buildout of development projects west of I-5. The Waste Discharge Requirements (WDRs) Order No. R5-2009-0095 NPDES NO. CA0081558 allows the Manteca-Lathrop WQCF to have a capacity of 17.5 mgd of which 14.7% is allocated for the City of Lathrop.

Revisions from Page 3.15-13 of the Draft EIR:

Two separate recycled water systems have been constructed in the City of Lathrop that may potentially be utilized to deliver recycled water to the North Lathrop disposal fields and basins. The first system was constructed with the Mossdale Landing project and is connected to the existing [Lathrop Consolidated Treatment Facility WRP #1 treatment plant](#). The second system was partially constructed with the Central Lathrop Specific Plan project and was intended to be connected to the future [WRP #2 treatment plant at the Lathrop Consolidated Treatment Facility](#). Some of the pipelines to the North Lathrop disposal fields were previously approved and partially designed and constructed with the Central Lathrop Specific Plan project. The two systems may need to be connected to provide for the most flexible, efficient and economical system. Three potential interconnection points are shown on Figure 3.15-3. A recycled water model will be prepared with future planning efforts such as during tentative map processing. Sites that are under consideration to be used for basins and/or disposal fields are listed in Table 3.15-6 and are shown on Figure 3.15-3.

Revisions from Page 3.15-14 through 3.15-17 of the Draft EIR:

Conclusion

The SLSP would increase the amount of wastewater requiring treatment. The wastewater would be treated at the Manteca-Lathrop WQCF, [Lathrop Consolidated Treatment Facility WRP-1](#), and or Crossroads POTW facilities. It is also possible that [the second treatment plant at the Lathrop Consolidated Treatment Facility WRP-2](#) could become an option in the future if constructed. As shown in Table 3.15-4, the SLSP would generate an average flow of approximately 211,800 gpd or approximately 0.21 mgd at buildout.

The City currently has 1.85 mgd of available wastewater capacity, of which it currently uses 0.9 mgd ADWF. The City's Wastewater Collection Master Plan, Wastewater Treatment and Disposal Master Plan (prepared in 2000 and updated in 2004) and the 2006 Lathrop 5-Year Plan have identified the requirements anticipated to be necessary for the conveyance and treatment of wastewater.

At the time this document was prepared; all wastewater flows in the City of Lathrop at buildout of the General Plan would be treated at [Lathrop Consolidated Treatment Facility WRP-1, WRP-2 \(once constructed\)](#), or the Lathrop-Manteca WQCF. However, it is not clearly defined how much wastewater would be allocated to each treatment plant. The City's Wastewater Treatment and Disposal Master Plan outlines a phased plan to provide treatment capacity for the anticipated buildout condition of the City of Lathrop, whenever it may occur.

Although several disposal options exist, the timing of improvements associated with these facilities is unknown at this time. Construction of ~~WRP-2~~second treatment plant at the Lathrop Consolidated Treatment Facility, which was analyzed under the Central Lathrop Specific Plan EIR, would provide sufficient wastewater treatment capacity to serve the SLSP. However, ~~WRP-2~~the second treatment plant at the Lathrop Consolidated Treatment Facility does not currently exist, and it cannot be assured that treatment capacity at ~~WRP-2~~this second treatment plant would be brought into service concurrently with demand generated by the SLSP. The City of Lathrop currently has adequate capacity at the existing Manteca-Lathrop WQCF, Lathrop Consolidated Treatment Facility~~WRP-1~~, and Crossroads POTW to service their existing commitments; however, an allocation for wastewater treatment from the existing capacity has not been provided to the SLSP. While there are a variety of options available to secure wastewater treatment sufficient wastewater treatment capacity has not been allocated to support the SLSP. This impact is considered potentially significant. Occupancy of any buildings within the Plan Area would be prohibited without sewer allocation. An issuance of sewer allocation from the City's available capacity would ensure that there would not be a determination by the wastewater treatment and/or collection provider that there is inadequate capacity to serve the SLSP's projected demand in addition to the provider's existing commitments. Additionally, any planned expansion to the Manteca-Lathrop WQCF, Lathrop Consolidated Treatment Facility~~WRP-1~~, and/or Crossroads POTW with a subsequent allocation of capacity to the SLSP would ensure that there would not be a determination by the wastewater treatment and/or collection provider that there is inadequate capacity to serve the SLSP's projected demand in addition to the provider's existing commitments. Implementation of Mitigation Measure 3.15-1 would reduce this potential impact to a **less than significant** level.

MITIGATION MEASURE

Mitigation Measure 3.15-1: *Prior to occupancy of ~~the~~ any building that would require wastewater treatment services, the project proponent shall secure adequate wastewater treatment capacity. The wastewater treatment capacity may come from a variety of existing facilities including the Lathrop Consolidated Treatment Facility~~WRP-1~~, 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 ~~WRP-2~~ wastewater treatment plant at the Lathrop Consolidated Treatment Facility, or a capacity expansion at Lathrop Consolidated Treatment Facility~~WRP-1~~, Crossroads POTW, and or Lathrop-Manteca WQCF. The ~~WRP-2~~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 (Note: the expansion of Lathrop Consolidated Treatment Facility~~WRP-1~~ to 1.56 mgd is permitted by the State under the existing waste discharge permit). Additionally, the project proponent would be required to install/connect the necessary collection/transmission infrastructure to ensure the appropriate treatment of all wastewater.*

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 (significant and unavoidable)

With development of the Plan Area, new and/or expanded wastewater system improvements will be constructed to meet these needs.

Planned Wastewater System

Wastewater Collection and Conveyance: The collection and conveyance system will consist of gravity pipes, a pump station and a force main. The pump station will be sized for the build-out condition of the SLSP and will be located within the Plan Area. The forcemain will connect the pump

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

station to one of the selected treatment plants options. Figure 3.15-1 illustrates the wastewater collection and conveyance system.

Wastewater Treatment: Wastewater generated by the SLSP may be treated through a variety of options including existing facilities, new facilities, or expansion of existing facilities. Full buildout of the SLSP would require either a new facility or an expansion of an existing facility. The available options include: existing (Manteca-Lathrop WQCF, [the Lathrop Consolidated Treatment Facility WRP-1](#), and/or Crossroads POTW), [a second wastewater treatment plant at the Lathrop Consolidated Treatment Facility new \(WRP-2\)](#), and expansion (Manteca-Lathrop WQCF, [Lathrop Consolidated Treatment Facility WRP-1](#), and/or Crossroads POTW). The existing facilities have undergone environmental review and have waste discharge permits from the State. The ~~future WRP-2~~ [second wastewater treatment plant at the Lathrop Consolidated Treatment](#) facility has undergone environmental review in association with the Central Lathrop Specific Plan EIR and is permitted under the City's waste discharge permit from the State. An expansion to Manteca-Lathrop WQCF, [Lathrop Consolidated Treatment Facility WRP-1](#), and/or Crossroads POTW would require environmental review and an amendment to the City's waste discharge permit from the State.

Recycled Water Storage Basins and Disposal: Recycled water not utilized for on-site irrigation will be piped off-site to be held in storage basins and/or used for land application disposal. Storage basins are required to provide both daily and seasonal storage of the recycled water. If treatment occurs at [the Lathrop Consolidated Treatment Facility WRP-1](#), disposal land will be required. Disposal land consists of lined seasonal storage basins and irrigated land application areas. Potential sites exist within the Plan Area and within the northern area of the City of Lathrop. The disposal sites will be subject to approval from the State. Disposal land would not be required if treatment occurs at the Manteca-Lathrop WQCF. Figure 3.15-2 and 3.15-3 illustrates the possible locations for these facilities.

It is anticipated that the storage basins will be constructed partially below and partially above the elevation of the existing ground. The portion above grade is likely to be constructed with earthen berms not to exceed 15 feet high. It is expected that the storage basins will include a synthetic liner in order to prevent seepage into the ground to the maximum extent possible to avoid adverse impacts to groundwater. The required area of the basin is dependent on the depth as well as the amount of recycled water to be stored. The storage volume depends in turn on the amount of recycled water that can be disposed of through irrigation.

It is estimated that approximately 15.7 acres of land may be irrigated with recycled water within the developed portion of the Plan Area, if approved by the RWQCB. A preliminary estimate indicates that the minimum overall off-site basin area to serve full build-out of the SLSP is approximately 14.0 acres, assuming an average basin depth of 14 feet with an additional two feet of freeboard (berms 12 feet above ground and basin bottom four feet below ground) and assuming 61.0 acres of off-site irrigated disposal fields.

Basins and disposal fields located in the North Lathrop area were approved with previous CEQA documents, the City's "5-year plan for wastewater capacity" and ultimately by the RWQCB in the City's Report of Waste Discharge (RWD) and Waste Discharge Requirements (WDR's). An annual water balance analysis will be prepared during tentative map approval to determine the actual recycled water storage volume and irrigation area required. In addition, it will be determined what is needed to "perfect" the disposal sites as required by the City discharge permit and in the Waste Discharge Requirements (i.e. groundwater monitoring work plan, design plans, etc.).

Recycled Water Conveyance: As wastewater is treated off-site, it must be returned to the Plan Area or sent to the off-site disposal areas. Figures 3.15-3 include the potential routing of offsite recycled water pipelines that would either return the water to the Plan Area or deliver it to the off-site basin and disposal areas.

Two separate recycled water systems have been constructed in the City of Lathrop that may potentially be utilized to deliver recycled water to the North Lathrop disposal fields and basins. The first system was constructed with the Mossdale Landing project and is connected to the existing [Lathrop Consolidated Treatment Facility WRP 1 treatment plant](#). The second system was partially constructed with the Central Lathrop Specific Plan project and was intended to be connected to the [second wastewater treatment plant at the Lathrop Consolidated Treatment Facility future WRP 2 treatment plant](#), which has not yet been constructed. Some of the pipelines to the North Lathrop disposal fields were previously approved and partially designed and constructed with the Central Lathrop Specific Plan project. The two systems may need to be connected to provide for the most flexible, efficient and economical system. Three potential interconnection points are shown on Figure 3.15-3. All offsite improvements described above are anticipated to occur within the public rights-of-way and are not expected to result in a significant adverse impact.

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response D-8: The commentor references the Utilities section page 3.15-5 and notes that the Master Plans will need to be updated.

This comment is noted and was addressed under Response D-2 above. The Wastewater Master Plan is a document that addresses the wastewater treatment services city-wide and it is updated by the City at its discretion. The developer is responsible for the payment of impact fees, of which the City can utilize to update its Master Plan as well as install necessary improvements as warranted. The project proponent is responsible for paying impact fees to the City as a condition of project approval. These comments do not warrant changes to the Draft EIR. No further response is necessary.

Response D-9: The commentor references the Utilities section page 3.15-7 and notes that the City of Lathrop does not have a permit that allows discharge of effluent to the San Joaquin River. The commentor further notes that there is currently no active plan to apply for river discharge permit.

These comments warrant text revisions to clarify that the City of Lathrop does not have a permit that allows discharge of effluent to the San Joaquin River and that there is currently no active plan to apply for river discharge permit.

Revisions from Page 3.15-6 through 3.15-7 of the Draft EIR:

Wastewater Management Requirements

As used here, "wastewater management" involves the collection, treatment and disposal of domestic and commercial/industrial sanitary sewage, with a level of treatment that will allow reuse of the effluent for the irrigation of residential, commercial, and public uses; schools; public parks; and recreation and open space areas. The Water, Wastewater and Recycled Water Master Plan anticipated that some treated wastewater would be discharged to land under a Regional Water Quality Control Board Waste Discharge Requirement, with the balance disposed of as seasonal discharge of treated effluent to the San Joaquin River. In this way, the treated effluent would be used as a resource to

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

reduce the amount of potable water needed to serve new development. [It is noted here, that the City does not currently have a permit to discharge into the San Joaquin River, nor do they have an active plan to apply for such a permit.](#)

Revisions from Page 3.15-7 through 3.15-8 of the Draft EIR:

Recycling and Reuse: The recycling of treated wastewater occurs after treatment and filtration is complete and beneficial reuse is possible. Reuse of treated wastewater for recreation area irrigation (e.g., golf courses, parks, open space corridors and ornamental ponds or lakes), urban development area irrigation (e.g., variable density residential front and rear yards, multi-family common landscape areas, and commercial and public uses common, buffering, and screening areas), for wash down of commercial areas, and to enhance wildlife habitat is a major policy of the General Plan both from the standpoint of water conservation, and as a means to achieve a net reduction in the total amount of water needed for urban use as compared to continued agricultural use.

For reuse as public contact irrigation water, the effluent will have to meet local, regional, state and federal requirements of water quality, including filtration, maintenance of specified levels of suspended solids, and disinfection. The effluent could be applied by above ground or below ground irrigation systems. Areas of application may in some cases require fencing. Another type of reuse could occur through the application of partially treated effluent. Settled effluent would be applied to fenced areas that are away from the general public and which produce commercial animal feed crops (e.g., alfalfa, native hay, milo, corn), or to productive open space managed as wildlife habitat.

A third alternative would involve seasonal discharge of effluent to the San Joaquin River under permit authorization of the Environmental Protection Agency and Regional Water Quality Control Board. This method would help eliminate the need for large-scale water storage during the wet season. It was the conclusion of the Master Plan and EIR that year round discharge of tertiary treated effluent to the San Joaquin River would not constitute a significant impact upon the river. It is therefore safe to conclude that seasonal discharge (when the river flows are higher) would have even less impact upon the environment and is a reasonable path to pursue. It is to be noted that full seasonal storage will be required for the amount of effluent generated at any given time in the development process until such time that a permit for seasonal discharge is obtained. [As previously noted, the City does not currently have a permit to discharge into the San Joaquin River, nor do they have an active plan to apply for such a permit.](#)

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response D-10: The commentor references the Utilities section page 3.15-8 and reiterates that Utility Master Plans will require updates. The commentor notes that options for capacity need to be reviewed and that permits, capacity, engineering, environmental, testing and other approvals need to be obtained.

This comment is noted and was addressed, in part, under Response D-2 and D-8 above. The Wastewater Master Plan is a document that addresses the wastewater treatment services city-wide and it is updated by the City at its discretion. The developer is responsible for the payment of impact fees, of which the City can utilize to update its Master Plan as well as install necessary improvements as warranted. The project

proponent is responsible for paying impact fees to the City as a condition of project approval. Additionally, the City of Lathrop is responsible for reviewing and approving all infrastructure plants prior to their construction. This will involve the review of capacity, engineering, testing, environmental, permitting, and other approvals. These are standard practices in the City of Lathrop. These comments do not warrant changes to the Draft EIR. No further response is necessary.

Response D-11: The commentor references the Utilities section page 3.15-26 and indicates that the City of Lathrop is preparing a 2010 UWMP and Water Master Plans. The commentor notes that updated information related to storage, supply and demand will be included in these plans.

This comment is noted. The City has been in the process of updating the UWMP for several years. The Water Supply Assessment, prepared for this project utilizes the most current information related to storage, supply, and demand. These comments do not warrant changes to the Draft EIR. No further response is necessary.

Response D-12: The commentor references the Utilities section page 3.15-38 and indicates that recycled water is currently not being used for landscape areas due to permit conditions.

These comments warrant text revisions to clarify that the City of Lathrop does not currently use recycled water for landscaping due to permit conditions.

Revisions from Page 3.15-39 of the Draft EIR:

Recycled Water

The SLSP will maximize reuse opportunities for recycled water. The term “recycled water” refers to wastewater that has been treated and disinfected to tertiary levels. Water treated to this level has been determined by governmental regulations to be acceptable for human contact without cause for concern and is commonly used for irrigation. The use of recycled water is regulated by the RWQCB and the Department of Health Services, which apply stringent water quality, treatment and disinfection standards.

The use of recycled water for irrigation serves to conserve potable water for other uses. In addition, in the event the potable water supply is limited at any time, such as a “dry year” situation, the use of recycled water ensures a supply for landscaped areas and reduces the likelihood that potable water would be needed for this purpose. The SLSP proposes to make recycled water available for public irrigation uses. This includes irrigation of landscaped areas within street rights-of-way and open space. In addition, there may be potential for the use of recycled water for private irrigation uses as well, such as common open space areas and landscaping around buildings. Criteria for management of the recycled water system and public education about it will be established in future reports (or other documents) and will be subject to City approval. It should be noted that the City of Lathrop does not currently use recycled water for irrigation purposes, although there has been significant infrastructure installed on previous projects that would enable the use of recycled water in the future.

Conclusion

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

General Plan Community Development Element Policy 1 requires that development within the City's three sub-plan areas is to be served by the City under development agreements between the City and project developers. The SLSP is subject to this policy and agreements between the City and developers must be formulated. Policy 2 requires that urban development outside the existing city limits shall not be allowed to occur until reasonable certainty is established that additional firm supplies of potable water will be available to meet the needs of urban expansion into perpetuity. The SLSP is planned to be consistent with the City Master Utility Plan by funding its share of SSJID surface water, groundwater wells, treatment facilities and storage/pressure facilities.

According to the WSA completed for the SLSP, 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 [installing infrastructure to enable the future the](#) use of recycled water to provide irrigation for landscaped areas in order to reduce the demand for potable water.

The text revisions do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response D-13: The commentor references the Utilities section page 3.15-45 and indicates that a new Phase II Small Municipal Separate Storm Sewer (MS4) General Permit was adopted by the State Water Resources Control Board on February 5, 2013 became effective July 1, 2013. The commentor notes that the permit has numerous new components and the City is required to implement these components in stages over the five year period of the Permit. The first year requirements must be implemented by July 1, 2014.

These comments warrant text revisions to reflect a new permit that has been adopted by the State Water Resources Control Board.

Revisions from Page 3.15-46 of the Draft EIR:

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

National Pollutant Discharge Elimination System (NPDES) permits are required for discharges of pollutants to navigable waters of the United States, which includes any discharge to surface waters, including lakes, rivers, streams, bays, the ocean, dry stream beds, wetlands, and storm sewers that are tributary to any surface water body. NPDES permits are issued under the Federal Clean Water Act, Title IV, Permits and Licenses, Section 402 (33 USC 466 et seq.)

The RWQCB issues these permits in lieu of direct issuance by the Environmental Protection Agency, subject to review and approval by the Environmental Protection Agency Regional Administrator. The terms of these NPDES permits implement pertinent provisions of the Federal Clean Water Act and the Act's implementing regulations, including pre-treatment, sludge management, effluent limitations for specific industries, and anti- degradation. In general, the discharge of pollutants is to be eliminated or reduced as much as practicable so as to achieve the Clean Water Act's goal of "fishable and swimmable" navigable (surface) waters. Technically, all NPDES permits issued by the RWQCB are also Waste Discharge Requirements issued under the authority of the CWA.

These NPDES permits regulate discharges from publicly owned treatment works, industrial discharges, stormwater runoff, dewatering operations, and groundwater cleanup discharges. NPDES permits are issued for five years or less, and are therefore to be updated regularly. The rapid and dramatic population and urban growth in the Central Valley Region has caused a significant increase in NPDES permit applications for new waste discharges. To expedite the permit issuance process, the SWRCB has adopted several general NPDES permits, each of which regulates numerous discharges of similar types of wastes. The SWRCB has issued general permits for stormwater runoff from industrial and construction sites statewide. Stormwater discharges from industrial and construction activities in the Central Valley Region can be covered under these general permits, which are administered jointly by the SWRCB and RWQCB.

[A new Phase II Small Municipal Separate Storm Sewer \(MS4\) General Permit was adopted by the State Water Resources Control Board on February 5, 2013 became effective July 1, 2013. The Permit has numerous new components and the City is required to implement these components in stages over the five year period of the Permit. The first year requirements must be implemented by July 1, 2014.](#)

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response D-14: The commentor references the Utilities section page 3.15-63 and notes that Allied Waste of San Joaquin County (Allied Waste), dba Republic Services Company is the commercial and residential franchise waste hauler in the City of Lathrop. The commentor notes that waste is hauled to the Forward Landfill location, but that the San Joaquin County Lovelace Transfer Station or the Foothill landfill is not used.

These comments warrant text revisions to reflect the City’s current solid waste collection and disposal services.

Revisions from Page 3.15-65 of the Draft EIR:

3.15.4 SOLID WASTE

EXISTING SETTING

~~Lathrop Environmental Services is the franchise waste hauler for residential and commercial uses in the City. San Joaquin County provides solid waste disposal facilities, including transfer stations and landfills. The City utilizes designated containers for the storage and collection of garbage; green (yard) waste; and paper, plastic, aluminum, and glass recycling. Both residential and nonresidential waste are hauled to the County’s Lovelace Transfer Station, approximately one mile northeast of the City, and then to the County’s Class III Foothill Sanitary Landfill in Linden.~~

Allied Waste of San Joaquin County (Allied Waste), dba Republic Services Company is the franchise waste hauler for residential and commercial uses in the City. Solid waste is hauled to the Forward Landfill. The Forward Landfill is permitted to accept up to 8,668 tons of waste per day and has a permitted capacity of 51.04 million cubic yards. The remaining estimated capacity of the landfill is 40.03 million cubic yards (as of 1/31/2012). The cease operation date for the facility is January 1, 2020 (CalRecycle, 2013).

While not currently used by the City of Lathrop, the Foothill Landfill located in Linden is permitted to accept up to 1,500 tons of waste per day and has a permitted capacity of 138-51 million cubic

yards and a remaining estimated capacity of 125 million cubic yards (as of 6/10/2010). The cease operation date for the facility is December 31, 2082 (CalRecycle. 2013). [This cease operation date provides an option for the City of Lathrop solid waste disposal once the Forward Landfill is at capacity.](#) The average daily volume for the landfill is 620 tons. In 2011, 218,190 tons of solid wastes were delivered to the landfill. The landfill diverted 3,392 tons of material from disposal in 2011.

The City of Lathrop disposed of 18,656 tons of household solid waste and 14,617 tons of business solid waste in 2011, for a total of approximately 33,273 tons. The City achieved a diversion rate of 80 percent in 2004, exceeding the State-mandated requirement of 50 percent. The latest information available from Cal Recycle shows that the City of Lathrop has a solid waste disposal rate of 9.8 pounds per resident per day for household waste and 29.8 pounds per employee for business waste in 2011 (CalRecycle 2011).

The Foothill Sanitary Landfill is permitted to accept commercial and household solid waste, agricultural waste, construction and demolition materials, white good, tires camper shells, campers and camper trailers. The landfill is not permitted to accept hazardous wastes, including friable asbestos, are not accepted at the Foothill Sanitary Landfill, and must be transported to a Class I landfill permitted to receive untreated hazardous waste, septic tank waste, toxic waste, large dead animals, infectious waste, liquid waste, cannery waste large load of soil or gravel, mobile homes and burned waste.

Revisions from Page 3.15-67 through 3.15-68 of the Draft EIR:

IMPACTS AND MITIGATION MEASURES

Impact 3.15-7: The proposed project has the potential to be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, State, and local statutes and regulations related to solid waste (less than significant)

As previously described, permitted maximum disposal at the ~~Foothill Sanitary~~Forward Landfill is ~~1,5008,668~~ tons per day. The total permitted capacity of the landfill is ~~138-51.04~~ million cubic yards, which is expected to accommodate an operational life until ~~December 31, 2082~~January 1, 2020. [The remaining capacity is 23,700,000 cubic yards.](#) The addition of the volume of solid waste associated with the SLSP to the landfill would not exceed the landfill's remaining capacity. Based on the *Employment Density Study Summary Report* provided by the Southern California Association of Governments (SCAG), an estimate of the number of future employees for the SLSP can be determined based on projected square footage. According to this report the average square footage per employee for low rise office is 415 SF. Light industrial equates to approximately 2,230 SF/employee. Shown in Table 3.15-20 is the estimated potential solid waste generated by the businesses in the Plan Area at buildout.

TABLE 3.15-20 SOLID WASTE PROJECTION

LAND USE	SQUARE FOOTAGE	MEDIAN EMPLOYEE/SF*	TOTAL EMPLOYEES	SOLID WASTE/EMPLOYEE (LBS/DAY)	TOTAL SOLID WASTE/DAY (TONS/DAY)	TONS/YR
Low Rise Office	130,680	1 emp/415 sf	1,315	29.8	4.7	1,713
Light Industrial	4,158,238	1 emp/2230 sf	1,865	29.8	27.8	10,141
TOTAL			2,180	29.8	32.5	11,854

NOTE: EMPLOYEES PER SQUARE FOOT IS BASED ON INFORMATION PROVIDED IN EMPLOYMENT DENSITY STUDY SUMMARY REPORT, TABLE 13 (SCAG 2001).

SOURCE: CALRECYCLE 2011 AND SCAG 2001

The SLSP would be required to comply with applicable state and local requirements including those pertaining to solid waste, construction waste diversion, and recycling.

As previously described, solid waste generated in the City is disposed at the ~~Foothill-Forward~~ Landfill. This landfill is projected to close in the year ~~2082~~2020. At that time the City can utilize the Foothill Landfill as a location for solid waste disposal. The City's solid waste generation has decreased since 2007 due to the waste diversion efforts of the City. The permitted maximum disposal at the ~~Foothill-Forward~~ Landfill is ~~1,500-8,668~~ tons per day. Currently, the average daily disposal is 620 tons per day. The total permitted capacity of the landfill is ~~138-51.04~~ million cubic yards. The addition of the volume of solid waste associated with the SLSP, approximately 32.5 tons per day at total buildout, to the ~~Foothill-Forward~~ Landfill would not exceed the landfill's remaining capacity. This is a **less than significant** impact.

Revisions from Page 4.026 of the Draft EIR:

***Impact 4.25: Cumulative Impact on Solid Waste Facilities
(Less than Significant and Less than Cumulatively Considerable)***

Solid waste generated in the City is disposed at the ~~Foothill-Forward~~ Landfill. This landfill is projected to close in the year ~~2082~~2020. At that time the City can utilize the Foothill Landfill as a location for solid waste disposal. The City's solid waste generation has decreased since 2007 due to the waste diversion efforts of the City. The permitted maximum disposal at the ~~Foothill-Forward~~ Landfill is ~~1,500~~8,668 tons per day. Currently, the average daily disposal is 620 tons per day. The total permitted capacity of the landfill is ~~138-51.04~~ million cubic yards. The additional volume of solid waste generated by the SLSP is approximately 32.5 tons per day at total buildout. This total, which would be disposed of at the ~~Foothill-Forward~~ Landfill, would not exceed the landfill's remaining capacity. Implementation of the proposed project would have a **less than significant** cumulative impact relative to this environmental topic. As such, impacts related to solid waste facilities would be a **less than cumulatively considerable contribution**.

The text revisions do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

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California Relay Service TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1900
Contact Fax: (916) 574-1885

File Ref: SCH # 2013012064

Rebecca Willis, AICP, Community Development Director
City of Lathrop
390 Tower Centre Dr.
Lathrop, CA 95330

Subject: Draft Environmental Impact Report (Draft EIR) for the South Lathrop Specific Plan (SLSP), San Joaquin County

Dear Ms. Willis:

The California State Lands Commission (CSLC) staff has reviewed the subject Draft EIR for the SLSP (Project), which is being prepared by the City of Lathrop. The City of Lathrop, a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, because the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion

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or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

After review of the information contained in the SLSP, the proposed San Joaquin River outfall structure and possible portions contained within the Open Space located on the western side on the Plan Area include State-owned sovereign land. A lease and formal authorization for the use of sovereign land will be required from the CSLC for the portion of the Project encroaching on State-owned lands. Please contact Reid Boggiano, Public Land Management Specialist (see contact information below), at the end of this letter for further information on the extent of the CSLC's jurisdiction and leasing requirements.

Project Description

The City of Lathrop proposes the approval and subsequent implementation of the SLSP to meet its objectives and needs to establish local land uses with a variety of business opportunities that can support the skilled and educated workforce of Lathrop and the local area. From the Project Description, CSLC staff understands that the EIR prepared for the SLSP serves as the master environmental assessment document for the Plan Area with the intent of streamlining the permitting and review process for future individual project applications involving the development of commercial office, limited industrial, and open space, as well as roads and public facilities within the Plan Area.

The SLSP 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 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 plan that, to the extent practical, incorporates environmental mitigation measures into project design; mitigation will be

E-1 Cont'd

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implemented consistent with the San Joaquin Multi Species Habitat Conservation Plan.

- **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.

E-2 Cont'd

The Draft EIR identifies the No Project Alternative as the environmentally superior alternative (ESA). The No Project Alternative would conform to the land uses as identified in the Lathrop General Plan, which identifies the Plan Area as light industrial and would not include any river levee/park areas or commercial development as proposed under the SLSP. The Agricultural Protection Alternative was also identified as the ESA as required by CEQA when the No Project Alternative is the ESA; however, the DEIR notes that neither alternative presented meets all of the project objectives of the SLSP.

Environmental Review

CSLC staff requests that the City of Lathrop consider the following comments on the Project's Draft EIR.

General Comments

1. **Agency Jurisdiction:** Based on information provided in the Draft EIR, portions of the Project will likely occur on sovereign lands. Accordingly, please add the CSLC as a responsible and trustee agency on page 1.0-2 of the Draft EIR. Specific information on the CSLC's jurisdiction is provided above.
2. **Public Trust:** The construction and placement of the storm drain outfall, in addition to other Project-related activities in the Open Space along the San Joaquin River, may occur on sovereign lands, which could affect or degrade Public Trust uses and values (e.g., public access and recreation, water quality) in and around the Plan Area. Consequently, CSLC staff recommends that the EIR include an analysis of any potentially significant impacts to surrounding Public Trust lands from the development and increased public use resulting from Project construction. In particular, the EIR should evaluate both direct and indirect effects related to the intensity of these development activities adjacent to tidal wetlands and waterways.

E-3

E-4

Project Description

3. **Program EIR:** Section 1.2, Type of EIR, and Section 2.4, Project Description, describe the Draft EIR as a "program-level" analysis that will serve as the master environmental assessment document for the SLSP and individual project applications within the Plan Area. However, the SLSP also states that the intent is that subsequent individual projects will be reviewed for "consistency" with the SLSP, and if consistent, will proceed without tiered CEQA analysis, indicating that the EIR is intended to provide a "project" level of analysis. The State CEQA

E-5

Guidelines, section 15168, subdivision (c)(5) states that a program EIR will be most helpful in dealing with subsequent activities if it analyzes the effects of the program as specifically and comprehensively as possible. In order to achieve this goal to the extent feasible and avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, § 15126.4, subd. (b)). In the EIR as currently drafted, this distinction is unclear, which may lead to confusion or inefficiency during implementation of individual projects under the SLSP (see e.g., outfall example below). The Draft EIR for the SLSP should make an effort to clearly distinguish what activities/facilities and their mitigation measures are being analyzed in sufficient detail to be covered under the program EIR without additional project specific environmental review, and what activities will trigger the need for additional environmental analysis (see State CEQA Guidelines, § 15168, subd.(c)).

E-5 Cont'd

Biological Resources

4. Storm Drain Outfall: The Draft EIR does not include the exact placement and design of the storm drain outfall, nor does it evaluate the potential environmental impacts of the associated construction activities. As a result, CSLC staff cannot independently review the adequacy of the discussion regarding potential impacts of the storm drain outfall. CSLC staff recommends the EIR be revised to describe the construction associated with the storm drain outfall along the San Joaquin River and the potential impacts to wildlife as a result of such activities. Additionally, the EIR should address whether the storm drain outfall would be subject to subsequent environmental review after the placement and design of the structure has been finalized (see comment #1 above).

E-6

CSLC staff recommends that the EIR include a construction timeline for the storm drain outfall and take into consideration migration and spawning/breeding periods for special-status wildlife species, as well as address potential impacts to Essential Fish Habitat in the San Joaquin River. The City of Lathrop should consult with California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) staff to ensure that impacts to special-status species are fully considered. The EIR should also include a discussion of consultation with the CDFW and USFWS, including any recommended mitigation measures and potentially required permits identified by these agencies. Mitigation measures could include species-specific work windows as defined by the CDFW, USFWS, and National Oceanic and Atmospheric Administration's Fisheries Service (NOAA Fisheries). CSLC staff recommends the City of Lathrop add a discussion to the EIR describing any prior or ongoing consultation with these agencies designed to minimize the impacts of the Project on sensitive species.

5. Construction Noise: The Draft EIR does not address the potential noise and vibration impacts on fish as a result of in-water construction (e.g., storm drain outfall); as such, the analysis presented is incomplete. Unless doing so is infeasible

E-7

at this time (indicating tiered analysis would occur at a future date), the EIR should be revised to include an analysis of these potential impacts and, if necessary, provide mitigation measures to reduce potentially significant impacts to less than significant. Mitigation measures could include species-specific work windows as defined by the CDFW, the USFWS, and NOAA Fisheries.

E-7 Cont'd

Cultural Resources

6. Submerged Resources: The Draft EIR does not include an inventory of submerged cultural resources, which could be impacted during in-water construction (e.g., storm drain outfall) if located within the Plan Area; as such, the analysis presented is incomplete. The EIR does not indicate that this disclosure is infeasible at this time; therefore, the City of Lathrop should determine if submerged cultural resources are located within the Plan Area, and evaluate the potential impacts to these resources, if necessary. The CSLC maintains a shipwrecks database that can assist with this analysis. CSLC staff requests that the County contact Senior Staff Counsel Pam Griggs (see contact information below) to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.
7. Title to Resources: The EIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that the City of Lathrop consult with Senior Staff Counsel Pam Griggs (see contact information below) should any cultural resources on State lands be discovered during construction of the proposed Project.

E-8

E-9

Climate Change

8. Sea Level Rise: The EIR should consider including sea level rise projections that reflect the best current science for California as presented in the National Academy of Sciences, "Sea-Level Rise for the Coasts of California, Oregon, and Washington," and summarized in the March 2013 update to the "State of California Sea-Level Rise Guidance Document." This update includes ranges of sea level rise predicted for 2030, 2050 and 2100, with different rates of sea level rise for regions north and south of Cape Mendocino. The Draft EIR currently uses a prediction of 22 to 35 inches of sea level rise by 2100 (Cal EPA 2006); however, the best current science predicts sea level to rise 16.56 inches (1.38 feet) to 65.76 inches (5.48 feet) by 2100 (using 2000 as the baseline) for regions south of Cape Mendocino (based on the Project location).

E-10

The EIR should also consider the effects of sea level rise on all resource categories potentially affected by the proposed Project. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff

report, "A Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. (The Report can be found on the CSLC's website, www.slc.ca.gov.) One of the Report's recommendations directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases.

Please note that, when considering lease applications, CSLC staff is directed to (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects; (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects; and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access.

E-10 Cont'd

Water Quality

9. Mercury/Methylmercury: The Draft EIR Plan Area includes the San Joaquin River, which is listed by the Central Valley Regional Water Quality Control Board (CVRWQCB) as an impaired water body due to mercury under the Clean Water Act. While the Draft EIR describes mitigation measures that will be implemented to reduce impacts to water quality from runoff and storm water discharge into the river; it does not describe mitigation measures that would reduce the potential impacts of mercury release as a result of sediment disturbance during in-water construction. Mercury is a sediment-based pollutant that can be released into the water column during Project activities (e.g., construction of the storm drain outfall) that may disturb the sediment and cause turbidity. As a result, such activities may increase the likelihood of mercury exposure to the public and wildlife that utilize the San Joaquin River. Without this analysis, the EIR's analysis of potential impacts to water quality is incomplete, and should therefore be revised. Specifically, the EIR should consider the potential impacts of mercury on water quality as a result of sediment disturbance during in-water construction and, if necessary, provide mitigation measures to reduce potentially significant impacts to less than significant.

E-11

On April 22, 2010, the CVRWQCB identified the CSLC as both a State agency that manages open water areas in the Sacramento-San Joaquin Delta Estuary and a nonpoint source discharger of methylmercury (Resolution No. R5-2010-0043), because subsurface lands under the CSLC's jurisdiction are impacted by mercury from legacy mining activities dating back to California's Gold Rush. Pursuant to a CVRWQCB Total Maximum Daily Load (TMDL), the CVRWQCB is requiring the CSLC to fund studies to identify potential methylmercury control methods in the Delta and to participate in an Exposure Reduction Program. The goal of the studies is to evaluate existing control methods and evaluate options to reduce methylmercury in open waters under jurisdiction of the CSLC. Any action taken that may result in mercury or methylmercury suspension within the Sacramento-San

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Joaquin Delta Estuary may affect the CSLC's efforts to comply with the CVRWQCB TMDL.

E-11 Cont'd

Recreation

10. Water-Based Recreation: The Draft EIR identifies the use of the San Joaquin River for water-based recreational use by the public, but does not address the potential impacts to water-based recreation during construction activities in the Plan Area; as a result, the potential impact to recreation is not analyzed completely. CSLC staff recommends the EIR be revised to include an analysis of whether restrictions to water-based recreation would occur as a result of construction activities (e.g., storm water outfall) in the Plan Area that would give rise to a potentially significant impact. If significant impacts are determined, measures to notify the public should be identified in order to minimize impacts to recreational users and the public. For example, mitigation may include posting signs announcing the Project and any restrictions on boating or other recreational activities in the area.

E-12

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible and trustee agency, the CSLC will need to rely on the Final EIR for the issuance of any new lease as specified above and, therefore, we request that you consider our comments prior to certification of the Final EIR.

Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Kelly Keen, Environmental Scientist, at (916) 574-1938 or via e-mail at kelly.keen@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Reid Boggiano, Public Land Management Specialist, at (916) 574-0450, or via email at reid.boggiano@slc.ca.gov.

E-13

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Reid Boggiano LMD, CSLC
Kelly Keen, DEPM, CSLC
Eric Milstein, Legal, CSLC

Response to Comment E Cy R. Oggins, State Lands Commission

Response E-1: The commentor provides an introduction to the comment letter, stating that his agency has reviewed the subject Draft EIR. He indicates that his agency is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. The commentor indicates that because the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

The commentor provides information relative to his agency's jurisdiction over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The commentor states that after review of the information contained in the SLSP, the proposed San Joaquin River outfall structure and possible portions contained within the Open Space located on the western side on the Plan Area include State-owned sovereign land. A lease and formal authorization for the use of sovereign land will be required from the CSLC for the portion of the Project encroaching on State-owned lands.

This comment is noted. These comments provide background information and serve as an introduction to the commentor's letter and do not warrant a response. No further response is necessary.

Response E-2: The commentor provides a summary understanding of the proposed project and the alternatives.

This comment is noted. These comments do not warrant a response. No further response is necessary.

Response E-3: The commentor states the following regarding Agency Jurisdiction: Based on information provided in the Draft EIR, portions of the Project will likely occur on sovereign lands. Accordingly, please add the CSLC as a responsible and trustee agency on page 1.0-2 of the Draft EIR. Specific information on the CSLC's jurisdiction is provided above.

This comment warrants text additions on Page 1.0-2 of the Draft EIR under "1.3 Known Responsible and Trustee Agencies". The following text changes are incorporated into the EIR:

1.3 KNOWN RESPONSIBLE AND TRUSTEE AGENCIES

The term "Responsible Agency" includes all public agencies other than the Lead Agency that have discretionary approval power over the SLSP or an aspect of the SLSP (CEQA Guidelines Section 15381). The following agencies are considered Responsible Agencies for the SLSP:

- California Department of Transportation (Caltrans): Encroachment permits
- Lathrop-Manteca Fire Protection District: Provision of Fire Protection Services

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

- Reclamation District 17: Levee permits
- San Joaquin Local Agency Formation Commission (LAFCo): Annexation
- San Joaquin Valley Unified Air Pollution Control District (SJVAPCD): Indirect Source Rule Permit, Authority to Construct, Permit to Operate for stationary sources of air pollution (auxiliary power, storm drainage pump station)
- California State Lands Commission (CSLC): Approval for any encroachment onto Sovereign Lands of the State, or impact to Public Trust Resources.

For the purpose of CEQA, a “Trustee” agency has jurisdiction by law over natural resources that are held in trust for the people of the State of California (CEQA Guidelines Section 15386). The following agencies are considered Trustee Agencies for the SLSP, and may be required to issue permits or approve certain aspects of the SLSP:

- California Department of Fish and Game - Streambed Alteration Agreement pursuant to Section 1602 of the California Fish and Game Code;
- California State Lands Commission (CSLC) - Approval for any encroachment onto Sovereign Lands of the State, or impact to Public Trust Resources.
- Central Valley Regional Water Quality Control Board (CVRWQCB) - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities pursuant to the Clean Water Act,
- Central Valley Regional Water Quality Control Board (CVRWQCB) – Water quality certification pursuant to Section 401 of the Clean Water Act.
- Central Valley Regional Water Quality Control Board (CVRWQCB) – Permitting of State jurisdictional areas, including isolated wetlands pursuant to the Porter-Cologne Water Quality Act;
- United States Army Corps Of Engineers – Permitting of federal jurisdictional areas pursuant to Section 404 of the Clean Water Act;
- San Joaquin Council of Governments (SJCOG): Coverage/Incidental Take Authorization under the San Joaquin County Multi Species Habitat Conservation and Open Space Plan

This text change does not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text addition.

Response E-4: The commentor states the following regarding Public Trust: The construction and placement of the storm drain outfall, in addition to other Project-related activities in the Open Space along the San Joaquin River, may occur on sovereign lands, which could affect or degrade Public Trust uses and values (e.g., public access and recreation, water quality) in and around the Plan Area. Consequently, CSLC staff recommends that the EIR include an analysis of any potentially significant impacts to surrounding Public Trust lands from the development and increased public use resulting from Project construction. In particular, the EIR should evaluate both direct and indirect effects related to the intensity of these development activities adjacent to tidal wetlands and waterways.

The proposed project does not include any amenities that would directly result in an increased recreational use of the waters of the San Joaquin River. The proposed project would place 222 acres of new industrial development and 10 acres of new commercial development on the levee side of the San Joaquin River. This new development would result in new employees working in the area on a daily basis. The employees are not anticipated to use the land on the river-side of the levee for recreational purposes due to the fact that these employees are expected to be present at each respective business for the purpose of working. It is possible that some employees would use the river-side of the levee to take lunch breaks, or other breaks on work days; however, it is not anticipated that a large number of employees would use this area on work days.

The City of Lathrop has plans to develop an open space park system on the levee side of the San Joaquin River (River Park) continuously throughout the City limits. The River Park would not be within the CSLC jurisdiction, as it is not within the mean water mark of the San Joaquin River. The River Park currently has several gaps and is not complete. The proposed River Park segment within the Plan Area would not be connected to any existing River Park segments, but would ultimately connect to the overall system once additional River Park segments are developed. Once the River Park is completed throughout the City it is possible that additional people residing in other parts of the City could use the River Park, as well as the river-side of the levee including CLSC Public Trust Lands, even though they do not work in the Plan Area, and are not affiliated with the developed uses in the Plan Area. However, it is not anticipated that a large number of residents would choose to use this area given the fact that there are the same opportunities adjacent to the residential areas of the City.

The Delta Protection Commission is in the process of evaluating the possibility of developing a multi-jurisdictional trail system along the banks for the San Joaquin River. This could result in additional people using the river-side of the levee including CLSC Public Trust Lands, even though they do not work in the Plan Area, and are not affiliated with the developed uses in the Plan Area. The Delta Protection Commission has not finalized plans, nor does this EIR provide CEQA analysis or coverage for such decisions. The Delta Protection Commission would be required to perform the appropriate CEQA review to evaluate the environmental impacts if they move forward with a trail project.

The Draft EIR includes an evaluation of impacts on the resources on river-side of the levee from the storm drain outfall, both direct and indirect, throughout the document. For instance, Page 3.4-2 through 3.4-3 from the Draft EIR indicates that a wetland delineation was conducted in the Plan Area and the impact acreage was calculated based on a storm drainage outfall detail provided by the applicant's engineer. The impact area associated with the storm drainage outfall is 0.140 acres and mitigation is

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

provided that effectively complies with the no-net loss of wetlands requirements of the federal government. The Draft EIR indicates that no special-status species were observed within the offsite improvement corridors (i.e. storm drainage outfall) during field surveys. Page 3.4-27 from the Draft EIR indicates that the construction of the storm drainage outfall would require disturbance to riparian habitat located along the San Joaquin River and that the ongoing activities associated with the operational phase (i.e. human and/or domesticated animal presence, light, noise, etc.) could disrupt animal species if they are located in this area in the future. The proposed project is required to obtain coverage under the SJMSCP, which would fully mitigate all direct habitat impacts on these animal species.

Refer to Section 3.4 of the Draft EIR for additional information and analysis of impacts from the storm drainage outfall.

Response E-5: The commentor states the following regarding the Program EIR: Section 1.2, Type of EIR, and Section 2.4, Project Description, describe the Draft EIR as a "program-level" analysis that will serve as the master environmental assessment document for the SLSP and individual project applications within the Plan Area. However, the SLSP also states that the intent is that subsequent individual projects will be reviewed for "consistency" with the SLSP, and if consistent, will proceed without tiered CEQA analysis, indicating that the EIR is intended to provide a "project" level of analysis. The State CEQA Guidelines, section 15168, subdivision (c)(5) states that a program EIR will be most helpful in dealing with subsequent activities if it analyzes the effects of the program as specifically and comprehensively as possible. In order to achieve this goal to the extent feasible and avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, § 15126.4, subd. (b)). In the EIR as currently drafted, this distinction is unclear, which may lead to confusion or inefficiency during implementation of individual projects under the SLSP (see e.g., outfall example below). The Draft EIR for the SLSP should make an effort to clearly distinguish what activities/facilities and their mitigation measures are being analyzed in sufficient detail to be covered under the program EIR without additional project specific environmental review, and what activities will trigger the need for additional environmental analysis (see State CEQA Guidelines, § 15168, subd.(c)).

The Draft EIR is a "Program EIR" as clearly stated in the Draft EIR. The statement that the intent is that subsequent individual projects will be reviewed for "consistency" with the SLSP, and if consistent, will proceed without tiered CEQA analysis is taken directly from CEQA Guidelines Section 15168(c). CEQA Guidelines Section 15168(c) explains

how “Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.” For instance, “If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. (CEQA Guidelines Section 15168 (c)(1). If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. (CEQA Guidelines Section 15168 (c)(2). An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program. (CEQA Guidelines Section 15168 (c)(3). Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR. (CEQA Guidelines Section 15168 (c)(4).

Response E-6: The commentor states the following regarding Storm Drain Outfall: The Draft EIR does not include the exact placement and design of the storm drain outfall, nor does it evaluate the potential environmental impacts of the associated construction activities. As a result, CSLC staff cannot independently review the adequacy of the discussion regarding potential impacts of the storm drain outfall. CSLC staff recommends the EIR be revised to describe the construction associated with the storm drain outfall along the San Joaquin River and the potential impacts to wildlife as a result of such activities. Additionally, the EIR should address whether the storm drain outfall would be subject to subsequent environmental review after the placement and design of the structure has been finalized (see comment #1 above).

The commentor also states the following regarding Storm Drain Outfall: CSLC staff recommends that the EIR include a construction timeline for the storm drain outfall and take into consideration migration and spawning/breeding periods for special-status wildlife species, as well as address potential impacts to Essential Fish Habitat in the San Joaquin River. The City of Lathrop should consult with California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) staff to ensure that impacts to special-status species are fully considered. The EIR should also include a discussion of consultation with the CDFW and USFWS, including any recommended mitigation measures and potentially required permits identified by these agencies. Mitigation measures could include species specific work windows as defined by the CDFW, USFWS, and National Oceanic and Atmospheric Administration's Fisheries Service (NOAA Fisheries). CSLC staff recommends the City of Lathrop add a discussion to the EIR describing any prior or ongoing consultation with these agencies designed to minimize the impacts of the Project on sensitive species.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

The placement of the storm drain outfall is illustrated in Figure 3.15-5 in Section 3.15 Utilities. The design of the storm drainage outfall is included in Appendix C, which provides a typical outfall detail for the City of Lathrop as Attachment B. This typical detail of the storm drain outfall, and the placement illustrated in Figure 3.15-5 were the basis of the analysis throughout the Draft EIR. The typical detail of the storm drain outfall was also the basis for the wetland delineation, and the jurisdictional determination provided by the US Army Corps of Engineers. The typical detail of the storm drain outfall was used for the analysis because, at this early stage in the planning process, improvement plans for the storm drain outfall have not been developed. This is a conservative methodology because the actual design could impact less acreage. Additionally, a construction timeline for the storm drain outfall has not yet been developed at this early planning stage. The Draft EIR states that the construction activities associated with the outfall could have impacts on these fish species during construction of the storm drain outfall and that the construction will require authorization from the USACE, RWQCB, and CDFW through the regulatory permit processes for the impacts to the wetlands (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, as well as avoidance measures that limit construction to specific work windows to ensure that construction occurs outside the flood season and spawning season for special status fish. In addition to the requirements of Mitigation Measures 3.4-3 and 3.4-4, an additional mitigation measure is warranted to amplify the need to coordinate with regulatory agencies to specifically address the avoidance, minimization, and/or compensation for impacts to special status species.

Revisions from Page 3.4-37 through 3.4-38 of the Draft EIR:

Mitigation Measure 3.4-9: The project applicant shall coordinate with state, federal, and local agencies prior to the 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. Avoidance measures should include species specific work windows to avoid spawning periods to the extent feasible.

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Section 3.4 Biological Resources adequately evaluates the potential environmental impacts of the storm drain outfall. There are 44 references to the storm drain outfall in Section 3.4 Biological Resources, and a thorough discussion of its potential impacts. Additional discussion of the storm drain outfall is included throughout the remainder of the Draft EIR. Below are several relevant excerpts from the evaluation of impacts in

Section 3.4 Biological Resources. Although the excerpts are only included here as examples, they demonstrate that the storm drain outfall has been extensively evaluated for potential impacts.

Please see response E-1 for a response to the need for subsequent environmental review.

Page 3.4-2 through 3.4-3 from the Draft EIR regarding the Storm Drain Outfall:

“A wetland delineation was conducted in the Plan Area in accordance with the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987). Wetlands consist of 0.175 acres of seasonal wetlands, 0.010 acres of seasonal wetland swale, and 0.121 acres of other waters (stock pond). The total wetland acreage in the Plan Area is 0.306. The wetland delineation has been verified by the USACE. The wetland delineation did not include the San Joaquin River; rather the impact acreage was calculated based on a **storm drainage outfall** detail provided by the applicant’s engineer. A typical **outfall** detail is included in Appendix C Wetland Delineation: Attachment B. The impact area associated with the **storm drainage outfall** is 0.140 acres.

The seasonal wetlands and seasonal wetland swales are located within the irrigated pasture, and the vegetation within these features is not significantly different from that of the surrounding pasture. The stock pond is primarily unvegetated, but species observed on the banks of the stock pond include cursed buttercup (*Ranunculus sceleratus*), water primrose (*Ludwigia peploides* var. *peploides*), annual bluegrass, and Fremont cottonwood (*Populus fremontii*).

The riparian corridor along the San Joaquin River in the vicinity of the **storm drainage outfall** supports a discontinuous band of valley oak, coastal live oak, and Fremont cottonwood. The leveed bank at the **storm drainage outfall** is open grassland and does not support riparian vegetation. There is also no marsh vegetation along the San Joaquin River water line.”

Page 3.4-24 from the Draft EIR regarding the Storm Drain Outfall:

“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. The following mitigation measure will ensure coverage under the SJMSCP.”

Page 3.4-27 from the Draft EIR regarding the Storm Drain Outfall:

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“The construction of the **storm drainage outfall** would require disturbance to riparian habitat located along the San Joaquin River, which is potential nesting habitat for these colonial nesters. The SLSP would eliminate the agricultural areas in the Plan Area, which serve as foraging habitat for colonial nesters in the region. Construction activities in the Plan Area would create temporary sources of noise and light that could affect colonial nesters if they located adjacent to the Plan Area in the future. The ongoing activities associated with the operational phase (i.e. human and/or domesticated animal presence, light, noise, etc.) could disrupt colonial nesters if they located adjacent to the Plan Area in the future, although given the separation created by the open space designation the impact is less than significant. These colonial nesters are covered by the SJMSCP, which serves as a special-purpose permit for the incidental take of species that are protected under the MBTA. Coverage 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. Coverage under the SJMSCP would fully mitigate all habitat impacts on these colonial nesters. Incidental take avoidance and minimization measures are designed to fully mitigate direct and indirect impacts to the individuals and their activities.”

Page 3.4-28 from the Draft EIR regarding the Storm Drain Outfall:

“The construction of the **storm drainage outfall** would require disturbance to riparian habitat located along the San Joaquin River, which is potential nesting habitat for nesting raptors. The SLSP would eliminate the agricultural areas in the Plan Area, which serve as potential nesting habitat for ground-nesting northern harrier (*Circus cyaneus*) and burrowing owl (*Athene cunicularia*) and foraging habitat for a variety of raptors in the region. Construction activities in the Plan Area would create temporary sources of noise and light that could affect nesting raptors if they located adjacent to the Plan Area in the future. The ongoing activities associated with the operational phase (i.e. human and/or domesticated animal presence, light, noise, etc.) could disrupt nesting raptors if they located adjacent to the Plan Area in the future, although give the separation created by the open space designation the impact is less than significant. These raptors are covered by the SJMSCP. Coverage 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. Coverage under the SJMSCP would fully mitigate all habitat impacts on these raptors. Incidental take avoidance and minimization measures

are designed to fully mitigate direct and indirect impacts to the individuals and their activities.”

Page 3.3-28 through 3.3-29 from the Draft EIR regarding the Storm Drain Outfall:

“The construction of the **storm drainage outfall** would require disturbance to riparian habitat located along the San Joaquin River, which is potential nesting habitat for nesting songbirds. The SLSP would eliminate the agricultural areas in the Plan Area, which serve as potential foraging habitat for these species. Construction activities in the Plan Area would create temporary sources of noise and light that could affect nesting songbirds if they located adjacent to the Plan Area in the future. The ongoing activities associated with the operational phase (i.e. human and/or domesticated animal presence, light, noise, etc.) could disrupt nesting songbirds if they located adjacent to the Plan Area in the future, although given the separation created by the open space designation the impact is less than significant. These nesting songbirds are covered by the SJMSCP. Coverage 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. Coverage under the SJMSCP would fully mitigate all habitat impacts on these nesting songbirds. Incidental take avoidance and minimization measures are designed to fully mitigate direct and indirect impacts to the individuals and their activities.”

Page 3.4-30 through 3.4-31 from the Draft EIR regarding the Storm Drain Outfall:

“**Riparian (San Joaquin Valley) woodrat and riparian brush rabbit:** The riparian habitat in the Plan Area along the San Joaquin River may represent potential habitat for riparian (San Joaquin Valley) woodrat and riparian brush rabbit. The riparian habitat was surveyed on October 19, 2007 and on March 21, 2013 and included surveys of the entire property to determine if any areas represented potentially suitable habitat for either species. The area that is bounded by the San Joaquin River levee road on the east, the San Joaquin River to the west, the railroad/railroad bridge to the south, and Highway 120 to the north represents the only potentially suitable habitat for both species. The habitat within this narrow strip is highly variable in vegetative composition. The approximate northern half of this area is predominantly non-native annual grasslands while the southern half is a mix of oak (*Quercus* spp.), cottonwood (*Populus* spp.), and willow riparian woodland with a variable understory including patches of non-native annual grassland, California wild rose (*Rosa californica*), stinging nettles (*Urtica dioica*), and willow scrub (*Salix* spp.). As such, the southern portion of the interior (river side) levee area provides potentially suitable riparian habitat for riparian (San Joaquin Valley) woodrat and riparian brush rabbit. These species

were not observed during the field surveys and have not been documented in the Plan Area. Based on surveys these species are not present. Therefore, the SLSP would have a *less than significant* impact on this special-status species.

With the exception of the storm drainage outfall, the riparian habitat will be preserved in open space and levee parkland. The riparian (San Joaquin Valley) woodrat and riparian brush rabbit habitat are not anticipated to be directly affected by the commercial and industrial development. Participation in the SJMSCP will provide coverage for the impact on habitat for these species, although this habitat is deemed unoccupied by these species. SJCOG, Inc. as administrator of the SJMSCP will impose appropriate avoidance and minimization measures as part of the incidental take permit. Mitigation Measure 3.4-1, previously listed, will ensure coverage under the SJMSCP.

3.4-31 from the Draft EIR regarding the Storm Drain Outfall:

Development of the Plan Area would eliminate foraging habitat for special status bats by removing the open agricultural areas. Additionally, the riparian area along the San Joaquin River provides potential roosting habitat, which could be affected during construction of the storm drain outfall. This potential roosting area could also be affected by the ongoing human activities associated with long term operation of the project.

3.4-32 from the Draft EIR regarding the Storm Drain Outfall:

No special-status plants were observed within the Plan Area or offsite improvement corridors (i.e. storm drainage outfall, etc.) during field surveys. The surveys were conducted within the blooming period for all species. Implementation of the SLSP will have a *less than significant* impact on special status plants.

3.4-32 through 3.4-34 from the Draft EIR regarding the Storm Drain Outfall:

Impact 3.4-6: Effects on Protected Wetlands and Jurisdictional Waters (less than significant with mitigation)

A Wetland Delineation for South Lathrop 6A and 6B, San Joaquin County, California (ECORP 2005) was prepared for the Plan Area and verified by the Army Corps of Engineers (2008). In March 2013, De Novo Planning Group reviewed the ECORP (2005) wetland delineation and visited the Plan Area to determine the applicability of this previous study for use in the EIR. It was concluded that the conditions of the Plan Area in 2013 remain unchanged from the conditions reported in the wetland delineation. As such, the wetland delineation serves as the basis for the following analysis.

The ECORP (2005) documented a total of 0.306 acres of potentially jurisdictional waters of the U.S. as shown in Table 3.4-4 below. The 0.306 acres was verified by the USACE. The full wetland delineation, including maps and routine wetland determination forms are included in the appendix.

TABLE 3.4-4: WETLAND DELINEATION RESULTS

WETLAND TYPE	ACERS
Wetlands	
Seasonal Wetland	0.175
Seasonal Wetland Swale'	0.01
Other Waters	
Stock Pond	0.121
San Joaquin River	0.140
Total	0.446

ALTHOUGH NOT DELINEATED IN THE 10 NOVEMBER 2005 SUBMITTAL, THE PROPOSED **OUTFALL DESIGN IS ANTICIPATED TO IMPACT 0.140 ACRE OF THE SAN JOAQUIN RIVER.*

SOURCE: ECORP, 2005.

The Plan Area contains state and federally protected wetlands and other waters of the United States, consisting of seasonal wetlands, seasonal wetland swale, and stock pond. The Plan Area also contains the San Joaquin River, which is a U.S. water. The development of the land uses within the Plan Area will require fill and/or discharge into 0.306 acres of wetlands.

In addition, runoff from the Plan Area is anticipated to discharge to the San Joaquin River through a **storm drainage outfall** located near the southwest corner of the Plan Area. The **storm drainage outfall** is regional facility that is consistent with the City’s Master Drainage Plan. This facility serves an area beyond the Plan Area, including the Lathrop Gateway Business Park Specific Plan (LGBPSP) and development along the McKinley Corridor. The **storm drainage outfall** was identified in the LGBP Specific Plan and was addressed in the EIR for that project.

The **storm drain outfall** would be constructed along the east bank of the San Joaquin River, which is a navigable Water of the U.S. The section of the San Joaquin River at the **outfall** is bounded by levees on both sides, providing a clear separation between jurisdictional waters and adjacent farmlands. The jurisdictional limit of the river is defined by an ordinary high water mark, and the water side of the levees is vegetated with riparian trees and shrubs. The San Joaquin River falls under the jurisdiction of several agencies, including the USACE, CDFW, the State Reclamation Board, and the Regional Water Quality Control Board.

The off-site San Joaquin River was not included in the wetland delineation; however, impact acreages for the San Joaquin River are based upon **outfall** design

and drawings provided by the applicant's engineer. A typical **outfall** detail is included in Appendix C Wetland Delineation: Attachment B.

In addition, it is not clear at this time whether the **storm drainage outfall** would be installed by the City, developers within the LGBPSP, developers along the McKinley Corridor, or the project applicant, all of which benefit from the storm drainage outfall. Regardless of the entity that constructs the storm drainage outfall, the impact acreage is anticipated to be 0.140 acres.

Implementation of the proposed project, including the storm drainage outfall, would impact 0.446 acres of jurisdictional area. This is a potentially significant impact. Implementation of the following mitigation measures would reduce the impact to a *less than significant* level.

MITIGATION MEASURES

Mitigation Measure 3.4-3: *Prior to any construction activities that would disturb protected wetlands in the Plan Area and/or jurisdictional areas of the San Joaquin River associated with the storm drainage outfall, the appropriate state and federal authorizations (Streambed Alteration Agreement, Section 404 permit, Section 401 water quality certification) shall be obtained. All requirements of these authorizations shall be adhered to throughout the construction phase.*

Mitigation Measure 3.4-4: *The project applicant shall compensate for any authorized disturbance to protected wetlands and/or jurisdictional areas to ensure no net loss of habitat functions and values. Compensation ratios shall be based on site-specific information and determined through coordination with state, federal, and local agencies as part of the permitting process for the project. Unless determined otherwise by the regulatory/permitting agency, the compensation shall be at a minimum ratio of 1 acre restored, created, and/or preserved for every 1 acre of wetland disturbed. It is anticipated that the total compensation will be 0.306 acres mitigated. Compensation may comprise onsite restoration/creation, off-site restoration, preservation, or mitigation credits (or a combination of these elements).*

3.4-34 through 3.4-35

Impact 3.4-7: Adverse Effects on Riparian Habitat or Sensitive Natural Community (less than significant with mitigation)

The CNDDDB record search revealed documented occurrences of four sensitive habitats within 10 miles of the Plan Area including: Elderberry Savanna, Great Valley Cottonwood Riparian Forest, Great Valley Mixed Riparian Forest, and Great Valley Valley Oak Riparian. None of these sensitive natural communities 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 acreage 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 **storm drainage outfall** is regional facility that is consistent with the City's Master Drainage Plan. This facility serves an area beyond the Plan Area, including the Lathrop Gateway Business Park Specific Plan (LGBPSP) and development along the McKinley Corridor. The **storm drainage outfall** was identified in the LGBP Specific Plan and was addressed in the EIR for that project.

The **storm drain outfall** would be constructed along the east bank of the San Joaquin River. The section of the San Joaquin River at the **outfall** is bounded by levees on both sides, providing a clear separation between the riparian area and adjacent farmlands. The water side of the levees is vegetated with a discontinuous band of riparian trees and shrubs. 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 areas where the **outfall** could be placed that would minimize the impact on riparian habitat because the riparian vegetation along the San Joaquin River frontage is discontinuous. The **storm drainage outfall** should be located in an area with low vegetation density and sparse tree coverage to minimize impacts on riparian habitat. Implementation of the following mitigation measures would ensure that the potential impact to riparian habitat is reduced to a **less than significant** level. There are no other sensitive natural communities within the Plan Area.

MITIGATION MEASURES

Mitigation Measure 3.4-5: *The **storm drainage outfall** shall 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: *Prior to installation of the storm drainage outfall, compensate/replace for any disturbance to riparian habitat along the San Joaquin River in association with the storm drainage outfall. Compensation/replacement ratios shall be at a minimum ratio of 1 acre restored, created, and/or preserved for every 1 acre of riparian disturbed. The acreage impacted shall be calculated based on the final design of the storm drainage outfall. Compensation may comprise onsite restoration/creation, off-site restoration, preservation, or mitigation credits (or a combination of these elements).*

Page 3.4-35 through 3.5-36 from the Draft EIR regarding the Storm Drain Outfall:

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 (less than significant with mitigation)

The CNDDDB record search did not reveal any documented wildlife corridors or wildlife nursery sites 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 including: Delta smelt (*Hypomesus transpacificus*), Central Valley steelhead (*Oncorhynchus mykiss*), Central Valley fall-/late fall-run Chinook salmon (*Oncorhynchus tshawytscha*), Longfin smelt (*Spirinchus thaleichthys*), Sacramento splittail (*Pogonichthys macrolepidotus*), River lamprey (*Lampetra ayresii*), Hardhead (*Mylopharodon conocephalus*).

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. The Lathrop Municipal Code provides rules and regulations to protect water courses (Chapter 12.28) and to manage and control stormwater and discharge (Chapter 13.28). Section 13.28.130 specifically provides requirement to prevent, control and reduce stormwater pollutants. This includes requirements to implement best management practices to the extent they are technologically achievable to prevent and reduce pollutants. Under this requirement, the owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses.

Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

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. The following mitigation measures would 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. Implementation of these mitigation measures would ensure that this potential impact is reduced to a *less than significant* level.

Response E-7: The commentor states the following regarding Construction Noise: The Draft EIR does not address the potential noise and vibration impacts on fish as a result of in-water construction (e.g., storm drain outfall); as such, the analysis presented is incomplete. Unless doing so is infeasible at this time (indicating tiered analysis would occur at a future date), the EIR should be revised to include an analysis of these potential impacts and, if necessary, provide mitigation measures to reduce potentially significant impacts to less than significant. Mitigation measures could include species-specific work windows as defined by the CDFW, the USFWS, and NOAA Fisheries.

Page 3.4-36 of the Draft EIR states that the construction activities associated with the outfall could have impacts on fish species during construction of the storm drain outfall and that the construction will require authorization from the USACE, RWQCB, and CDFW through the regulatory permit processes for the impacts to the wetlands (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, as well as avoidance measures that limit construction to specific work windows to ensure that construction occurs outside the spawning season for special status fish. In addition to the requirements of Mitigation Measures 3.4-3 and 3.4-4, an additional mitigation measure is warranted to amplify the need to coordinate with regulatory agencies to specifically address the avoidance, minimization, and/or compensation for impacts to special status species. Avoidance and minimization measure should include species specific work windows to

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the extent feasible to avoid and/or minimize the potential noise impacts on special status fish. The discussion warrants additional text to amplify the evaluation to cover other indirect sources of impact including noise; however, ultimately the outfall construction will require authorization from the USACE, RWQCB, USFWS, and CDFW through the regulatory permit processes as discussed. This is a requirement in Mitigation Measure 3.4-3 and 3.4-4, as well as Mitigation Measure 3.4-9.

Revisions from Page 3.4-36 of the Draft EIR:

Construction activities associated with the outfall could have direct and/or indirect impacts on these fish species from the potential for sedimentation and other pollution to enter into the San Joaquin River during construction. Construction activities would result in noise as a result of the specific equipment used to install the outfall, and such noise could have impacts on these fish species. The range of effects potentially includes alteration of behavior to physical injury or mortality, depending on the intensity and characteristics of the sound, the distance and location of the fish in the water column relative to the sound source, the size and mass of the fish, and the fish's anatomical characteristics. Little is known about the exact effects that construction noise has on fish; however, it is generally accepted that sound generated by percussive pile driving or blasting has the highest potential to affect fish, while excavation or dredging activities tend to have the lowest effect on fish. This is a result of the sound and vibration levels being higher with the pile driving and blasting activities compared to the excavation and dredging activities. The outfall construction would require a nominal amount of excavation along the bank of the San Joaquin River. The excavation would be performed for a limited period of time. These activities may cause disturbance and displacement of fish species due to movement along the bank of the river and noise from equipment operations. Fish would likely avoid the area during the excavation activities.

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. While there would be a temporary loss of foraging habitat and prey species, and there is the possibility of injury or disturbance to fish species from noise or physical injury caused by equipment operations in the water column may occur, avoidance and minimization measures required by the regulatory agencies would include species-specific work windows to the extent feasible.

Revisions from Page 3.4-37 through 3.4-38 of the Draft EIR:

Mitigation Measure 3.4-9: The project applicant shall coordinate with state, federal, and local agencies prior to the 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. Avoidance measures should include species specific work windows to avoid spawning periods to the extent feasible.

This text change does not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text addition.

Response E-8: The commentator states the following regarding Submerged Resources: The Draft EIR does not include an inventory of submerged cultural resources, which could

be impacted during in-water construction (e.g., storm drain outfall) if located within the Plan Area; as such, the analysis presented is incomplete. The EIR does not indicate that this disclosure is infeasible at this time; therefore, the City of Lathrop should determine if submerged cultural resources are located within the Plan Area, and evaluate the potential impacts to these resources, if necessary. The CSLC maintains a shipwrecks database that can assist with this analysis. CSLC staff requests that the County contact Senior Staff Counsel Pam Griggs (see contact information below) to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.

A review of the CLSC ship wreck database (<http://shipwrecks.slc.ca.gov/ShipwrecksDatabase/>) indicates that there are 19 documented ship wrecks in San Joaquin County; however, none are located adjacent to or within the project site. The coordinates of the project site are: 37deg 47'8.81"N, 121deg 17'36.4"W. As discussed on pages, on page 3.5-22 of the Draft EIR, "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 is presented in the Draft EIR to ensure protection to discovered sites. While there is no evidence that there are any submerged resources located adjacent to, or within the project site, the City would treat a finding of an unknown submerged resource consistent with Mitigation Measure 3.5-1. This measure requires halting construction activities immediately within a 200-foot radius of a discovery until the discovery can be properly evaluated. Nevertheless, this comment warrants text additions on Page 3.5-21 through 3.5-23 of the Draft EIR. The following text changes are incorporated into the EIR:

Submerged Resources

There is no physical evidence of a submerged resource in the San Joaquin River adjacent to, or within the project site. Additionally, a review of the California Lands Commission (CLSC) ship wreck database indicates that there are 19 documented ship wrecks in San Joaquin County, none of which are located adjacent to or within the project site. The coordinates of the project site are: 37deg 47'8.81"N, 121deg 17'36.4"W. The coordinates (and other info) of each ship wreck is as follows:

TABLE 3.5-3: DOCUMENTED SHIP WRECKS IN SAN JOAQUIN COUNTY

SHIP'S NAME	TYPE	YEAR BUILT	YEAR SUNK	CAUSE	LATITUDE	LONGITUDE
<u>Agnes</u>	<u>Gas motor vessel</u>	<u>1886</u>	<u>1931</u>	<u>Foundered</u>	<u>37deg 57'30"N</u>	<u>121deg 18'00"W</u>
<u>American Eagle</u>	<u>Steamship</u>	<u>1851</u>	<u>1853</u>	<u>Explosion</u>	<u>38deg 05'00"N</u>	<u>121deg 34'20"W</u>
<u>Arrow</u>	<u>Steamship</u>		<u>1867</u>	<u>Burned</u>	<u>38deg 06'00"N</u>	<u>121deg 34'00"W</u>

Cora	Steamship		1879	Snagged	38deg 31'00"N	121deg 32'00"W
Dolphin	Gas screw	1918	1927	Burned	37deg 57'30"N	121deg 18'00"W
El Dorado			1940		37deg 57'08"N	121deg 20'00"W
Fred Ball #4	Gas screw	1916	1932	Burned	37deg 57'30"N	121deg 18'00"W
Golden West			1938	Wrecked	37deg 57'30"N	121deg 18'00"W
Hope	Gas screw	1914	1917	Wrecked	37deg 57'30"N	121deg 18'00"W
John	Gas screw	1919	1928	Burned	37deg 57'30"N	121deg 18'00"W
Miner	Sternwheel Steamboat	1850	1851	Burned	38deg 02'25"N	121deg 53'08"W
Monarch	Gas screw	1919	1929	Burned	37deg 57'30"N	121deg 18'00"W
Motormate	Gas screw		1944	Collision	37deg 57'30"N	121deg 18'00"W
Red Line	Tanker		1930	Explosion	37deg 57'30"N	121deg 18'00"W
Robert B	Oil screw	1923	1945	Burned	38deg 00'00"N	121deg 00'30"W
Steven Quinn #1	Gas screw	1918	1918	Burned	37deg 57'30"N	121deg 18'00"W
Stockton City #2	Gas screw	1916	1925	Wrecked	37deg 51'55"N	121deg 18'47"W
Valley Brew	Gas screw	1917	1937	Burned	37deg 58'00"N	121deg 22'01"W
Wilhelmina	Gas screw	1918	1935	Burned	37deg 59'42"N	121deg 24'36"W

SOURCE: CALIFORNIA LANDS COMMISSION (2014) ([HTTP://SHIPWRECKS.SLC.CA.GOV/SHIPWRECKSDATABASE/](http://SHIPWRECKS.SLC.CA.GOV/SHIPWRECKSDATABASE/))

There is always the possibility of an unknown submerged resource that would be discovered during construction. Installation of the storm drain outfall will involve activities that involve ground-disturbing activities, and possibly in-water construction. The CSLC has jurisdiction over any submerged resources found in State waters, and considers resources 50 years or older to be significant.

Summary

The resources identified in the Plan Area are not eligible for listing based on the four criteria under the NRHP and CRHP as previously discussed. Additionally, it cannot be clearly demonstrated that there is a high probability that these resources: 1) contain information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; 2) have a special and particular quality such as being the oldest of its type or the best available example of its type; or 3) directly associates with a scientifically recognized important prehistoric or historic event. As such, these resources do not meet the definition of a "unique" site as outlined in PRC §21083.2 and it is not considered a significant resource by the lead agency. The resources have been recorded and the loss of these resources would be a less than significant impact. Additionally, there is no evidence that there are submerged resources within the San Joaquin River adjacent to, or within the project site. However, as with most projects in the region that involve ground-disturbing (or in-water) activities, there is the potential for discovery of a previously unknown cultural and/or historical resource or human remains, or submerged resources. The

implementation of the following mitigation measure would ensure that this potential impact is **less than significant**.

MITIGATION MEASURES

Mitigation Measure 3.5-1: *If any cultural resources, including prehistoric or historic artifact, submerged resources or artifacts, or other indications of archaeological resources are found during grading and construction activities, all work shall be halted immediately within a 200-foot radius of the discovery until the an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the find(s).*

Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR; or 3) not a significant Public Trust Resource.

If a potentially-eligible resource or a significant Public Trust Resource is encountered, then the archaeologist, lead agency, trustee agency, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. If a significant Public Trust Resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange coordinate with the trustee agency for the appropriate course of action given the facts and circumstances of the find. The determination shall be formally documented in writing and submitted to the lead agency and trustee agency, if applicable, as verification that the provisions in CEQA for managing unanticipated discoveries have been met.

If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Applicant's expense.

This text change does not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text addition.

Response E-9: The commentor states the following regarding Title to Resources: The EIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. The commentor provides a contact for the City of Lathrop to consult with should any cultural resources on State lands be discovered during construction of the proposed Project.

This comment is addressed by the text changes presented in Response E-8 above. This text change does not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text addition.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Response E-10: The commentor states the following regarding Sea Level Rise: The EIR should consider including sea level rise projections that reflect the best current science for California as presented in the National Academy of Sciences, "Sea-Level Rise for the Coasts of California, Oregon, and Washington," and summarized in the March 2013 update to the "State of California Sea-Level Rise Guidance Document." This update includes ranges of sea level rise predicted for 2030, 2050 and 2100, with different rates of sea level rise for regions north and south of Cape Mendocino. The Draft EIR currently uses a prediction of 22 to 35 inches of sea level rise by 2100 (Cal EPA 2006); however, the best current science predicts sea level to rise 16.56 inches (1.38 feet) to 65.76 inches (5.48 feet) by 2100 (using 2000 as the baseline) for regions south of Cape Mendocino (based on the Project location).

The commentor also states that the EIR should consider the effects of sea level rise on all resource categories potentially affected by the proposed Project. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, "A Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. One of the Report's recommendations directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases.

Lastly, the comments notes that when considering lease applications, CSLC staff is directed to (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects; (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects; and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access.

The study on sea-level rise cited by the commentor provides a much broader range (lower and higher) compared to the Cal EPA 2006 estimates that are cited in the Draft EIR. The commentor's cites an estimated rise between 16.56 inches (1.38 ft) to 65.76 inches (5.48 ft); however, as noted on Page 2.0-2 of the Draft EIR, the Plan Area sits at between elevation 10 and 13 feet above sea level (NGVD29). The levee separating the development from the San Joaquin River is elevated along the western boundary at approximately 31 feet. Even with the maximum sea level rise estimates cited by the commentor, sea-level rise would not result in flooding of the developed portion of the project site because the levee is much higher than the maximum sea level estimates.

If sea-levels were to rise it would likely increase the water levels along the river-side of the San Joaquin River. The storm drain outfall is designed at an elevation that

accommodates the potential for sea-level rise and it would continue to function properly for storm drain purposes. Some habitat along the banks of the San Joaquin River would become inundated and would become aquatic habitat. These changes are not a direct result of the proposed project, but rather a direct result of sea level rise predictions. Sea level rise is predicted to occur in the future; however, it will occur with or without the proposed project. The lease applications submitted for authorization to construct the storm drain outfall will include design details, including elevations and sea-level rise predictions to illustrate that the storm drain would continue to function under predicted sea-level rise conditions. The lease applications submitted to the CLSC for the storm drain outfall will also include information regarding the levee elevation and protective status, as well as the protection under the predicted sea level rise even though these areas are beyond the jurisdiction of the CLSC. Nevertheless, this comment warrants text additions on Page 3.7-3 and 3.7-5 of the Draft EIR. The following text changes are incorporated into the EIR:

Revisions to page 3.7-3.

Sea level has risen approximately seven inches during the last century and it is predicted to rise [more in the future. Some estimates anticipate a rise of](#) an additional 22 to 35 inches by 2100, depending on the future GHG emissions levels (Cal EPA 2006). [A recent estimate \(2013\) by the Coastal and Ocean Working Group of the California Climate Action Team \(CO-CAT\) anticipates that sea-levels south of the Cape Mendocino could rise between 16.56 inches \(1.38 ft\) to 65.76 inches \(5.48 ft\).](#) If this occurs, resultant effects could include increased coastal flooding, saltwater intrusion and disruption of wetlands (Cal EPA 2006). As the existing climate throughout California changes over time, mass migration of species, or failure of species to migrate in time to adapt to the perturbations in climate, could also result. Under the emissions scenarios of the Climate Scenarios report (Cal EPA 2006), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

Revisions to page 3.7-5.

Rising Sea Levels

Rising sea levels, more intense coastal storms, and warmer water temperatures will increasingly threaten the state's coastal regions. Under the higher warming scenario, sea level is anticipated to rise [between 16.56 inches \(1.38 ft\) to 65.76 inches \(5.48 ft\)](#) by 2100. Elevations of this magnitude would inundate coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.

This text change does not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text addition.

Response E-11: The commentor states the following regarding Mercurv/Methylmercurv: The Draft EIR Plan Area includes the San Joaquin River, which is listed by the Central Valley Regional Water Quality Control Board (CVRWQCB) as an impaired water body due to

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

mercury under the Clean Water Act. While the Draft EIR describes mitigation measures that will be implemented to reduce impacts to water quality from runoff and storm water discharge into the river; it does not describe mitigation measures that would reduce the potential impacts of mercury release as a result of sediment disturbance during in-water construction. Mercury is a sediment-based pollutant that can be released into the water column during Project activities (e.g., construction of the storm drain outfall) that may disturb the sediment and cause turbidity. As a result, such activities may increase the likelihood of mercury exposure to the public and wildlife that utilize the San Joaquin River. Without this analysis, the EIR's analysis of potential impacts to water quality is incomplete, and should therefore be revised. Specifically, the EIR should consider the potential impacts of mercury on water quality as a result of sediment disturbance during in-water construction and, if necessary, provide mitigation measures to reduce potentially significant impacts to less than significant.

The commentator further states that on April 22, 2010, the CVRWQCB identified the CSLC as both a State agency that manages open water areas in the Sacramento-San Joaquin Delta Estuary and a nonpoint source discharger of methylmercury (Resolution No. R5-2010-0043), because subsurface lands under the CSLC's jurisdiction are impacted by mercury from legacy mining activities dating back to California's Gold Rush. Pursuant to a CVRWQCB Total Maximum Daily Load (TMDL), the CVRWQCB is requiring the CSLC to fund studies to identify potential methylmercury control methods in the Delta and to participate in an Exposure Reduction Program. The goal of the studies is to evaluate existing control methods and evaluate options to reduce methylmercury in open waters under jurisdiction of the CSLC. Any action taken that may result in mercury or methylmercury suspension within the Sacramento-San Joaquin Delta Estuary may affect the CSLC's efforts to comply with the CVRWQCB TMDL.

This comment warrants text additions on Page 3.9-26 through 3.9-28 of the Draft EIR. These text additions are intended to amplify the discussion regarding Section 303d Impaired Water Bodies under Impact 3.9-5. The following text changes are incorporated into the EIR:

Impact 3.9.5 The proposed project has the potential to otherwise substantially degrade water quality (less than significant)

Water Quality Impacts from Discharges to 303(d) Listed Water Bodies: Section 303(d) of the federal Clean Water Act (CWA) requires States to identify waters that do not meet water quality standards or objectives and thus, are considered "impaired." Once listed, Section 303(d) mandates prioritization and development of a Total Maximum Daily Load (TMDL). The TMDL is a tool that establishes the allowable loadings or other quantifiable parameters for a waterbody and thereby the basis for the States to establish water quality-based controls. The purpose of TMDLs is to ensure that beneficial uses are restored and that water quality objectives are achieved.

According to the California Water Quality Control Monitoring Council, which is part of California Environmental Protection Agency, Natural Resources, there are many areas within the San Joaquin

County which are considered Section 303(d) impaired waterbodies. Those areas in the regional vicinity of the Plan Area that are impaired are referred as Delta Waterways (Southern Portion) by the Water Quality Control Monitoring Council. This includes 3,125 acres listed as early as 1996 for Chlorpyrifos (Agriculture, Urban Runoff/Storm Sewers), DDT (Agriculture), Diazinon (Agriculture, Urban Runoff/Storm Sewers), Electrical Conductivity (Agriculture), Group A Pesticides (Agriculture), Invasive Species (Source Unknown), Mercury (Resource Extraction), and Unknown Toxicity (Source Unknown).

The San Joaquin River is specifically listed by the Central Valley Regional Water Quality Control Board (CVRWQCB) as an impaired water body due to mercury under the Clean Water Act. Mercury is a sediment-based pollutant that can be released into the water column during various in-water construction activities (e.g., construction of the storm drain outfall) that may disturb the sediment and cause turbidity. As a result, such activities may increase the likelihood of mercury exposure to the public and wildlife that utilize the San Joaquin River.

The California Lands Commission (CSLC) is a State agency that manages open water areas in the Sacramento-San Joaquin Delta Estuary and a nonpoint source discharger of methylmercury (Resolution No. R5-2010-0043) as a result of CSLC's lands being impacted by mercury from legacy mining activities dating back to California's Gold Rush. Pursuant to a CVRWQCB Total Maximum Daily Load (TMDL), the CVRWQCB is requiring the CSLC to fund studies to identify potential methylmercury control methods in the Delta and to participate in an Exposure Reduction Program. The goal of the studies is to evaluate existing control methods and evaluate options to reduce methylmercury in open waters under jurisdiction of the CSLC. As previously stated, installation of the storm drain outfall could disturb sediment and cause turbidity resulting in mercury or methylmercury suspension within the Sacramento-San Joaquin Delta Estuary, which may affect the CSLC's efforts to comply with the CVRWQCB TMDL.

In accordance with the NPDES Stormwater Program, Mitigation Measure 3.6-1 contained in Section 3.6 Geology and Soils requires 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.

The ongoing operational phase of the SLSP requires discharge of stormwater into the San Joaquin River through the outfall. The discharge of stormwater must be treated through BMPs prior to its discharge to the San Joaquin River. In accordance with the City's Storm Water Master Plan (SWMP) and NPDES Stormwater Program (General Industrial Stormwater Permit), Mitigation Measure 3.4-7 and 3.4-8 contained in Section 3.4 Biological Resources would 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

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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.

The use of BMPs are intended to treat runoff close to the source during the construction and long term operational phase of the project reduce stormwater quality impacts. The mitigation measures listed below are existing ~~regulator~~regulatory requirements. Implementation of SLSP would have a **less-than-significant** impact relative to this topic.

MITIGATION MEASURES

Implement **Mitigation Measure 3.6-1** (from Section 3.6 Geology and Soils) and **Mitigation Measures 3.4-7 and 3.4-8** (from Section 3.4 Biological Resources).

Mitigation Measure 3.9-1: Prior to any activities that would require in-water construction activities in the San Joaquin River; the project applicant shall obtain a lease agreement from the California Lands Commission. The lease agreement shall 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 should 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.

This text change does not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text addition.

Response E-12: The commentor states the following regarding Water-Based Recreation: The Draft EIR identifies the use of the San Joaquin River for water-based recreational use by the public, but does not address the potential impacts to water-based recreation during construction activities in the Plan Area; as a result, the potential impact to recreation is not analyzed completely. CSLC staff recommends the EIR be revised to include an analysis of whether restrictions to water-based recreation would occur as a result of construction activities (e.g., storm water outfall) in the Plan Area that would give rise to a potentially significant impact. If significant impacts are determined, measures to notify the public should be identified in order to minimize impacts to recreational users and the public. For example, mitigation may include posting signs announcing the Project and any restrictions on boating or other recreational activities in the area.

The installation of the stormwater outfall would not require any restrictions to water-based recreation, such as boating or fishing, as a result of construction activities, or

future operation. From the City of Lathrop's experience installing similar stormwater outfalls in other parts of the City, the construction activities will last between one to two months, will include minor excavation, forming work for the concrete structure, rock placement, pipe placement, concrete pouring, and fencing installation. These activities will have an insignificant impact on water-based recreation because the construction activities will be short-lived, and will not extend beyond the shoreline of the river where the boating and other water-based recreation occurs. This area of the shoreline is not anticipated to have any pedestrian recreationalists along the shores because it is private property, thus there is an insignificant impact anticipated on pedestrian recreation during the construction activities.

Response E-13: The commentor thanks the City for the opportunity to review the Draft EIR, and indicates that the CSLC will need to rely on the Final EIR for the issuance of any new lease. The commentor requests that copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations be sent to their agency when they become available. The commentor provides various agency contacts.

This comment is noted. These comments provide a conclusion to the commentor's letter and do not warrant a response. No further response is necessary.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

November 25, 2013

Rebecca Willis
City of Lathrop
390 Towne Centre Dr.
Lathrop, CA 95330

Subject: South Lathrop Specific Plan
SCH#: 2013012064

Dear Rebecca Willis:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 22, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

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F-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2013012064
Project Title South Lathrop Specific Plan
Lead Agency Lathrop, City of

Type EIR Draft EIR
Description The proposed project is a specific plan, general plan amendment, pre-zoning, zoning code amendment, annexation, subdivision, and a development agreement for a 315-acre plan area located in the City of Lathrop's Sphere of Influence. 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 proposed project includes development of 10 acres of commercial office uses, 222 acres of limited industrial uses, and the remaining 83 acres in open space, roads and public facility sites.

Lead Agency Contact

Name Rebecca Willis
Agency City of Lathrop
Phone 209 941 7298 **Fax**
email
Address 390 Towne Centre Dr.
City Lathrop **State** CA **Zip** 95330

Project Location

County San Joaquin
City Lathrop
Region
Lat / Long 37° 47' 8.81" N / 121° 17' 36.4" W
Cross Streets SR 120
Parcel No.
Township

Range	Section	Base
-------	---------	------

Proximity to:

Highways SR 120, I-5
Airports Stockton Municipal
Railways UPRR
Waterways San Joaquin River
Schools No
Land Use Commercial Office, Limited Industrial, Open Space, Public/Quasi Public Facilities

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 10; Department of Housing and Community Development; Air Resources Board; Air Resources Board, Major Industrial Projects; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 10/08/2013 **Start of Review** 10/09/2013 **End of Review** 11/22/2013

Response to Comment F**Scott Morgan, Office of Planning and Research**

Response F-1: The commentator states that the State Clearinghouse submitted the draft EIR to selected state agencies for review and they have provided two comment letters from State agencies: Public Utilities Commission and the State Lands Commission. The commentator notes that the State review period closed on November 22, 2013. The provides the following note from Section 21104(c) of the California Public Resources Code...*"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."* The commentator concludes by stating that his letter acknowledges that the City of Lathrop has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

This comment is noted. The comment letter provided by the Public Utilities Commission is responded to in Response C. The comment letter provided by the State Lands Commission is responded to in Response E. The comments provided in the letter from the Office of Planning and Research do not warrant a response. No further response is necessary.



Lathrop Parks & Recreation

390 Towne Centre Drive – Lathrop, CA 95330
Phone (209) 941-7360 – Fax (209) 941-7219
www.ci.lathrop.ca.us

November 25, 2013

Re: Draft Environmental Impact Report South Lathrop Specific Plan (Parks & Recreation)

To Whom It May Concern,

1. No comments at this time.

G-1

Sincerely,

Ken Reed

cc: File

Response to Comment G Ken Reed, City of Lathrop

Response G-1: The commentor states that he has no comments.

This comment is noted. No further response is necessary.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

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December 12, 2013

**10-SJ-120-1.18
 South Lathrop Specific Plan
 SCH #2013012064**

Ms. Rebecca Willis
 City of Lathrop
 390 Towne Centre Drive
 Lathrop, CA 95330

Dear Ms. Willis:

The California Department of Transportation (Department) appreciates the opportunity to review the Draft Environmental Impact Report (DEIR) for the South Lathrop Specific Plan (SLSP). This project encompasses a 315 acre plan area located in the unincorporated portion of San Joaquin County and within the City of Lathrop's Sphere of Influence. The SLSP includes development of commercial office, limited industrial, park/open space, public facilities and roads. 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 in Lathrop, San Joaquin County.

H-1

Upon review of the project, the Department has the following comments:

Traffic Operations

1. As has been discussed in meetings with the City of Lathrop and in our letter dated August 7, 2013, the Department continues to be very concerned over the lack of access other than the single interchange at SR-120 and Yosemite.
2. **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) Resulting Level of Significance – Significant and Unavoidable**

H-2

H-3

Based on the Synchro file analyses you provided we have the following comments:

- The EPP+50% analysis as shown in the Synchro file will need to be added to the South Lathrop Specific Plan DEIR Appendix H.
- Based on the high volumes shown in the Synchro analysis file for the EPP Mitigation 50% PM from southbound Yosemite Avenue to SR 120 EB/WB will need to be widened. The EB diagonal on-ramp and WB diagonal on-ramp need

H-4

"Caltrans improves mobility across California"

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Ms. Willis
December 16, 2013
Page 2

three lanes for ramp metering and the proposed WB loop on-ramp will need two lanes to accommodate ramp metering.

H-4 Cont'd

- According to Table 3.14-15, Existing Plus Project Conditions – Freeway Analysis, the merge/diverge at EB/WB SR-120 is Level of Service (LOS) E which is not acceptable. To maintain an acceptable level of service for merge and diverge at EB and WB SR 120, ramp metering will be required for the EB diagonal, WB diagonal and loop on-ramps at opening day of the proposed project.
- Please provide the weaving analysis for SR-120 between Yosemite Avenue interchange/I-5 connector and I-5 to Guthmiller Road/Yosemite Avenue interchange both directions, EB/WB, for Existing, EPP, EPP 50% and Cumulative conditions. Weaving analysis needs to be added to the South Lathrop Specific Plan DEIR Appendix H.

H-5

H-6

3. **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 and Unavoidable)**

The SR-120/Guthmiller Road/Yosemite Avenue Interchange improvement project is listed in the 2011 SJCOG RTP as a Tier II project and construction of the interchange is unknown. The proposed project will add STAA truck traffic to the SR-120/Guthmiller Road/Yosemite Avenue Interchange intersections. Before construction of the new SR-120/Guthmiller Road/Yosemite Avenue Interchange it will be necessary to obtain STAA Truck turning path radii for all turn movements at the intersections for this project.

H-7

4. **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) (Significant and Unavoidable)**

The proposed project will have a significant safety and operational impact on SR-120. Since the SR-120/Guthmiller Road/Yosemite Avenue Interchange improvement project is listed in the 2011 SJCOG RTP as Tier II unfunded and construction of the interchange unknown, the project applicant will need to complete all the improvements listed in the EPP+50% buildout before opening day.

H-8

Travel Forecast

SR-120 at the ramps will absorb 86% of the total project trips. The SR-120/Guthmiller Road/Yosemite Avenue Interchange at the ramps cannot be a funnel system for the 15,674 daily total trips generated from this and projects in the vicinity without an alternative road connected to the local road network system. The 100% of the project trip generation and distribution through Guthmiller Road as a single access point undercrossing roadway is not acceptable without an alternative route proposal. Trips from all projects in the vicinity area will contribute to an unacceptable level of service.

H-9

The cumulative impact of all projects in the vicinity area will need to be assessed for the future potential impact to SR-120/Guthmiller Road/Yosemite Avenue Interchange.

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Improving the local city street network and connectivity will reduce the amount of trips to this interchange from all future projects.

H-9 Cont'd

According to our 2011 Annual Average Daily Truck Traffic, SR-120 east of PM R0.493/Mossdale Junction Interstate 5 (I-5), the total percentage of trucks is 18.4%. SR-120 PM T6.87 west of south junction SR-99 the total percentage of trucks is 6%. Therefore, this corridor should be analyzed for its truck traffic generation and impact to the highway system along the corridor.

H-10

The type of land uses and interregional traffic are conditions for further review of mitigation measures along the SR-120 corridor. Travel Forecast will support a Corridor System Management Plan for SR-120 between Mossdale junction I-5 to south junction SR-99, an approximately six mile long corridor.

H-11

Environmental

If project construction activities encroach into Caltrans right of way the project proponent must submit an application for an Encroachment Permit prior to any commencement of work. All work performed within/adjacent to the State's Right of Way (ROW) will be subject to Caltrans Highway Design Manual (HDM) and Standards and Specifications. Appropriate environmental studies must be submitted with this application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site.

H-12

There is potential to impact habitat for Giant Garter Snake, California Tiger Salamander, and other sensitive species. Waters of the United States including wetlands could also be present.

Planning

Thank you for providing the Synchro and HCS files for the South Lathrop Specific Plan EIR, but before we can complete analysis of the traffic study portion we will need the select link analysis including the trip distribution previously requested in our meeting July 29, 2013, our letter dated August 7, 2013, and most recently by email dated December 12, 2013. As requested:

H-13

- Please provide Traffic Demand Model "TDM" select link analysis showing the full dispersion of all project generated trips separately from non project trips. Please do this for all project alternatives in both opening day and future scenarios. At your option, you could send us the loaded network files that have this information.
- Please also provide the number of truck trips generated by the expected land use.

We are expecting as development occurs in the Specific Plan area supplemental plans, site development reviews and other site specific approvals will be needed with the Department due to conflicts that will be expected with the state highway right of way (ROW) for the

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preservation of SR-120 and I-5. The best approach is to start with a correct footprint by working at the planning stage (now) to plan and eliminate future ROW issues.

H-13 Cont'd

ROW preservation will need to be sufficient to accommodate the full build out of the ultimate transportation corridor (UTC) facilities for both SR-120 and I-5. Irrevocable offers of dedication will need to be made to offset impacts of this rezoning with its' higher land use entitlements. Any possible hazardous waste and underground tanks should be cleared prior to dedication.

H-14

The footprint for SR-120 should include an eight lane freeway with an HOV lane and possible ramp flyovers and additional ramp metering. The footprint should also include all supporting interchange and ramp improvements and require the preservation or redesign of the existing frontage roads. Frontage roads are essential along state highways for safety and need to be preserved or added where they are lacking. We encourage the addition of frontage roads along the state highways within the South Lathrop Specific Plan project in order to maximize connectivity of the city streets.

Establishing a right of way footprint for I-5 is also needed. The South Lathrop Specific Plan needs to look at the right of way impacts it will have on the ten lane UTC expected for I-5. The UTC for I-5 is projected to a ten lane facility south of SR-120 connection and is projected as an eight lane facility north of the SR-120 interchange with I-5. In planning the footprint, since it will be changing from a ten lane facility to an eight lane facility, with the auxiliary lanes phasing out, a ten lane freeway footprint will be necessary for the interchange between I-5 and SR-120 in addition to the recognition that there will most likely be an HOV lane facility between SR-120 and I-5.

H-15

The DEIR includes text regarding ensuring for right of way preservation of a ten lane facility for I-5 at Mossdale. Please be advised that the current facility already is a ten lane facility including additional auxiliary lanes. This needs to be revised to say right of way preservation of I-5 adjacent to Mossdale will require a minimum ten or more lanes including additional auxiliary lanes for right of way preservation.

H-16

The South Lathrop Specific Plan limits will need to accommodate for an eight lane facility with HOV lanes and possible flyovers and ramp metering. Developing a best estimate footprint at this point within the next phase of the EIR is needed in order to make an irrevocable dedication to the state highway right of way. This will make sure that no developments within the South Lathrop Specific Plan will need to be relinquished at a later date.

H-17

As for the traffic study portion of the South Lathrop Specific Plan, please be aware there is now a software module which is part of LOSPLAN 2012 called ARTPLAN 2012 that incorporates the segment and intersection data together in arterial analysis (for signalized intersections). Please be aware that ARTPLAN 2012 is capable of determining LOS conditions for vehicles, transit, pedestrian and bicycles separately. It also incorporates signalized data including green time, left turn green time, number of turning lanes and lengths of turning lanes (left and right). In this way you can add signal analysis with your

H-18

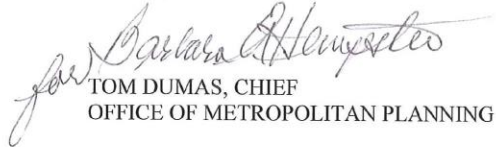
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segment analysis. Please note that we are not asking you to replace other software with ARTPLAN 2012, however, you can also provide LOS by mode broken down somewhat better than in the analysis you provided.

Please provide the information listed in our letter above for further review and comment. If you have any questions please contact Barbara Hempstead at (209) 948-3909 (email: Barbara.Hempstead@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,


TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

H-18 Cont'd

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Response to Comment H Tom Dumas, California Department of Transportation

Note: The following response to comments is provided by Fehr and Peers.

Response H-1: The commentor provides introductory statements that his agency appreciates the opportunity to review the DEIR and his agencies understanding of the project.

This comment is noted. These comments serve as an introduction to the commentor's letter and do not warrant a response. No further response is necessary.

Response H-2: The commentor states that "As has been discussed in meetings with the City of Lathrop and in our letter dated August 7, 2013, the Department continues to be very concerned over the lack of access other than the single interchange at SR-120 and Yosemite."

Section 2.0 Project Description presents a discussion of feasibility considerations for an alternative secondary access across the San Joaquin River via a bridge; 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 alternative secondary access is considered infeasible.

An alternative secondary access onto I5 or SR 120 was also considered during preparation of the SLSP; 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.

The SLSP does propose a street network that provides for the efficient access and circulation for the businesses within the Plan Area as well as visitors. Public access to the Plan Area will continue to be provided by Guthmiller Road. The improved entry road into the Plan Area will be designed as a four to six lane divided arterial with a raised sixteen foot wide median. Nonpublic access will continue to be provided along the levee road. Direct access will be provided at two points from the development to the levee road. An internal loop road will allow for emergency circulation. The north-south road from the Madrugá Road cul-de-sac to the east-west industrial collector will be designed as an emergency vehicle access road that will also allow for public use under an emergency condition. This road is intended to have bollards that are removable by emergency personnel in the event of an emergency.

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.

Under Mitigation 3.14-9, the PSR/PDS will also include Intelligent Transportation System (ITS) alternatives that will provide emergency vehicle access in the event of an emergency or natural disaster. Alternatives may include either infra-red / GPS enabled traffic signal pre-emption and/or emergency vehicle access via locked gates.

Response H-3: The commentor references Impact 3.14-1, and states that the EPP+50% analysis as shown in the Synchro file will need to be added to the South Lathrop Specific Plan DEIR Appendix H.

Appendix H has been updated to include the EPP+50% analysis (April 2, 2014). The results of the EPP+50% analysis were reflected in the Mitigation Measure 3.14-1 in the Draft EIR Transportation and Circulation Section of the SLSP EIR. Mitigation Measure 3.14-1 includes the following improvements for EPP+50%:

1. 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.
2. Widen the eastbound and westbound off-ramps to accommodate one shared through/left-turn lane and a separate right-turn lane.
3. Widen Guthmiller Road (south of SR 120) to four lanes to provide one through and one right turn lane on the northbound approach.
4. Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes (2 mixed-flow and 1 HOV) and ramp metering.

While the Draft EIR Mitigation Measure 3.14-1 reflected the EPP+50% scenario, the discussion under Impact 3.14-1 warrants text additions on Page 3.14-23 of the Draft EIR to include additional discussion of the phasing analysis of existing plus project

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conditions (i.e. EPP+50% and EPP). The following text changes are incorporated into the EIR:

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) (Significant and Unavoidable).

These two ramp-terminal intersections 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 existing plus project conditions was analyzed under a two-fold scenario based on a scoping meeting with Caltrans. The first scenario included full buildout of the existing plus project conditions. The second scenario included a 50% buildout of the existing plus project conditions to represent a more realistic phasing of the long-term development of the project site.

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. This is a **significant impact**.

In addition to the previous text additions for Impact 3.14-1, Table 3.14-12 warrants text additions on Page 3.14-26 of the Draft EIR to present the results of the phasing analysis of existing plus project conditions (i.e. EPP+50% and EPP). The following text changes are incorporated into the EIR:

Intersection	Jurisdiction	LOS / Delay ¹					
		Existing		Existing Plus Project		Existing Plus Project with Mitigation	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
1. SR 120 EB Ramps / Yosemite Avenue	Caltrans	A (A) / 4 (7)	A (A) / 5 (8)	FB (F40) / 60B (184E)	F (F) / 180173 (>180)	<u>100% - A / 9</u> <u>50% - C / 24</u>	<u>100% - C / 22</u> <u>50% - C / 32</u>
2. SR 120 WB Ramps / Yosemite Avenue	Caltrans	A (A) / 2 (8)	A (A) / 2 (8)	F (F) / >18095 (>180)	F (F) / >180 (>180)	<u>100% - 17 / B</u> <u>50% - B / 14</u>	<u>100% - C / 21</u> <u>50% - B / 20</u>
5. Yosemite Avenue / Airport Way	City of Manteca	C / 30	D / 51	C / 33	E / 56	<u>100% - C / 32</u>	<u>100% - D / 50</u>

Table 3.14-12 Existing Plus Project with Mitigations – Intersection Operations							
Intersection	Jurisdiction	LOS / Delay ¹					
		Existing		Existing Plus Project		Existing Plus Project with Mitigation	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
<p>Notes:</p> <ol style="list-style-type: none"> For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for all approaches. For side-street stop controlled intersections, the delay and LOS for the most-delayed individual movement is shown in parentheses next to the average intersection delay and LOS. All results are rounded to the nearest second. SSSC = Side-Street-Stop Controlled intersection; AWS = All-Way Stop Controlled intersection Level of Service based on Highway Capacity Manual (Transportation Research Board, 20002010). Bold and underlined text indicates unacceptable operations. Shaded cells indicate a significant impact. Refer to previous page(s) for description of mitigations. <p>Source: Fehr & Peers, 2013</p>							

This text change does not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text addition.

Response H-4: The commentor references Impact 3.14-1, and states that based on the high volumes shown in the Synchro analysis file for the EPP Mitigation 50% PM from southbound Yosemite Avenue to SR 120, EB/WB will need to be widened. The EB diagonal on-ramp and WB diagonal on-ramp need three lanes for ramp metering and the proposed WB loop on-ramp will need two lanes to accommodate ramp metering.

Under Mitigation Measure 3.14-1, the section “Improvements needed to accommodate 50% Build-out of South Lathrop Specific Plan” warrants text additions on Page 3.14-23 and 3.14-24 of the Draft EIR. The following text changes are incorporated into the EIR:

Mitigation Measure 3.14-1: *At the SR 120 / Yosemite Avenue interchange, the City of Lathrop in coordination with Caltrans will prepare a Project Study Report – Project Development Support (PSR-PDS) document. Implementation of the following mitigation measures would improve operations at the SR 120/Yosemite Avenue Interchange ramp-terminal intersections to an acceptable level of service.*

Improvements needed to accommodate 50% Build-out of South Lathrop Specific Plan

- 1. 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*

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factors (e.g., congestion, approach conditions, driver confusion) should be considered before the decision to install a signal is made.

2. *Widen the eastbound and westbound off-ramps to accommodate one shared through/left-turn lane and a separate right-turn lane.*
3. *Widen Guthmiller Road (south of SR 120) to four lanes to provide one through and one right turn lane on the northbound approach.*
4. *Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes (2 mixed-flow and 1 HOV) and ramp metering.*

Improvements needed to accommodate 100% Build-out of South Lathrop Specific Plan are presented on Figure 3.14, and include the following

1. *Widen the SR 120 undercrossing to four lanes with two through lanes and one left-turn lane on the northbound approach to the westbound ramp-terminal intersection and on the southbound approach to the eastbound ramp-terminal intersection. Tieback walls will be necessary to accommodate widening under SR 120 and will be identified as part of a PSR/PDS.*
2. *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.*
3. *Widen the eastbound and westbound off-ramps to accommodate one shared through/left-turn lane and a separate right-turn lane.*
4. *Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes (2 mixed-flow and 1 HOV) and ramp metering.*

The City of Lathrop will participate with SJCOG, the City of Manteca, and San Joaquin County in the preparation of a Corridor System Management Plan for SR 120 between Mossdale junction I-5 to south junction SR 99 as part of the Tier 1 SR 120 Widening Project from four to six lanes.

In addition to the improvements identified above, the PSR/PDS will also include Intelligent Transportation System (ITS) alternatives that will provide emergency vehicle access in the event of an emergency or natural disaster. Alternatives may include either infra-red / GPS enabled traffic signal pre-emption and/or emergency vehicle access via locked gates.

These two study intersections are under Caltrans jurisdiction. The City of Lathrop would be responsible for the intersection improvement, acquisition of right-of-way, and construction. However, Caltrans would serve as the approval agency for the design and construction of proposed interchange / intersection improvements.

This text change does not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text addition.

Response H-5: The commentor references Impact 3.14-1, and states that according to Table 3.14-15, Existing Plus Project Conditions – Freeway Analysis, the merge/diverge at EB/WB SR-120 is Level of Service (LOS) E which is not acceptable. To maintain an acceptable level of service for merge and diverge at EB and WB SR 120, ramp metering will be required for the EB diagonal, WB diagonal and loop on-ramps at opening day of the proposed project.

Table 3.14-15 presents the freeway analysis results for Existing Plus Project Conditions (i.e. 100% buildout of the South Lathrop Specific Plan Project) and shows that the addition of the project will result in unacceptable operations. As stated in responses to comments H-3 and H-4, ramp widening and metering have been incorporated into Mitigation Measure 3.14-1 for EPP+50% and Mitigation Measure 3.14-7 for Cumulative Conditions. Implementation of the improvements outlined in Mitigation Measure 3.14-1 and 3.14-7 would reduce the impact to a less than significant level. However, the improvements outlined in these Mitigation 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. 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 Draft EIR concluded that this is a **significant and unavoidable** impact.

Response H-6: The commentor requests that the traffic engineer provide the weaving analysis for SR-120 between Yosemite Avenue interchange/I-5 connector and 1-5 to Guthmiller Road/Yosemite Avenue interchange both directions, EB/WB, for Existing, EPP, EPP 50% and Cumulative conditions. Weaving analysis needs to be added to the South Lathrop Specific Plan DEIR Appendix H.

A weaving section is defined as a section of freeway that includes a continuous travel lane (i.e. auxiliary lane) between the upstream on-ramp and the downstream off-ramp. Westbound SR 120 between the Yosemite Avenue interchange and the I-5 connector is an on-ramp merge and off-ramp diverge section. Similarly, eastbound SR 120 between the I-5 connector and the Yosemite Avenue interchange is an on-ramp merge and off-ramp diverge section. Therefore, on-ramp merge section and off-ramp diverge section analysis were completed and the results included in Appendix H.

Response H-7: The commentor references Impact 3.14-7 and states that the SR-120/Guthmiller Road/Yosemite Avenue Interchange improvement project is listed in the 2011 SJCOG RTP as a Tier II project and construction of the interchange is unknown. The proposed project will add STAA truck traffic to the SR-120/Guthmiller Road/Yosemite Avenue Interchange intersections. Before construction of the new SR120/ Guthmiller Road/Yosemite Avenue Interchange it will be necessary to obtain STAA Truck turning path radii for all turn movements at the intersections for this project.

STAA Trucks are the largest commercial shipping trucks on the Interstates. What usually distinguishes a STAA truck from a California Legal Truck is the size of the cab. STAA trucks are designed for long-distance hauling and are equipped with sleeper cabs

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for the drivers. Because of the overall length of the STAA truck, and their limited turning capacity and increased impacts on roadways, they are restricted from driving on many roadways and highways throughout California and the rest of the United States. STAA trucks mainly travel along the major interstate highways such as: I-5, I-80, I-10, etc. Both STAA and California Legal trucks can haul 48-53 foot trailers, and both are limited to a total weight of 80,000 pounds.

Impact 3.14-7 of the Draft EIR explains that the addition of STAA truck traffic to the SR 120/Yosemite Avenue Interchange, which is not STAA approved, is a potentially significant impact. Therefore, the Draft EIR includes Mitigation Measure 3.14-1 (SR 120/Yosemite Avenue Interchange Improvements) to mitigate the impacts from additional STAA truck traffic. Completion of the improvements identified in Mitigation Measure 3.14-1 would provide sufficient pavement width for STAA trucks to use the SR 120 / Yosemite Avenue interchange without off-tracking onto oncoming travel lanes. As explained under impact 3.14-7 and Mitigation Measure 3.14-1, however, the improvements identified in Mitigation Measure 3.14-1 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. 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, Impact 3.14-7 is considered to be significant and unavoidable.

Response H-8: The commentor references Impact 3.14-10 and states that the proposed project will have a significant safety and operational impact on SR-120. Since the SR-120/Guthmiller Road/Yosemite Avenue Interchange improvement project is listed in the 2011 SJCOG RTP as Tier II unfunded and construction of the interchange unknown, the project applicant will need to complete all the improvements listed in the EPP+50% buildout before opening day.

The primary function of the proposed project is to request City approval of the South Lathrop Specific Plan (SLSP). Adoption of the proposed SLSP will involve a series of related actions, potentially including, but not limited to, a general plan amendment, pre-zoning and zoning code amendment, annexation, subdivision, a development agreement and a CEQA analysis. In addition, as development projects are proposed within the Plan Area, site development reviews and other site specific approvals will be requested. Therefore, the proposed project would be constructed over an estimated 10 years, during which the interchange improvements are anticipated to be designed and constructed through cooperative agreements between the City of Lathrop and Caltrans. Mitigation Measure 3.14-1 and 3.14-7 provides the requirements for the construction of such interchange improvements, which when implemented would reduce the impact to a less than significant level. However, the improvements outlined

in these Mitigation Measures are within the jurisdiction of Caltrans and beyond the control of the City of Lathrop to implement without Caltrans approval. Furthermore, these improvements are needed for the regional STAA system regardless of the proposed project. This is shown by the fact that Caltrans and SJCOG have identified the \$22 million SR 120 / Yosemite Avenue interchange with STAA improvements as a Tier 2 project in the latest San Joaquin County Regional Transportation Plan. It is anticipated that City of Lathrop in coordination with Caltrans will prepare a Project Study Report – Project Development Support (PSR-PDS) document to develop preliminary engineering designs and cost estimates to effectively initiate the movement of the project from a Tier 2 unfunded project to a Tier 1 funded project. A 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. If Caltrans does not approve the proposed improvements and/or full funding is not secured, then the interchange would continue to operate at an unacceptable level of service. 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 Draft EIR concluded that this is a **significant and unavoidable** impact. The proposed project will not be conditioned to complete all improvements listed in the EPP+50 buildout before opening day.

Response H-9: The commenter states the following related to travel forecast: SR-120 at the ramps will absorb 86% of the total project trips. The SR-120/Guthmiller Road/Yosemite Avenue Interchange at the ramps cannot be a funnel system for the 15,674 daily total trips generated from this and projects in the vicinity without an alternative road connected to the local road network system. The 100% of the project trip generation and distribution through Guthmiller Road as a single access point undercrossing roadway is not acceptable without an alternative route proposal. Trips from all projects in the vicinity area will contribute to an unacceptable level of service. The cumulative impact of all projects in the vicinity area will need to be assessed for the future potential impact to SR-120/Guthmiller Road/Yosemite Avenue Interchange. Improving the local city street network and connectivity will reduce the amount of trips to this interchange from all future projects.

Section 2.0 Project Description presents a discussion of feasibility considerations for an alternative secondary access across the San Joaquin River via a bridge; 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 alternative secondary access is considered infeasible.

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An alternative secondary access onto I5 or SR 120 was also considered during preparation of the SLSP; 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.

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. Public access to the Plan Area will continue to be provided by Guthmiller Road. The improved entry road into the Plan Area will be designed as a four to six lane divided arterial with a raised sixteen foot wide median. Nonpublic access will continue to be provided along the levee road. Direct access will be provided at two points from the development to the levee road. An internal loop road will allow for emergency circulation. The north-south road from the Madrugá Road cul-de-sac to the east-west industrial collector will be designed as an emergency vehicle access road that will also allow for public use under an emergency condition. This road is intended to have bollards that are removable by emergency personnel in the event of an emergency.

With the implementation of Mitigation Measure 3.14-1 (Existing Plus Project), 100% of the project trip generation and distribution can be served at the SR 120 / Yosemite Avenue (Guthmiller Road) interchange with acceptable levels of service. However, the improvements outlined in this mitigation measure is 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. 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 Draft EIR concluded that this is a **significant and unavoidable** impact. In addition, for cumulative conditions, the San Joaquin Council of Governments (SJCOG) Travel demand Model was modified to reflect 12 reasonable and foreseeable projects in Lathrop, Manteca and unincorporated San Joaquin County, including the Lathrop Gateway Business Park located on the north side of SR 120. With the implementation of Mitigation Measure 3.14-7, 100% of the project trip generation and distribution can be served at the SR 120 / Yosemite Avenue (Guthmiller Road) interchange with acceptable levels of service. However, similar to the Existing Plus Project Conditions mitigation (Mitigation Measure 3.14-1), the improvements outlined in this Mitigation Measure 3.14-7 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. 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 Draft EIR concluded that this is a **significant and unavoidable** impact.

Response H-10: The commenter states the following related to travel forecast: According to our 2011 Annual Average Daily Truck Traffic, SR-120 east of PM R0.493/Mossdale Junction Interstate 5 (I-5), the total percentage of trucks is 18.4%. SR120 PM T6.87 west of south junction SR-99 the total percentage of trucks is 6%. Therefore, this corridor should be analyzed for its truck traffic generation and impact to the highway system along the corridor.

The commenter has provided a recommendation to apply a daily 18.4 truck percentages for SR 120 for daily (24 hours) conditions; however, the analysis in the Draft EIR is based on an AM and PM peak hour truck traffic percentages, as opposed to a daily truck traffic percentage. The use of the AM and PM peak hour truck traffic percentages is appropriate for this analysis because it provides more accuracy for the time period that is being analyzed in the Draft EIR. The freeway mainline, on-ramp merge section, and off-ramp diverge section analysis in the Draft EIR included truck percentages based on existing truck percentages, future truck percentages, and project truck traffic generation under the AM and PM peak hours. The resulting truck percentages ranged from 9% to 16% on SR 120 for Existing, Existing Plus Project and Cumulative Plus Project Conditions depending on the time period and segment being analyzed. This methodology appropriately analyzed the project truck traffic generation and potential impact to the regional highway system, which includes the corridor. Table 3.14-15 provides the AM and PM peak hour freeway analysis (Existing Plus Project) for the SR 120 and I-5 corridors. Table 3.14-21 provides the AM and PM peak hour freeway analysis (Cumulative Plus Project) for the SR 120 and I-5 corridors.

Response H-11: The commenter states the following related to travel forecast: The type of land uses and interregional traffic are conditions for further review of mitigation measures along the SR-120 corridor. Travel Forecast will support a Corridor System Management Plan for SR-120 between Mossdale junction I-5 to south junction SR99, an approximately six mile long corridor.

This comment is noted. A Corridor System Management Plan (CSMP) is used to outline the multi-jurisdictional and multi-modal management of a corridor experiencing delay due to congestion. A CSMP results in a listing and phasing plan of recommended operational improvements, Intelligent Transportation System (ITS) strategies, and system expansion projects to preserve or improve performance measures within the corridor. As part of the Project Study Report – Project Development Support (PSR-PDS) document required under Mitigation Measure 3.14-1 and 3.14-10 and described in Response H-2 above, the City of Lathrop will participate with SJCOG, the City of Manteca, and San Joaquin County in the preparation of a Corridor System Management Plan for SR 120 between Mossdale junction I-5 to south junction SR 99 as part of the Tier 1 SR 120 Widening Project from four to six lanes

Response H-12: The commentor states that if project construction activities encroach into Caltrans right of way the project proponent must submit an application for an Encroachment Permit prior to any commencement of work. All work performed within/adjacent to the State's Right of Way (ROW) will be subject to Caltrans Highway Design Manual (HDM) and Standards and Specifications. Appropriate environmental studies must be submitted with this application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site. There is potential to impact habitat for Giant Garter Snake, California Tiger Salamander, and other sensitive species. Waters of the United States including wetlands could also be present.

This comment is noted. This comment explains the process for seeking an Encroachment Permit from Caltrans. There are no comments specific to the Draft EIR and this comment does not require a response.

Response H-13: The commentor references the Synchro and HCS files were provided, and indicates that they need the select link analysis including the trip distribution before they can complete the analysis. The commentor provide the following requests:

- Please provide Traffic Demand Model "TDM" select link analysis showing the full dispersion of all project generated trips separately from non project trips. Please do this for all project alternatives in both opening day and future scenarios. At your option, you could send us the loaded network files that have this information.
- Please also provide the number of truck trips generated by the expected land use.

The commentor states that they are expecting as development occurs in the Specific Plan area, supplemental plans, site development reviews and other site specific approvals will be needed with the Department due to conflicts that will be expected with the state highway right of way (ROW) for the preservation of SR-120 and I-5. The commentor indicates that the best approach is to start with a correct footprint by working at the planning stage (now) to plan and eliminate future ROW issues.

This comment is noted and the electronic files requested have been provided to Caltrans Planning.

This comment explains the process to eliminate future ROW issues; however, it does not define a ROW conflict or provide a footprint for a future ROW. The proposed project does not conflict with any adopted plans for SR-120 or I-5. The City recognizes that the SJCOG RTP has a Tier 1 project for the SR 120 to be widened from four to six lanes between I-5 and SR 99. The widening project includes utilizing the ROW on the

inside of the existing freeway, and does not include the acquisition of ROW on the outside of the existing freeway. The SLSP does not conflict with the ROW preservation needs of the SR-120 widening project. In addition, Caltrans has not shown any interest in acquiring ROW within the Plan Area for any existing or future widening project.

The SLSP is located directly south of the I-5 ramps to and from SR 120. This area of the SLSP is currently designated as public/quasi-public facilities and is planned to have a recycled & storm water basin(s) installed. These basins were placed in this location because it would be easier to modify basins rather than buildings for ROW at some point in the future if Caltrans pursues a project on I-5 that requires ROW. However, Caltrans has not provided any interest in ROW acquisition in this location for an existing or future project.

At the SR 120/Yosemite Avenue interchange, the SLSP includes the construction of an improved L-7 interchange configuration. The improvements to Guthmiller Road into the Plan Area will be designed as a four to six lane divided arterial with a raised sixteen foot wide median. The SLSP provides the appropriate ROW preservation for this improvement.

There is currently no frontage road in the project area. The existing Madrugá Road is the only paved street providing access to current low density / trucking businesses. Madrugá Road will be designed as an emergency vehicle access road that will also allow for public use under an emergency condition. This road is intended to have bollards that are removable by emergency personnel in the event of an emergency. The SLSP provides the appropriate ROW preservation for this improvement.

A new east-west arterial will be constructed approximately 1,000 feet south of the interchange to serve the Plan Area. The SLSP provides the appropriate ROW preservation for this improvement.

The City of Lathrop has diligently met with Caltrans staff three times over the past year to discuss the SLSP and has not received any ROW footprint provided by Caltrans for an existing or future project. The City has also met with Caltrans regarding other projects in the city limits and has never received a ROW footprint for an existing or future Caltrans project on SR 120 or I-5 adjacent to the Plan Area. A ROW footprint for a future Caltrans project on a state highway is not something that the City of Lathrop can endeavor to establish on their own because it is outside the jurisdiction of the City's responsibilities and is speculative. The City of Lathrop desires to continue to coordinate their land use planning efforts with the regional transportation planning efforts of Caltrans. The Plan Area has been designated as an area for development in the Lathrop General Plan for over ten years, and this information has been available to Caltrans to use in their planning of future projects for the regional transportation network.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Response H-14: The commentor states that ROW preservation will need to be sufficient to accommodate the full build out of the ultimate transportation corridor (UTC) facilities for both SR-120 and I-5. Irrevocable offers of dedication will need to be made to offset impacts of this rezoning with its' higher land use entitlements. Any possible hazardous waste and underground tanks should be cleared prior to dedication.

The footprint for SR-120 should include an eight lane freeway with an HOV lane and possible ramp flyovers and additional ramp metering. The footprint should also include all supporting interchange and ramp improvements and require the preservation or redesign of the existing frontage roads. Frontage roads are essential along state highways for safety and need to be preserved or added where they are lacking. The commentor encourages the addition of frontage roads along the state highways within the South Lathrop Specific Plan project in order to maximize connectivity of the city streets.

This comment does not define a ROW conflict or provide a footprint for a future ROW. The proposed project does not conflict with any adopted plans for SR-120 or I-5. The City recognizes that SR 120 is planned to be widened from four to six lanes between I-5 and SR 99 (Tier 1). The widening project includes utilizing the ROW on the inside of the existing freeway, and does not include the acquisition of ROW on the outside of the existing freeway. The SLSP does not conflict with the ROW preservation needs of the SR-120 widening project. In addition, Caltrans has not shown any interest in acquiring ROW within the Plan Area for any existing or future widening project through their standard processes.

The SLSP is located directly south of the I-5 ramps to and from SR 120. This area of the SLSP is currently designated as public/quasi-public facilities and is planned to have a recycled & storm water basin(s) installed. These basins were placed in this location because it would be easier to modify basins rather than buildings for ROW at some point in the future if Caltrans pursues a project on I-5 that requires ROW. However, Caltrans has not provided any interest in ROW acquisition in this location for an existing or future project.

At the SR 120/Yosemite Avenue interchange, the SLSP includes the construction of an improved L-7 interchange configuration. The improvements to Guthmiller Road into the Plan Area will be designed as a four to six lane divided arterial with a raised sixteen foot wide median. The SLSP provides the appropriate ROW preservation for this improvement.

The City of Lathrop has diligently met with Caltrans staff three times over the past year to discuss the SLSP and has not received any ROW footprint provided by Caltrans for an existing or future project. The City has also met with Caltrans regarding other projects

in the city limits and has never received a ROW footprint for an existing or future Caltrans project on SR 120 or I-5 adjacent to the Plan Area. A ROW footprint for a future Caltrans project on a state highway is not something that the City of Lathrop can endeavor to establish on their own because it is outside the jurisdiction of the City's responsibilities and is speculative. The City of Lathrop desires to continue to coordinate their land use planning efforts with the regional transportation planning efforts of Caltrans. The Plan Area has been designated as an area for development in the Lathrop General Plan for over ten years, and this information has been available to Caltrans to use in their planning of future projects for the regional transportation network.

The commentor's request for offers of dedication to offset rezoning with higher land use entitlements is not clear. The SLSP will be responsible for ROW dedication for the footprint needed to construct an improved L-7 interchange configuration. However, Caltrans has a responsibility to acquire ROW for their state highway projects (SR 120 and/or I-5 widening), regardless of whether the SLSP moves forward or not. A private property owner (i.e. land owners within the Plan Area) does not have an obligation to provide an irrevocable offer of dedication for a state highway project at their own cost. Caltrans has a ROW acquisition process that it must undergo to secure any ROW that Caltrans desires for their state highway projects.

The Draft EIR includes Phase 1 ESAs for the Plan Area. Any recommendations for cleanup of hazardous waste and underground tanks identified in a Phase 1 ESA would be performed prior to an offer of dedication.

Response H-15: The commentor states that establishing a right of way footprint for I-5 is also needed. The South Lathrop Specific Plan needs to look at the right of way impacts it will have on the ten lane UTC expected for I-5. The UTC for I-5 is projected to a ten lane facility south of SR-120 connection and is projected as an eight lane facility north of the SR-120 interchange with I-5. In planning the footprint, since it will be changing from a ten lane facility to an eight lane facility, with the auxiliary lanes phasing out, a ten lane freeway footprint will be necessary for the interchange between I-5 and SR-120 in addition to the recognition that there will most likely be an HOV lane facility between SR-120 and I-5.

This comment indicates that a ROW footprint for I-5 is needed, but it does not define a ROW conflict or provide a footprint for a future ROW. The proposed project does not conflict with any adopted plans for I-5. The SLSP is located directly south of the I-5 ramps to and from SR 120. This area of the SLSP is currently designated as public/quasi-public facilities and is planned to have a recycled & storm water basin(s) installed. These basins were placed in this location because it would be easier to modify basins rather than buildings for ROW at some point in the future if Caltrans pursues a project

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

on I-5 that requires ROW acquisition. However, no such footprint is defined by Caltrans at this time, nor has Caltrans provided any interest in ROW acquisition in this location.

The City of Lathrop has diligently met with Caltrans staff three times over the past year to discuss the SLSP and has not received any ROW footprint provided by Caltrans for an existing or future project at this location. The City has also met with Caltrans regarding other projects in the city limits and has never received a ROW footprint for an existing or future Caltrans project on SR 120 or I-5 adjacent to the Plan Area. A ROW footprint for a future Caltrans project on a state highway is not something that the City of Lathrop can endeavor to establish on their own because it is outside the jurisdiction of the City's responsibilities and is speculative. The City of Lathrop desires to continue to coordinate their land use planning efforts with the regional transportation planning efforts of Caltrans. The Plan Area has been designated as an area for development in the Lathrop General Plan for over ten years, and this information has been available to Caltrans to use in their planning of future projects for the regional transportation network.

Response H-16: The commentor states that the DEIR includes text regarding ensuring for right of way preservation of a ten lane facility for I-5 at Mosssdale. Please be advised that the current facility already is a ten lane facility including additional auxiliary lanes. This needs to be revised to say right of way preservation of I-5 adjacent to Mosssdale will require a minimum ten or more lanes including additional auxiliary lanes for right of way preservation.

The commentor has not identified the specific page number or a directly reference to a Section of the Draft EIR where there are statements "regarding ensuring for right of way preservation of a ten lane facility for I-5 at Mosssdale." Under the Cumulative Roadway Assumptions discussion on page 3.14-32 of the Draft EIR, there is a discussion regarding widening of I-5 to 12 lanes south of SR 120; however, there is no discussion of preserving ROW. **Response H-17:** The commentor states that the South Lathrop Specific Plan limits will need to accommodate for an eight lane facility with HOV lanes and possible flyovers and ramp metering. Developing a best estimate footprint at this point within the next phase of the EIR is needed in order to make an irrevocable dedication to the state highway right of way. This will make sure that no developments within the South Lathrop Specific Plan will need to be relinquished at a later date.

The SLSP accommodates the ROW footprint needed to construct the improved L-7 interchange configuration, the SR 120 widening (Tier 1) from four to six lanes between I-5 and SR 99. However, Caltrans has a responsibility to acquire ROW for their state highway projects (SR 120 and/or I-5 widening), regardless of whether the SLSP moves forward or not. A private property owner (i.e. land owners within the Plan Area) does not have an obligation to provide an irrevocable offer of dedication for a state highway

project at their own cost. Caltrans has a ROW acquisition process that it must undergo to secure any ROW that Caltrans desires for their state highway projects. The City of Lathrop desires to continue to coordinate their land use planning efforts with the regional transportation planning efforts of Caltrans. The ROW footprint must be provided by Caltrans through the Caltrans planning process. The Plan Area has been designated as an area for development in the Lathrop General Plan for over ten years, and this information has been available to Caltrans to use in their planning of future projects for the regional transportation network.

Response H-18: The commentor states that as for the traffic study portion of the South Lathrop Specific Plan, please be aware there is now a software module which is part of LOSPLAN 2012 called ARTPLAN 2012 that incorporates the segment and intersection data together in arterial analysis (for signalized intersections). Please be aware that ARTPLAN 2012 is capable of determining LOS conditions for vehicles, transit, pedestrian and bicycles separately. It also incorporates signalized data including green time, left turn green time, number of turning lanes and lengths of turning lanes (left and right). In this way you can add signal analysis with your segment analysis. Please note that we are not asking you to replace other software with ARTPLAN 2012, however, you can also provide LOS by mode broken down somewhat better than in the analysis you provided.

This comment is noted. These comments serve as information regarding the LOSPLAN 2012 and ARTPLAN 2012 software, but does request the replacement of the software used for the transportation analysis completed for Chapter 3.14 – Transportation and Circulation. No further response is necessary.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

DELTA PROTECTION COMMISSION

2101 Stone Blvd., Suite 210
 West Sacramento, CA 95691
 Phone (916) 375-4800 / FAX (916) 376-3962
 Home Page: www.delta.ca.gov



Contra Costa County Board of Supervisors

Sacramento County Board of Supervisors

San Joaquin County Board of Supervisors

Solano County Board of Supervisors

Yolo County Board of Supervisors

Cities of Contra Costa and Solano Counties

Cities of Sacramento and Yolo Counties

Cities of San Joaquin County

Central Delta Reclamation Districts

North Delta Reclamation Districts

South Delta Reclamation Districts

CA State Transportation Agency

CA Department of Food and Agriculture

CA Natural Resources Agency

CA State Lands Commission

December 16, 2013

Rebecca Willis
 City of Lathrop
 390 Towne Centre Dr.
 Lathrop, CA 95330

Subject: South Lathrop Specific Plan (SCH# 2013012064)

Dear Ms. Willis:

Staff of the Delta Protection Commission (Commission) have reviewed the *South Lathrop Specific Plan Draft Environmental Impact Report (DEIR)* and are providing these advisory comments. Although the project lies outside of the Primary Zone of the Legal Delta, and therefore not subject to consistency requirements of the Commission's *Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan)*, it still has the capability of affecting resources of the Primary Zone.

I-1

The South Lathrop Specific Plan encompasses a 315-acre area which includes the development of commercial office, limited industrial, park/open space, public facilities, and roads. The *DEIR* identifies the loss of agricultural land, including prime farmland, as a significant and unavoidable impact under both project alternatives. This is inconsistent with the *Management Plan* which discourages inappropriate development of agricultural lands, through policies that protect agriculture and related activities, from conversion to non-agriculturally-oriented uses. Reduction of farmland in the County could negatively impact the economies of scale necessary for continued agricultural production inside and outside of the Primary Zone, as the acquisition and subsequent retirement of farmed land affects the economic base for farm support industries; the economic base for community businesses that rely on patronage from citizens working in farm or farm support industries; and the tax and assessment base for special districts, counties, and the State.

I-2

The *DEIR* outlines agricultural mitigation efforts that will be undertaken through the City of Lathrop's agricultural mitigation program, and the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. While these are valuable efforts for continued farmland protection, the \$2,000/acre for agricultural mitigation as required by the City of Lathrop's agricultural mitigation program will not yield a 1:1 mitigation ratio; mitigation of farmland would achieve consistency with the *LURMP*. Additionally, it is not clear where the agricultural mitigation would take place geographically, and in order to be consistent with the *LURMP*, mitigation activities should occur within the Legal Delta.

I-3

Rebecca Willis
 December 16, 2013
 Page Two

The proposed project will also result in significant and unavoidable impacts to freeway facilities including portions of Eastbound and Westbound SR 120, exacerbating traffic to unacceptable Levels of Service (LOS). This could have negative impacts on the Delta's agricultural and recreational economies due to the transportation circulation patterns which agricultural producers and recreationists in the Delta are dependent upon. The proposed project should incorporate additional mitigation measures to ensure that the freeway facilities which are utilized by traffic coming to/from the Delta retain acceptable LOS.

I-4

The proposed project also includes 21 acres of river levee/park, designed to provide an open space corridor along the San Joaquin River in accordance with the City of Lathrop General Plan. The open space corridor is intended as a local community wide facility with the possibility of regional linkages. Connections with the Commission's Great California Delta Trail may be a viable possibility for such a future regional recreational linkage. SB 1556 (Torlakson) required the Commission to develop and adopt a plan for the Delta Trail, which will extend throughout the five Delta Counties, and link to the San Francisco Bay Trail and Sacramento River Trails. Currently, Commission staff are conducting blueprint planning for the Great California Delta Trail in Sacramento, San Joaquin and Yolo Counties and encourage collaboration and discussion on potential linkages.

I-5

Please call Associate Environmental Planner Alex Westhoff at (916) 375-4237 or me at the number above if you have any questions. Thank you for this opportunity to provide input.

Sincerely,



Erik Vink
 Executive Director

cc: Larry Ruhstaller, San Joaquin County Board of Supervisors and Commission Chair
 Kathy Miller, Stockton City Council and Commission Member

Response to Comment I Erik Vink, Delta Protection Commission

Response I-1: The commentor states that the staff of the Delta Protection Commission (Commission) has reviewed the South Lathrop Specific Plan Draft EIR (DEIR) and provides advisory comments. The commentor notes that the project lies outside of the Primary Zone of the Legal Delta and is not subject to consistency requirements of the Commission's *Land Use and Resource Management Plan for the Primary Zone of the Delta*, but that it still has the capability of affecting resources of the Primary Zone.

This comment is noted. These comments serve as an introduction to the commentor's letter and an acknowledgement that the project site is not within the Primary Zone of the Legal Delta. This comment does not warrant a response. No further response is necessary.

Response I-2: The commentor notes that the DEIR identifies the loss of agricultural land, including prime farmland, as a significant and unavoidable impact under both project alternatives. The commentor states that this is inconsistent with the *Land Use and Resource Management Plan for the Primary Zone of the Delta*, which discourages inappropriate development of agricultural lands, through policies that protect agriculture and related activities, from conversion to nonagricultural-oriented uses. The commentor notes that the reduction of farmland in the County could negatively impact the economies of scale necessary for continued agricultural production inside and outside of the Primary Zone, as the acquisition and subsequent retirement of farmed land affects the economic base for farm support industries; the economic base for community businesses that rely on patronage from citizens working in farm or farm support industries; and the tax and assessment base for special districts, counties, and the State.

As the commentor stated in Comment I-1, the project site is "not subject to consistency requirements of the Commission's *Land Use and Resource Management Plan for the Primary Zone of the Delta*." The loss of agricultural land has been adequately addressed in the Draft EIR. This comment is noted; however, it does not warrant changes or modifications to the Draft EIR. No further response is necessary.

Response I-3: The commentor notes that the DEIR outlines agricultural mitigation efforts that will be undertaken through the City of Lathrop's agricultural mitigation program, and the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. While these are valuable efforts for continued farmland protection, the \$2,000/acre for agricultural mitigation as required by the City Lathrop's agricultural mitigation program will not yield a 1:1 mitigation ratio. The commentor states that mitigation of farmland would achieve consistency with the *Land Use and Resource Management Plan for the*

Primary Zone of the Delta. The commentor also notes that it is not clear where the agricultural mitigation would take place geographically, and in order to be consistent with the *Land Use and Resource Management Plan for the Primary Zone of the Delta*, mitigation activities should occur within the Legal Delta.

As previously stated, the project site is “not subject to consistency requirements of the Commission's *Land Use and Resource Management Plan for the Primary Zone of the Delta.*” As such, the Commission’s mitigation requirements provided in the *Land Use and Resource Management Plan for the Primary Zone of the Delta* do not apply. The loss of agricultural land, including appropriate mitigation, has been adequately addressed in the Draft EIR. The SLSP will be required 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 important farmland. Fees paid toward the City of Lathrop’s program includes \$1,000/acre to be paid to the Central Valley Farm Trust (CVFT), which in turn uses these funds to purchase conservation easements on agricultural lands to fulfill the compensatory mitigation. The City of Lathrop also collects an additional \$1,000/acre to 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 (2013 fees for Agricultural Habitat is \$12,711/acres) will benefit both habitat and agriculture. The SJCOG uses these SJMSCP funds to purchase conservation easements on agricultural habitat lands to fulfill the compensatory mitigation. The combination of the City’s mitigation program and the SJMSCP will provide compensatory mitigation at a ratio of 1:1 or more.

Response I-4: The commentor states that the proposed project will also result in significant and unavoidable impacts to freeway facilities including portions of Eastbound and Westbound SR 120, exacerbating traffic to unacceptable Levels of Service (LOS). This could have negative impacts on the Delta's agricultural and recreational economies due to the transportation circulation patterns, which agricultural producers and recreationists in the Delta are dependent upon. The commentor states that the proposed project should incorporate additional mitigation measures to ensure that the freeway facilities which are utilized by traffic coming to/from the Delta retain acceptable LOS.

SR 120 is an important regional facility that is used by many. The traffic impacts from the proposed project are adequately addressed in Section 3.14 of the Draft EIR. Mitigation measures have been incorporated into the proposed project to ensure that the project applicant contributes a fair share of the costs to maintain acceptable LOS. It should be noted that SR 120 is a regional facility under the jurisdiction of Caltrans. Improvements to this facility are funded through a variety ways, including the Regional

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Traffic Impact Fee (RTIP) and state and federal funds. The implementation of improvements to this facility is controlled by Caltrans. This comment is noted; however, it does not warrant changes or modifications to the Draft EIR. No further response is necessary.

Response I-5: The commentator states that the proposed project includes 21 acres of river levee/park, designed to provide an open space corridor along the San Joaquin River in accordance with the City of Lathrop General Plan. The open space corridor is intended as a local community wide facility with the possibility of regional linkages. Connections with the Commission's Great California Delta Trail may be a viable possibility for such a future regional recreational linkage. SB 1556 (Torlakson) required the Commission to develop and adopt a plan for the Delta Trail, which will extend throughout the five Delta Counties, and link to the San Francisco Bay Trail and Sacramento River Trails. Currently, Commission staff is conducting blueprint planning for the Great California Delta Trail in Sacramento, San Joaquin and Yolo Counties and encourage collaboration and discussion on potential linkages.

The City of Lathrop is more than willing to collaborate with the Commission and discuss potential linkages to the Great California Delta Trail. As noted in the Draft EIR, 21 acres of river levee/park will be designed to provide an open space corridor along the San Joaquin River in accordance with the City of Lathrop General Plan. The potential for linkages to the Great California Delta Trail will be ripe for discussion once the Commission has progressed farther in their planning process. Regardless, this area will not be developed so it would not conflict with a future linkage if one is desired. This comment is noted; however, it does not warrant changes or modifications to the Draft EIR. No further response is necessary.



Central Valley Regional Water Quality Control Board

17 December 2013

Rebecca Willis
 City of Lathrop
 390 Towne Centre Drive
 Lathrop, CA 95330

CERTIFIED MAIL
 7012 2210 0002 1419 6301

COMMENTS TO NOTICE OF AVAILABILITY FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, SOUTH LATHROP SPECIFIC PLAN PROJECT, SCH NO. 2013012064, SAN JOAQUIN COUNTY

Pursuant to the City of Lathrop’s 17 December 2013 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Notice of Availability for the Draft Environmental Impact Report* for the South Lathrop Specific Plan Project, located in San Joaquin County.

J-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

J-2

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER
 11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

J-3

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

J-4

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

J-5

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

J-6

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

J-7

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

J-8

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

South Lathrop Specific Plan Project
San Joaquin County

- 4 -

17 December 2013



Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Response to Comment J Trevor Cleak, Central Valley Regional Water Quality Control Board

Response J-1: The commentor provides an introduction to the comment letter, stating that his agency has reviewed the Notice of Availability for the Draft Environmental Impact Report. He indicates that his agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state and his comments address concerns surrounding those issues.

This comment is noted. These comments serve as an introduction to the commentor's letter and do not warrant a response. No further response is necessary.

Response J-2: The commentor identifies construction stormwater permit requirements for projects that disturb one or more acres of soil or are part of a larger plan that in total disturbs one or more acres of soil.

The Draft EIR adequately addresses this topic on pages 3.9-17 through 3.9-19. This comment does not warrant any modifications to the Draft EIR. No further response is necessary.

Response J-3: The commentor discusses Best Management Practices and MS4 requirements for storm drainage systems.

The Draft EIR adequately addresses Storm Drainage BMPs on pages 3.9-14 through 3.9-21, 3.9-26 through 3.9-28. This comment does not warrant any modifications to the Draft EIR. No further response is necessary.

Response J-4: The commentor discusses Industrial Storm Water General Permit requirements.

The Draft EIR adequately addresses Industrial Storm Water General Permit requirements on pages 3.9-19 through 3.9-21, 3.9-26 through 3.9-28. This comment does not warrant any modifications to the Draft EIR. No further response is necessary.

Response J-5: The commentor indicates that a Section 404 permit from the U.S. Army Corps of Engineers would be required for activities involving a discharge to waters of the U.S.

The Draft EIR adequately addresses Section 404 permit requirements on pages 3.4-10 through 3.4-11, 3.9-32 through 3.9-34. This comment does not warrant any modifications to the Draft EIR. No further response is necessary.

Response J-6: The commentor indicates that a Section 401 Water Quality Certification from the State Board would be required for activities that require a Section 404 permit or other federal permits.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

The Draft EIR adequately addresses Section 401 certification requirements on pages 3.4-10 through 3.4-11, 3.9-32 through 3.9-34. This comment does not warrant any modifications to the Draft EIR. No further response is necessary.

Response J-7: The commentor indicates that if the U.S. Army Corps of Engineers determines that only non-jurisdictional waters from the State occur, then the project would require a Waste Discharge Permit issued from the Regional Water Quality Control Board pursuant to the Porter-Cologne Water Quality Control Act.

The Draft EIR adequately addresses Waste Discharge requirements on pages 3.9-11 through 3.4-12, 3.9-17 through 3.9-23. This comment does not warrant any modifications to the Draft EIR. No further response is necessary.

Response J-8: The commentor indicates that if the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. The commentor further notes that dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for Dewatering and Other Low Threat Discharges to Surface Waters (Low Threat General Order) or the General Order for Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water (Limited Threat General Order). The commentor indicates that a complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

It is not anticipated that dewatering will be needed for the proposed project. Nevertheless, the Draft EIR discussed the NPDES permit requirements for dewatering operations on pages 3.9-11. This comment does not warrant any modifications to the Draft EIR. No further response is necessary.



December 23, 2013

Rebecca Willis
 City of Lathrop
 Community Development
 390 Towne Centre Dr.
 Lathrop, CA 95330

Project: DEIR – South Lathrop Specific Plan
District CEQA Reference No: 20130940

Dear Ms. Willis:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project consisting of an estimated maximum of 130,680 square feet of commercial office space and an estimated maximum of approximately 4,158,238 square feet of limited industrial uses. The District offers the following comments:

1. As presented in the Draft Environmental Impact Report (DEIR), after implementation of all feasible mitigation, Impact 3.3-1 “project operation” would have a significant and unavoidable impact on air quality. However, the environmental document does not discuss the feasibility of implementing a voluntary emission reduction agreement (VERA) for the project. As discussed below, the District believes that mitigation through a VERA is feasible in many cases, and recommends the environmental document be revised to include a discussion of the feasibility of implementing a VERA to mitigate project specific impacts to less than significant levels.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District. The funds are disbursed by District in the form of grants for projects that achieve emission reductions. Thus, project specific impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as

K-1

Seyed Sadredin
 Executive Director/Air Pollution Control Officer

Northern Region
 4800 Enterprise Way
 Modesto, CA 95356-8718
 Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
 1990 E. Gettysburg Avenue
 Fresno, CA 93726-0244
 Tel: (559) 230-6000 FAX: (559) 230-6061

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 Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

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District CEQA Reference No. 20130940

agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a District approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed flexibility into the VERA such that the final mitigation is based on actual emissions related to the project as determined by actual equipment used, hours of operation, etc., and as calculated by the District. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that project specific emissions have been mitigated to less than significant.

K-1 Continued

The District has been developing and implementing VERA contracts with project developers to mitigate project specific emissions since 2005. It is the District's experience that implementation of a VERA is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency, by mitigating project related impacts on air quality to a net zero level by supplying real and contemporaneous emissions reductions. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document be amended to include an assessment of the feasibility of implementing a VERA.

Additional information on implementing a VERA can be obtained by contacting District CEQA staff at (559) 230-6000.

2. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.
 - A. Mitigation measures 3.3-1 (operational) and 3.3-8 (construction) of the DEIR state the project proponent shall obtain a permit under District Rule 9510. The District would like to clarify that no permits are issued under District Rule 9510 but rather the District evaluates the AIA application and its contents and then issues an AIA approval letter after demonstration of tentative rule compliance. The District recommends changing the language to "the project proponent is required to submit an Air Impact Assessment (AIA) application for District Rule 9510 Indirect Source Review (ISR) to the District no later than

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District CEQA Reference No. 20130940

applying for final discretionary approval, to obtain AIA approval from the District, and pay any applicable off-site mitigation fees”.

- B. District Rule 9510 is aimed at reducing the growth in NOx and PM10 emissions associated with the construction and operation of new development projects in the San Joaquin Valley. The rule requirement is to reduce construction NOx and PM10 emissions by 20% and 45%, respectively, as well as reducing operational NOx and PM10 emissions by 33.3% and 50%, respectively, when compared to unmitigated projects. Mitigation measures 3.3-1 (operational) and 3.3-8 (construction) of the DEIR appear to address compliance with District Rule 9510 differently. As stated above, an AIA is required and an approval letter, not a permit, is issued by the District. The AIA will evaluate both construction and operational emissions. Therefore, the District would like to clarify that the project proponent doesn't need to submit two ISR applications, one for the construction portion and one for the operational portion.
- C. Individual development projects would be subject to District Rule 9510 if upon full build-out the project would include or exceed any one of the thresholds identified in Section 2.1 and 2.2 of the rule.
- D. For mitigation measure 3.3-1 (operational) of the DEIR, not only does the mitigation measure require the project proponent to obtain a permit under District rule 9510, but it also directs the project proponent to incorporate project mitigation measures into the South Lathrop Specific Plan (SLSP) and/or pay the required ISR fees. The District would like to clarify under District Rule 9510 the applicant incorporates mitigation measures into the project but when emissions reductions from implementation of the project mitigation measures are not sufficient to satisfy the required Rule 9510 reductions the applicant is required to pay applicable offsite mitigation fees. Therefore, when complying with District Rule 9510 the applicant does not have the option to substitute the payment requirement of offsite mitigation fees when applicable with the incorporation of the project mitigation measures into the SLSP. The District recommends mitigation measure 3.3-1 be revised to eliminate that option by stating “the project proponent shall incorporate project mitigation measures into the SLSP and demonstrate compliance with District Rule 9510 including payment of all applicable fees.” Also, as noted in the comments above the District doesn't issue a permit.
- 3. Mitigation measure 3.3-12 of the DEIR states “prior to the construction and/or operation of any industrial or commercial building that would emit air contaminants, the project proponent shall, at a minimum, perform prioritization screening...”. The District concurs that project related health impacts be evaluated to determine if emissions of toxic air contaminants (TAC) will pose a significant health risk to nearby sensitive receptors. TACs are defined as air pollutants that which may cause or contribute to an increase in mortality or

K-2 Continued

K-3

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

District CEQA Reference No. 20130940

serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. Health impacts may require a detailed health risk assessment (HRA).

Prior to conducting an HRA, an applicant may perform a prioritization on all sources of emissions to determine if it is necessary to conduct an HRA. A prioritization is a screening tool used to identify projects that may have significant health impacts. If the project has a prioritization score of 1.0 or more, the project has the potential to exceed the District's significance threshold for health impacts of 10 in a million and an HRA should be performed.

If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. The project would be considered to have a significant health risk if the HRA demonstrates that project related health impacts would exceed the District's significance threshold of 10 in a million.

More information on TACs, prioritizations and HRAs can be obtained by:

- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at:
http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

4. Section 3.3 (Air Quality) of the DEIR concludes that the South Lathrop Specific Plan (SLSP) is inconsistent with the District's State Implementation Plan (SIP) and could contribute to a National Ambient Air Quality Standard (NAAQS) violation. It is not clear if this conclusion properly reflects the project's impact to the SIP. Future development projects are not inherently inconsistent with the District's attainment plans. Future growth in population and vehicle miles traveled (VMT) are factored into all attainment plans based on data from the California Department of Finance and/or the Valley's eight county Metropolitan Planning Organizations (MPOs). In Appendix B (Emissions Inventory) of the District's *2012 PM2.5 Plan*, MPO data accounts for an 18% population increase in San Joaquin County from 2010 to 2020.

Transportation conformity budgets are a key mechanism for ensuring consistency between increases in motor vehicle use and the SIP. Towards this end, the City of Lathrop should coordinate with the San Joaquin County MPO to ensure that Lathrop's motor vehicle activity projections associated with this SLSP are consistent with the county's motor vehicle emissions budgets. A transportation conformity analysis should be included in future updated draft EIRs

5. Page 3.3-10 of the DEIR states that the federal 1-hour ozone standard was revoked by EPA and is no longer applicable for federal standards. While EPA

K-3 Continued

K-4

K-5

District CEQA Reference No. 20130940

did revoke the 1-hour ozone standard in 2005, subsequent litigation reinstated portions of implementation requirements under the revoked standard. As a result, the District adopted the *2013 Plan for the Revoked 1-Hour Ozone Standard* in September 2013 to address the reinstated requirements for this standard. Please revise this sentence on page 3.3-10 accordingly.

K-5 Continued

6. Page 3.3-10 of the DEIR states that the federal 1-hour ozone standard was revoked by EPA and is no longer applicable for federal standards. While EPA did revoke the 1-hour ozone standard in 2005, subsequent litigation reinstated portions of implementation requirements under the revoked standard. As a result, the District adopted the *2013 Plan for the Revoked 1-Hour Ozone Standard* in September 2013 to address the reinstated requirements for this standard. Please revise this sentence on page 3.3-10 accordingly.

K-6

7. Individual development projects may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

K-7

8. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

K-8

9. Referral documents for future development projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources and should identify the project as being within the scope of the South Lathrop Specific Plan.

K-9

If you have any questions or require further information, please call David McDonough, at (559) 230-5920.

Sincerely,

David Warner
 Director of Permit Services



for, Arnaud Marjollet
 Permit Services Manager
 DW: dm
 Cc: File

Response to Comment K David Warner, San Joaquin Valley Air Pollution Control District

Response K-1: The commentor notes that after implementation of all feasible mitigation presented in the draft EIR the "project operation" would have a significant and unavoidable impact on air quality (Impact 3.3-1). The commentor states that the environmental document does not discuss the feasibility of implementing a voluntary emission reduction agreement (VERA) for the project and the District believes that mitigation through a VERA is feasible in many cases, and they recommend the environmental document be revised to include a discussion of the feasibility of implementing a VERA to mitigate project specific impacts to less than significant levels.

The commentor provides information regarding a VERA that states that it is a mitigation measure by which the project proponent provides pound for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. The commentor provides information regarding entering a VERA contract, emission reduction projects, monitoring, and certification of mitigation. The commentor states that the District recommends the environmental document be amended to include an assessment of the feasibility of implementing a VERA.

These comments warrant additional text related to VERAs on page 3.3-18 through 3.3-19, and the addition of a Mitigation Measure on page 3.3-20. The additional text and Mitigation Measure are intended to clarify and amplify the language based on the commentor's recommendations. Subsequent Mitigation Measure numbering throughout this section of the Draft EIR is modified to reflect these changes.

Revisions from Page 3.3-18 and 3.3-19 of the Draft EIR:

Voluntary Emission Reduction Agreements As noted above, design elements and compliance with District rules and regulations may not be sufficient to reduce project related impacts on air quality to a less than significant level. In such situations, the SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts (May 2012) indicates that the project proponents may enter into a Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD. A VERA is a method by which the project proponent provides pound-for-pound mitigation of air emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's Emission Reduction Incentive Program (ERIP). The funds are disbursed by ERIP in the form of grants for projects that achieve emission reductions. Thus, project specific impacts on air quality are offset. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the SJVAPCD verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a SJVAPCD approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the SJVAPCD has designed flexibility into the VERA such that the final mitigation is based on actual emissions related to the project as determined by actual equipment used, hours of operation, etc. After the project is mitigated, the SJVAPCD certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that project specific emissions have been mitigated.

At the time *SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts (May 2012)* was published, the SJVAPCD had entered into approximately seventeen VERAs with developers since 2005.

A Mitigation Measure is included in this EIR that 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** impact relative to operational air emissions.

Additional Mitigation Measure on Page 3.3-20 of the Draft EIR:

Mitigation Measure 3.3-4: *Prior to the approval of a Building Permit, the project proponent shall 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 and other mitigation measures required for the SLSP. The City shall 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.*

The additional text and Mitigation Measure do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response K-2: The commentor states that any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. The commentor notes that Mitigation measures 3.3-1 (operational) and 3.3-8 (construction) of the DEIR state the project proponent shall obtain a permit under District Rule 9510. The commentor notes that no permits are issued under District Rule 9510, but rather the District evaluates the AIA application and its contents and then issues an AIA approval letter after demonstration of tentative rule compliance. The commentor recommends

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

changing the language to "the project proponent is required to submit an Air Impact Assessment (AIA) application for District Rule 9510 Indirect Source Review (ISR) to the District no later than applying for final discretionary approval, to obtain AIA approval from the District, and pay any applicable off-site mitigation fees".

The commentor also notes that District Rule 9510 is aimed at reducing the growth in NOx and PM10 emissions associated with the construction and operation of new development projects in the San Joaquin Valley. The rule requirement is to reduce construction NOx and PM10 emissions by 20% and 45%, respectively, as well as reducing operational NOx and PM10 emissions by 33.3% and 50%, respectively, when compared to unmitigated projects. The commentor states that Mitigation measures 3.3-1 (operational) and 3.3-8 (construction) of the DEIR appear to address compliance with District Rule 9510 differently. The commentor notes that as stated in Response K-2, an AIA is required and an approval letter, not a permit, is issued by the District. The commentor states that the AIA will evaluate both construction and operational emissions, therefore, the District would like to clarify that the project proponent doesn't need to submit two ISR applications, one for the construction portion and one for the operational portion.

The commentor notes that individual development projects would be subject to District Rule 9510 if upon full build-out the project would include or exceed any of the thresholds identified in Section 2.1 and 2.2 of the rule.

The commentor also states that for mitigation measure 3.3-1 (operational) in the DEIR, not only does the mitigation measure require the project proponent to obtain a permit under District rule 9510, but it also directs the project proponent to incorporate project mitigation measures into the South Lathrop Specific Plan (SLSP) and/or pay the required ISR fees. The commenters notes that the District would like to clarify under District Rule 9510 the applicant incorporates mitigation measures into the project but when emissions reductions from implementation of the project mitigation measures are not sufficient to satisfy the required Rule 9510 reductions the applicant is required to pay applicable offsite mitigation fees. Therefore, when complying with District Rule 9510 the applicant does not have the option to substitute the payment requirement of offsite mitigation fees when applicable with the incorporation of the project mitigation measures into the SLSP. The District recommends mitigation measure 3.3-1 be revised to eliminate that option by stating "the project proponent shall incorporate project mitigation measures into the SLSP and demonstrate compliance with District Rule 9510 including payment of all applicable fees." Also, as noted in the comments above the District doesn't issue a permit.

These comments warrant revisions to Mitigation Measure 3.3-1, and deletion of Mitigation Measure 3.3-8, which is largely duplicative of Mitigation Measure 3.3-1. The

revisions to Mitigation Measure 3.3-1 are intended to clarify and amplify the language based on the commentor's recommendations. The deletion of Mitigation Measure 3.3-8 is intended to clarify that two ISR applications are not required. The Mitigation Measure numbering throughout this section of the Draft EIR is modified to reflect these changes.

Revisions from Page 3.3-18 of the Draft EIR:

~~**Mitigation Measure 3.3-1:** Prior to the issuance of a building permit, the project proponent shall obtain a permit under APCD Rule 9510, Indirect Source Rule (ISR). The project proponent shall incorporate mitigation measures into the SLSP and/or pay the required ISR fees to the APCD as required to comply with Rule 9510 emission reduction requirements for NOx and PM emissions associated with project operations. final discretionary approval, the project proponent shall submit an Air Impact Assessment (AIA) application to the San Joaquin Valley Air Pollution Control District for District Rule 9510 Indirect Source Review (ISR) to obtain AIA approval from the District. Prior to the issuance of a building permit, the project proponent shall incorporate mitigation measures into the SLSP and demonstrate compliance with District Rule 9510 including payment of all fees~~

Deletion from Page 3.3-22 of the Draft EIR:

~~**Mitigation Measure 3.3-8:** Prior to the issuance of the first building permit, the project proponent shall submit an application to the APCD for a permit under APCD Rule 9510, Indirect Source Rule (ISR). The project proponent shall incorporate mitigation measures into project construction and/or pay ISR fees as required to comply with Rule 9510 emission reduction requirements for construction NOx and PM emissions.~~

The text revisions and deletions do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response K-3: The commentor notes that Mitigation measure 3.3-12 of the DEIR states "prior to the construction and/or operation of any industrial or commercial building that would emit air contaminants, the project proponent shall, at a minimum, perform prioritization screening ...". The District concurs that project related health impacts be evaluated to determine if emissions of toxic air contaminants (TAC) will pose a significant health risk to nearby sensitive receptors. TACs are defined as air pollutants that which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. Health impacts may require a detailed health risk assessment (HRA).

The commentor states that prior to conducting an HRA, an applicant may perform a prioritization on all sources of emissions to determine if it is necessary to conduct an HRA. A prioritization is a screening tool used to identify projects that may have significant health impacts. If the project has a prioritization score of 1.0 or more, the

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

project has the potential to exceed the District's significance threshold for health impacts of 10 in a million and an HRA should be performed.

The commentor states that if an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. The project would be considered to have a significant health risk if the HRA demonstrates that project related health impacts would exceed the District's significance threshold of 10 in a million.

This comment is noted. These comments are adequately addressed on Pages 3.3-24 through 3.3-28. Additionally, this comment is addressed in Mitigation Measure 3.3-12 in the draft EIR. These comments do not warrant revisions to the Draft EIR and no further response is necessary.

Response K-4: The commentor notes that Mitigation measure 3.3-12 of the DEIR states "prior to the construction and/or operation of any industrial or commercial building that would emit air contaminants, the project proponent shall, at a minimum, perform prioritization screening ... ". The District concurs that project related health impacts be evaluated to determine if emissions of toxic air contaminants (TACs) will pose a significant health risk to nearby sensitive receptors. TACs are defined as air pollutants that which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. Health impacts may require a detailed health risk assessment (HRA).

TACs are adequately addressed on Pages 3.3-12 through 3.3-13, and Page 3.3-24 through 3.3-28. The commentor concurs with Mitigation Measure 3.3-12. This comment is noted. These comments do not warrant revisions to the Draft EIR and no further response is necessary.

Response K-5: The commentor notes that Page 3.3-10 of the DEIR states that the federal 1-hour ozone standard was revoked by EPA and is no longer applicable for federal standards. The comments indicates that while EPA did revoke the 1-hour ozone standard in 2005, subsequent litigation reinstated portions of implementation requirements under the revoked standard. As a result, the District adopted the 2013 Plan for the Revoked 1-Hour Ozone Standard in September 2013 to address the reinstated requirements for this standard. Please revise this sentence on page 3.3-10 accordingly.

These comments warrant revisions to text on Page 3.3-10 of the Draft EIR. The revisions to the text are intended to clarify the language based on the commentor's recommendations.

Revisions from Page 3.3-10 of the Draft EIR:

San Joaquin County Air Quality Monitoring

SJVAPCD and CARB maintain two air quality monitoring sites in San Joaquin County that collect data for ozone, PM10, and PM2.5. These include the Stockton - Hazelton Street and Tracy – Airport monitoring sites. ~~It is important to note that the federal ozone 1-hour standard was revoked by the EPA and is no longer applicable for federal standards. The federal ozone 1-hour standard was revoked by the EPA in 2005, but subsequent litigation reinstated portions of implementation requirements under the revoked standard. As a result, the SJVAPCD adopted the 2013 Plan for the Revoked 1-Hour Ozone Standard in September 2013 to address the reinstated requirements for this standard. The data and analysis contained in this Draft EIR does not conflict with the 2013 Plan.~~ Data obtained from the monitoring sites between 2010 and 2012 is shown in **Tables 3.3-6** and **3.3-7**.

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response K-6: This comment is a duplicate of the previous comment addressed under Response K-5. This comment is addressed under Response K-5, including text revisions. (See Response K-5)

Response K-7: The commentor notes that individual development projects may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

This comment is noted. These District rules are presented in the Draft EIR on pages 3.3-14 through 3.3-15. These comments do not warrant revisions to the Draft EIR and no further response is necessary.

Response K-8: The commentor notes the list of rules provided in their comment letter is neither exhaustive nor exclusive. The commentor strongly encourages the applicant to contact the District's Small Business Assistance Office at (559) 230-5888 to identify other District rules or regulations that apply to this project or to obtain information about District permit requirements. The commentor also notes that the current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

This comment is noted. These comments do not specifically address the content of the Draft EIR. These comments do not warrant revisions to the Draft EIR and no further response is necessary.

Response K-9: The commentor notes referral documents for future development projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources and should identify the project as being within the scope of the South Lathrop Specific Plan.

This comment is noted. These comments do not specifically address the content of the Draft EIR. These comments do not warrant revisions to the Draft EIR and no further response is necessary.

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January 3, 2014

Rebecca Willis
Community Development Director
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Re: South Lathrop Specific Plan - DEIR

Dear Ms. Willis:

This office represents Harris Properties (“Harris”) in connection with the proposed South Lathrop Specific Plan Project (“Project”). On behalf of my client, I hereby submit the following comments on the Draft Environmental Impact Report (the “DEIR”) for the Project. Based on the comments and concerns outlined below, it is our belief that the DEIR is deeply flawed, both in terms of its methodology and its conclusions, and must be substantially revised in order to fulfill its informational objective. Further, the DEIR utterly fails to identify and evaluate feasible mitigation measures and alternatives to the proposed Project, leaving my clients and nearby residents to bear the brunt of unmitigated impacts from the Project.

INTRODUCTION

Since the California Environmental Quality Act (“CEQA”) process is an informational device for the disclosure of all potentially significant impacts of a project, for identification of all feasible mitigation measures that can lessen a project’s impacts, and a vehicle for the identification of project alternatives that can avoid and lessen significant project impacts, this letter addresses only the adequacy of the DEIR. The EIR serves two basic purposes, “to enable the reviewing agency to make an informed decision and to make the decision maker’s reasoning accessible to the public, thereby protecting informed self-government.” *Laurel Heights Improvement Ass’n v. Regents* (1988) 47 Cal.3d 376, 392. In absence of a complete and adequate EIR, it is improper for the lead agency to certify the EIR or take any action on the project.

L-1

As we note herein, the DEIR is incomplete and inadequate. We respectfully request that the DEIR be revised to address the numerous gaps and shortcomings identified in these comments and the written comments submitted by other interested parties. We also request that the DEIR be re-circulated to allow a more complete disclosure of the potential environmental consequences of this Project, for the public, the applicant, and the decision makers that must render judgment on the suitability of this Project at this site.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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Page 2

Preliminarily, you will note that I have attached a memorandum from VRPA Associates with specific comments on the DEIR's traffic analysis, many of which are summarized in our comments below. We would request that the Final EIR include detailed responses to not only the summary comments below, but also to each of the comments in the VRPA memorandum.

L-1 Cont'd

Our specific comments are as follows:

1. A complete and accurate project description is a necessary element of an adequate DEIR. "The project description must contain sufficient specific information about the project to allow the public and reviewing agencies to evaluate and review its environmental impacts." *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185,193. "A curtailed, enigmatic or unstable project description draws a red herring across the path of public input." *Id.* at 198. CEQA Guidelines §15124 directs that an EIR should include information "needed for evaluation and review of the environmental impact." A project description that omits any "integral part of the project" is inadequate. *Dry Creek, supra*, citing *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 829. Against this backdrop, we note that the Project Description section of the DEIR is inaccurate, inconsistent and incomplete in the following areas:
 - a. CEQA requires that an EIR articulate the objectives of the project, so that project alternatives can be evaluated for their ability to achieve the basic objectives. Here, the Project Objectives, found at pages 2.0-2 and 2.0-3, are so narrowly defined as to be meaningless, and improperly exclude many otherwise feasible options and available sites from consideration. As written, the objectives predetermine that no other sites are available which meet the Project objectives. This is a violation of CEQA.
 - b. The author excuses the critical lack of secondary access to the project site, reasoning that population density is less than might otherwise occur in a residential or commercial project. This is, of course, irrelevant. CEQA requires consideration and analysis of the proposed project measured against current (undeveloped) site conditions. It is also stated that secondary access via a new bridge across the San Joaquin River "was determined to be cost-prohibitive". By whom? Under what criteria? The public and the decision-makers need this information to properly evaluate the Project.
 - c. The author states (page 2.0-9) that it is "presumed" that San Joaquin County did not desire to establish a connection to the Plan Area as part of the development of Oakwood Shores. There is no support for this statement.

L-2

L-3

L-4

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- | | |
|---|--------------|
| <p>2. On page 3.4-24, Mitigation Measure 3.4-1 requires the applicant to seek coverage under the SJMSCP for biological/habitat impacts. It is not clear whether the SJMSCP applies to the subject property, and/or whether the Plan could be amended to include coverage for the subject property. The mitigation measure should be revised to incorporate alternate measures should coverage not be available under the SJMSCP.</p> | <p> L-5</p> |
| <p>3. Impact 3.11-1 (loss of known mineral resource) is improperly diminished and ultimately excused because mitigating the impact would ostensibly violate the Project Objectives. This is improper under CEQA.</p> | <p> L-6</p> |
| <p>4. The DEIR’s traffic analysis is deficient, underestimating trip generation, impacts and necessary mitigation measures. The specific deficiencies in the traffic analysis are delineated in the attached letter from VRPRA Technologies, Inc., dated December 9, 2013. In general, VRPA concludes that the DEIR fails to identify significant impacts at several key intersections and roadway segments, and fails to offer feasible and enforceable mitigation in most instances.</p> | <p> L-7</p> |
| <p>5. In Chapter 3.13, the DEIR briefly notes the potential physical impacts associated with the eventual construction of a fire station, but fails to analyze the serious and ongoing funding challenges faced by the Lathrop-Manteca Fire Protection District, which will no doubt be exacerbated by the Project.</p> | <p> L-8</p> |
| <p>6. The California Supreme Court has observed that “[t]he core of an EIR is the mitigation and alternatives sections.” <i>Citizens for Goleta Valley v. Board of Supervisors</i> (1990) 52 Cal.3d 553,564. “One of [an EIR’s] major functions ... is to assure that <i>all reasonable alternatives</i> to proposed projects are thoroughly assessed by the responsible official.” <i>Id.</i> at 565 (citations omitted). The lead agency must independently evaluate and establish the basis for any reasonable alternatives that an applicant summarily contends is infeasible. <i>Preservation Action Council v. City of San Jose</i> (2006) 141 Cal.App.4th 1336, 1357. CEQA Guidelines § 15126.6(f)(1) describes the factors to be taken into account in determining the feasibility of alternative sites to include “whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site.” The nature of the proponent, and their ability to gain control, not just whether they have control of alternative sites, is required to be a focus of the inquiry of the feasibility of alternative sites. Land exchanges are a recognized mechanism for securing alternative sites that must be considered and evaluated by the lead agency and discussed in an EIR. <i>See, San Bernardino Valley Audubon Society v. County of San Bernardino</i> (1984) 155 Cal.App.3d 738, 751 (EIR that mentioned but failed to discuss land exchange to secure an alternative site found inadequate). The specific circumstances of the site (impacts and the degree to which other sites could serve the project purposes equally or with less adverse impacts), the nature of the proponent (private or private) and the nature of the project must all be considered by decision makers to determine if an alternative site is feasible. <i>Citizens for Goleta Valley, supra</i>, 52 Cal.3d at 574-75. In this instance, the DEIR improperly limited its discussion to alternatives which could</p> | <p> L-9</p> |

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be accomplished within the boundaries of the existing site. This was clearly done to maintain consistency with the unnecessarily narrow “project objective” of considering only developer-owned property. Moreover, the discussion of the identified alternatives is deficient. Little or no quantifiable analysis is provided to apprise the public of the level of reduction of impacts or the need for mitigation associated with each alternative.

L-9 Cont’d

The flaws in the DEIR identified above, as well as within the VRPA letter, are serious, and have the effect of depriving the public of vital information concerning the environmental consequences of the Project. We urge the City to re-draft and recirculate the DEIR, making a more serious effort to quantify and mitigate the environmental impacts of the Project, and thereby satisfy its statutory obligation.

L-10

Very truly yours,

Law Office of Thomas H. Terpstra



Thomas H. Terpstra
Attorney-at-Law

THT:kk

Enclosure

Response to Comment L Thomas H. Terpstra, Attorney at Law

Response L-1: In the commentor's introductory statements he notes that his office represents Harris Properties ("Harris") in connection with the South Lathrop Specific Plan Project. The commentor states that based on the comments and concerns outlined in their comment letter they believe that the DEIR is deeply flawed, both in terms of its methodology and its conclusions, and must be substantially revised in order to fulfill its informational objective. The commentor also states that the DEIR utterly fails to identify and evaluate feasible mitigation measures and alternatives to the proposed Project, leaving his clients and nearby residents to bear the brunt of unmitigated impacts from the Project.

The commentor's introductory statements also notes that California Environmental Quality Act ("CEQA") process is an informational device for the disclosure of all potentially significant impacts of a project, for identification of all feasible mitigation measures that can lessen a project's impacts, and a vehicle for the identification of project alternatives that can avoid and lessen significant project impacts. The commentor then notes that his letter addresses only the adequacy of the DEIR. The EIR serves two basic purposes, "to enable the reviewing agency to make an informed decision and to make the decision maker's reasoning accessible to the public, thereby protecting informed self-government." The commentor states that in absence of a complete and adequate EIR, it is improper for the lead agency to certify the EIR or take any action on the project.

The commentor's introductory statements then note that the DEIR is incomplete and inadequate and that they request that the DEIR be revised to address the numerous gaps and shortcomings identified in their comments and the written comments submitted by other interested parties. They also request that the DEIR be re-circulated to allow a more complete disclosure of the potential environmental consequences of this Project, for the public, the applicant, and the decision makers that must render judgment on the suitability of this Project at this site.

Lastly, the commentor's introductory statements notes that they have attached a memorandum from VRPA Associates with specific comments on the DEIR's traffic analysis, many of which are summarized in their comments below. The commentor requests that the Final EIR include detailed responses to not only the summary comments below, but also to each of the comments in the VRPA memorandum.

The City of Lathrop recognizes that the commentor has presented a late comment letter with numerous concerns and requests expressed in their introductory statements.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

The introductory paragraph suggests generally that the Draft EIR is inadequate, but does not raise any specific substantive issues regarding the content of the Draft EIR. The introductory comment is noted. It does not warrant revisions to the Draft EIR and no further response is necessary. The commentor "*should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters*" (CEQA Guidelines 15204).

Response L-2: The commentor notes a complete and accurate project description is a necessary element of an adequate DEIR. The commentor notes that "The project description must contain sufficient specific information about the project to allow the public and reviewing agencies to evaluate and review its environmental impacts." *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th20, 26. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185,193. "A curtailed, enigmatic or unstable project description draws a red herring across the path of public input." *Id.* at 198. The commentor notes that CEQA Guidelines §15124 directs that an EIR should include information "needed for evaluation and review of the environmental impact." A project description that omits any "integral part of the project" is inadequate. *Dry Creek, supra*, citing *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818,829. Against this backdrop, the commentor note that the Project Description section of the DEIR is inaccurate, inconsistent and incomplete in the following areas:

- a) CEQA requires that an EIR articulate the objectives of the project, so that project alternatives can be evaluated for their ability to achieve the basic objectives. Here, the Project Objectives, found at pages 2.0-2 and 2.0-3, are so narrowly defined as to be meaningless, and improperly exclude many otherwise feasible options and available sites from consideration. As written, the objectives predetermine that no other sites are available which meet the Project objectives. This is a violation of CEQA.

The City of Lathrop concurs that a complete and accurate project description is a necessary element of an adequate DEIR; however, the description of the project "*should not supply extensive detail beyond that needed for evaluation and review of the environmental impact*" (CEQA Guidelines Section 15124). The City has prepared a project description in accordance with Project Description content requirements described in CEQA Guidelines Section 15124. This includes the following:

- *The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map. CEQA Guidelines Section 15124(a)*

Figures 2-1 through 2-6 illustrate the precise location and boundaries of the proposed project. Figure 2-3 illustrates the precise location and boundaries of the proposed project on a USGS topographic map. These figures serve as evidence that the project description is consistent with CEQA Guidelines Section 15124(a) regarding the content requirements of a project description.

- *A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project. CEQA Guidelines Section 15124(b)*

The Draft EIR includes “Project Goals and Objectives” on page 2.0-2 and 2.0-3, which clearly states that the underlying purpose of the project is “the approval and subsequent implementation of the South Lathrop Specific Plan.” This section describes “quantifiable objectives” of the proposed project to 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 Draft EIR page (2.0-2 and 2.0-3) also provides the following objectives:

- 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.

The project objectives are not improperly narrow. They reflect an appropriate list of objectives sought by the Specific Plan. Moreover, the City of Lathrop desires that a Specific Plan include as much specificity as possible to guide development in the area. At the same time, the objectives have not been used to inappropriately restrict the range of alternatives considered in the EIR. The Specific Plan included this level of detail to ensure that reviewers could be meaningfully informed about the project that would be developed within the project boundary if approved by the City Council. These objectives are consistent with CEQA Guidelines Section 15124(b) regarding the content requirements of a project description.

A Notice of Preparation 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 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.

Ultimately, the City determined that the following four should be analyzed in the Draft EIR.

- **No Build Alternative:** Under this alternative, development of the Plan Area would not occur, and the Plan Area would remain in its current condition.
- **No Project (General Plan Alternative):** This alternative would be 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.
- **Reduced Project Alternative:** Under this alternative, 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.

- **Agriculture Protection Alternative:** Under this alternative, the SLSP would be developed in such a way to protect those lands currently identified as prime farmland and farmland of statewide importance.
- *A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities. CEQA Guidelines Section 15124(c)*

Page 2.0-3 through 2.0-6 includes a discussion of the “Requested Land Use Approvals” including a detailed discussion of the proposed South Lathrop Specific Plan, Annexation, General Plan Amendment, Rezoning and Zoning Text Amendment, Subdivision, and Development Agreement. Page 2.0-6 through 2.0-14 includes a discussion of the “Development Details” including a detailed discussion of the proposed Land Plan, Circulation Plan and Transit Services, and Public Services & Infrastructure. These discussions serve as evidence that the project description is consistent with CEQA Guidelines Section 15124(c) regarding the content requirements of a project description.

- *A statement briefly describing the intended uses of the EIR. CEQA Guidelines Section 15124(d)*

Page 2.0-14 includes a section titled “Uses of the EIR and Required Agency Approvals.” This section provides a list of the agencies that are expected to use the EIR in their decision making, and a list of permits and other approvals required to implement the project. There are no other related environmental review and consultation requirements beyond those described in the list of agencies that are expected to use the EIR in their decision making, and the list of permits and other approvals required to implement the project. These discussions serve as evidence that the project description is consistent with CEQA Guidelines Section 15124(d) regarding the content requirements of a project description.

Response L-3: The commenter continues with their justification that the Project Description section of the DEIR is inaccurate, inconsistent and incomplete by stating the following (Note: this comment is a continuation, in part, of the previous comments regarding Project Description):

- b) The author excuses the critical lack of secondary access to the project site, reasoning that population density is less than might otherwise occur in a residential or commercial project. This is, of course, irrelevant. CEQA requires

consideration and analysis of the proposed project measured against current (undeveloped) site conditions. It is also stated that secondary access via a new bridge across the San Joaquin River "was determined to be cost prohibitive". By whom? Under what criteria? The public and the decision makers need this information to properly evaluate the Project.

This comment significantly understates the discussion of secondary access in the Draft EIR. The City concurs that CEQA requires consideration and analysis of the proposed project measured against current (undeveloped) site conditions. Any potential impacts caused by the project are properly analyzed using an existing conditions baseline. For example, Impact 3.14-9 analyzes possible impacts regarding emergency vehicle access. The Draft EIR recognizes that this could be a significant impact and includes a required mitigation measure. The discussion regarding the "Feasibility of the Secondary Access" within Section 2.0 Project Description is not an impact analysis, but rather is an explanation why a secondary access road is not feasible. Future conditions are relevant to that discussion. The General Plan represents the future (planned) conditions, which includes connection to future development to the south of Lathrop in unincorporated San Joaquin County. The General Plan also assumes residential uses in the SLSP Plan Area, which generates a larger volume of traffic compared to the proposed industrial and commercial uses. Given that a residential neighborhood (Oakwood Shores Subdivision) was developed by San Joaquin County without any proposed alignment or land reserved for a future connection in the location where the City of Lathrop had planned a connection, combined with the fact that the proposed industrial and commercial traffic is not desirable in residential neighborhoods, the City of Lathrop has concluded that the connection to the Oakwood Shores area is not feasible.

The City also considered an alternative secondary access across the San Joaquin River via a bridge; however, as noted on Page 2.0-9, a new bridge across the San Joaquin River was determined to be cost prohibitive rendering the industrial development economically infeasible. The basis for determined that the project was cost prohibitive was two-fold: 1) the City has a recent cost example of a bridge across the San Joaquin River from Mossdale Landing to River Islands. The \$17 million dollar cost was able to be spread out over a 4,800 acre project representing roughly \$3,541 per acre. As a comparison, a \$17 million dollar cost of a bridge across the San Joaquin River as part of the proposed project would represent \$53,968 per acre because it is much smaller. This represents a cost burden of 1,500% more than the cost burden associated with the City's recently constructed bridge across the San Joaquin River. For these reasons, the City of Lathrop determined that a bridge across the San Joaquin River from the Plan Area is cost prohibitive. It should also be noted that the City considered the fact that there are no plans for development across the San Joaquin River where a bridge was

considered, and thus any effort to construct a bridge would inevitably induce growth to an area that is not planned for development.

See Draft EIR Section 2.0 for further information on secondary access. See Draft EIR Section 3.14 for further information on potential impacts to emergency access.

Response L-4: The comment continues with its assertion that the Project Description section of the DEIR is inaccurate, inconsistent and incomplete by stating the following (Note: this comment is a continuation, in part, of the previous comments regarding Project Description):

- c) The author states (page 2.0-9) that it is "presumed" that San Joaquin County did not desire to establish a connection to the Plan Area as part of the development of Oakwood Shores. There is no support for this statement.

Page 2.0-8 states that 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, which indicates that the San Joaquin County did not desire to provide connectivity to the City of Lathrop through the development or through a planned alignment for a connection.

These comments warrant revisions to text on Page 2.0-9 of the Draft EIR. The revisions to the text are intended to clarify the language.

Revisions from Page 2.0-9 of the Draft EIR:

Justification for SLSP Circulation Plan without Secondary Access

1. 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.
2. 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.
3. 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.
4. 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.

5. 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-approve~~ 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.
6. 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.

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response L-5: The commentor notes that on page 3.4-24, Mitigation Measure 3.4-1 requires the applicant to seek coverage under the SJMSCP for biological habitat impacts. It is not clear whether the SJMSCP applies to the subject property, and/or whether the Plan could be amended to include coverage for the subject property. The mitigation measure should be revised to incorporate alternate measures should coverage not be available under the SJMSCP.

As noted on Page 3.4-15 and 3.4-16, “development project applicants are given the option of participating in the SJMSCP as a way to streamline compliance with required local, State and federal laws regarding biological resources, and typically avoid having to approach each agency independently. According to the SJMSCP, adoption and implementation by local planning jurisdictions provides full compensation and mitigation for impacts to plants, fish and wildlife. Adoption and implementation of the SJMSCP also secures compliance pursuant to the state and federal laws such as CEQA, the National Environmental Policy Act (NEPA), the Planning and Zoning Law, the State Subdivision Map Act, the Porter-Cologne Act and the Cortese-Knox Act in regard to species covered under the SJMSCP.”

Page 3.4-15 and 3.4-16 also states that “since Lathrop became a signatory to the SJMSCP at the end of 2001, all applicants for projects within the City have chosen to participate in the Plan, rather than pursue compliance independently. Applicants pay

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

mitigation fees on a per-acre basis, as established by the Joint Powers Authority according to the measures needed to mitigate impacts to the various habitat and biological resources. Different types of land require different levels of mitigation; i.e., one category requires that one acre of a similar land type be preserved for each acre developed, while another type requires that two acres be preserved for each acre developed. The entire County is mapped according to these categories so that land owners, project proponents and project reviewers are easily aware of the applicable SJMSCP fees for the proposed development.”

Mitigation Measure 3.4-1 requires coverage for the project under the SJMSCP consistent with every other development in the City of Lathrop since 2001. Mitigation Measure 3.4-1 accurately reflects the mitigation approach for biological habitat impacts. The City of Lathrop has engaged SJCOG, Inc., the administrator of the SJMSCP regarding coverage. Additionally, SJCOG, Inc. has provided a written comment on this topic.

Response L-6: The commentor states that Impact 3.11-1 (loss of known mineral resource) is improperly diminished and ultimately excused because mitigating the impact would ostensibly violate the Project Objectives. The commentor states that this is improper under CEQA.

The project objectives are an appropriate consideration when evaluating whether mitigation is feasible. (See *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 15.) CEQA does not require analysis of every imaginable mitigation measure; its concern is with feasible means of reducing the environmental effects of a project. Thus, mitigation may properly be rejected as infeasible if it would conflict with the objectives of the project. (Ibid.).

The discussion under Impact 3.11-1 explains that a mitigation requiring the reclamation of mineral resources prior to urbanization of the site has been considered, but that this mitigation is infeasible because it would conflict with project objectives identified in Chapter 2, Project Description. Given there are 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 effectively becomes 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. 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. As explained in the Draft EIR, therefore, the mitigation was rejected because it would conflict with the project objectives individually and collectively. (See Draft EIR, pp. 3.11-6 through 3.11-8.)

There are no feasible mitigation measures available that would not conflict with the basic project objectives and reduce the impact to a less than significant level. And none have been suggested by any commentor. Therefore, the Draft EIR concluded that this is a significant and unavoidable impact.

For further information on mitigation that was considered for Impact 3.11-1, see Draft EIR Section 3.11

Response L-7: The commentor notes that the DEIR's traffic analysis is deficient, underestimating trip generation, impacts and necessary mitigation measures. The commentor notes that the specific deficiencies in the traffic analysis are delineated in the attached letter from VRPRA Technologies, Inc., dated December 9, 2013. The commentor notes that in general, VRPA concludes that the DEIR fails to identify significant impacts at several key intersections and roadway segments, and fails to offer feasible and enforceable mitigation in most instances.

These comments are noted. Fehr and Peers has reviewed the attached letter from VRPRA Technologies, Inc., dated December 9, 2013 and has provided written responses. The responses can be reviewed in Responses M-1 through M-17.

Response L-8: The commentor notes in Chapter 3.13, the DEIR briefly notes the potential physical impacts associated with the eventual construction of a fire station, but fails to analyze the serious and ongoing funding challenges faced by the Lathrop-Manteca Fire Protection District, which will no doubt be exacerbated by the Project.

The DEIR adequately addresses the physical impacts associated with the eventual construction of a fire station. CEQA is concerned with physical impacts on the environment; not social or economic impacts. Therefore, the Draft EIR did not need to address funding challenges faced by the Lathrop-Manteca Fire Protection District. Also, as explained in Draft EIR Section 3.13.3, the approval of a new fire station would be considered a project under CEQA, and would be subject to environmental review. It cannot be determined at this time whether or not the physical impacts caused by the construction of the new fire station can be mitigated to a less than significant level, as a location for a new fire station has not been decided and a design is not available. The SLSP does not propose, nor does this EIR fully evaluate, the construction of a new fire station pursuant to CEQA.

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Response L-9: The commentator provides the following comment: The California Supreme Court has observed that "[t]he core of an EIR is the mitigation and alternative sections." *Citizens for Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553,564. "One of [an EIR's] major functions ... is to assure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official." *Id.* at 565 (citations omitted). The lead agency must independently evaluate and establish the basis for any reasonable alternative that an applicant summarily contends is infeasible. *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1357. CEQA Guidelines § 15126.6(f)(1) describes the factors to be taken into account in determining the feasibility of alternative sites to include "whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site." The nature of the proponent, and their ability to gain control, not just whether they have control of alternative sites, is required to be a focus of the inquiry of the feasibility of alternative sites. Land exchanges are a recognized mechanism for securing alternative sites that must be considered and evaluated by the lead agency and discussed in an EIR. See, *San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 751 (EIR that mentioned but failed to discuss land exchange to secure an alternative site found inadequate). The specific circumstances of the site (impacts and the degree to which other sites could serve the project purposes equally or with less adverse impacts), the nature of the proponent (private or public) and the nature of the project must all be considered by decision makers to determine if an alternative site is feasible. *Citizens for Goleta Valley, supra*, 52 Cal.3d at 574-75. In this instance, the DEIR improperly limited its discussion to alternatives which could be accomplished within the boundaries of the existing site. This was clearly done to maintain consistency with the unnecessarily narrow "project objective" of considering only developer-owned property. Moreover, the discussion of the identified alternatives is deficient. Little or no quantifiable analysis is provided to apprise the public of the level of reduction of impacts or the need for mitigation associated with each alternative.

The general principals described in the comment are noted. The City concurs that the mitigation and alternative sections are the core of the EIR, and one of the EIR's major functions is to assure that all reasonable alternatives to proposed projects are thoroughly assessed. The City recognizes that it is its responsibility to independently evaluate and establish the basis for any reasonable alternative that an applicant summarily contends is infeasible. Although the comment suggests generally that the alternatives are inadequate, no specific alternatives have been proposed or suggested.

The City of Lathrop has prepared Section 5.0 Alternatives in accordance with CEQA Guidelines Section 15126.6. The alternatives analysis includes a range of reasonable

alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluates the comparative merits of the alternatives. As noted in CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376). As noted on Page 5.0-2 of the Draft EIR, four alternatives to the SLSP were developed based on input from City staff, the public during the NOP review period, and the technical analysis performed to identify the environmental effects of the SLSP.

See Section 5.0 for further information on alternatives. Section 5.0 provides a comparative analysis between the environmental impacts of the SLSP and the various alternatives. It also includes a table (Table 5.0-18 on page 5.0-39) that presents a comparison of the alternative project impacts with those of the SLSP.

The comment regarding the consideration of alternative locations warrants revisions to text on Page 5.0-2 of the Draft EIR to clarify and amplify the reasons that an alternative location was not selected for further analysis in the Draft EIR.

Revisions from Page 5.0-2 of the Draft EIR:

ALTERNATIVES NOT SELECTED FOR FURTHER ANALYSIS

A Notice of Preparation 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 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

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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.

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response L-10: The commentator states that the flaws in the DEIR identified in his letter, as well as within the VRPA letter, are serious, and have the effect of depriving the public of vital information concerning the environmental consequences of the Project. We urge the City to re-draft and recirculate the DEIR, making a more serious effort to quantify and mitigate the environmental impacts of the Project, and thereby satisfy its statutory obligation.

This comment is noted. The City of Lathrop has provided a written response to all comments provided by the commentator, including the comments from VRPA Technologies, Inc., in a letter dated December 9, 2013 (See Responses L-1 through L-17).

Transportation Planning - Traffic Engineering - Environmental Assessment - Public Outreach



December 9, 2013

Tom Terpstra, Attorney-at-Law
 Law Office of Thomas H. Terpstra
 A Professional Corporation
 578 N. Wilma Avenue, Suite A
 Ripon, CA 95366

Re: Review of the Draft Environmental Impact Report for the South Lathrop Specific Plan in Lathrop, California, Dated October 2013

Dear Tom:

Per your request, VRPA Technologies, Inc. has conducted a peer review of the traffic analysis for the above referenced Draft Environmental Impact Report (DEIR) prepared by De Novo Planning Group. The Project consists of a proposed travel center encompassing 12,271 square feet of building area. The Project is a Specific Plan for mixed-use development of 315 acres of land in Lathrop, California. This peer review is based on VRPA’s knowledge of standard engineering practice and the policies set forth in the General Plans of Lathrop and Manteca, Caltrans’ *Guide for the Preparation of Traffic Impact Studies*, and various other relevant planning and engineering standards.

M-1

VRPA’s major comments are as follows:

1. There are a number of issues regarding the traffic analysis that would need to be resolved before it would be possible to come to an informed conclusion on whether the project’s traffic impacts are adequately documented and mitigated. These issues are noted in the comments below.
2. Even without resolution of the issues noted below, it is possible to come to a conclusion regarding the project’s traffic impacts at the interchange of SR 120 and Yosemite Avenue. The project would add a large amount of traffic to this interchange, reducing the level of service (LOS) at the ramp terminal intersections from the best possible level of service (LOS A) to the worst possible level of service (LOS F), as noted on page 3.14-22 of the Draft EIR. On page 3.14-23, the Draft EIR recommends a large number of improvements to handle the added traffic. However, on page 3.14-24, the Draft EIR states that the interchange improvements are under the jurisdiction of Caltrans and that the improvements are beyond the control of the City. The Draft EIR goes on to say that the traffic impacts are significant and unavoidable. In reality, the traffic impacts are not unavoidable. The City could simply limit the development to a level that could be handled by the current interchange. It is recommended that the City conduct a phased analysis of traffic conditions that specifies the level of development that could be handled prior to improvement of the interchange and then provide a mitigation measure that limits project development accordingly.
3. The project does not include an opening day/near term traffic analysis and therefore fails to report the potential for cumulative traffic impacts that would be caused by the combined traffic

M-2

M-3

from the project and other developments which could be built prior to the opening day of the project. On pages 3.14-32 and 3.14-33, the Draft EIR lists a large number of potential development projects that are located in the vicinity of the project's site. If all or any portion of these developments were to be built prior to the opening day of the project, the Existing Plus Project traffic analysis scenario would understate the cumulative traffic impacts of the project by failing to take into account the effect of traffic generated by these other developments.

M-3 Cont'd

4. In Table 3.14-9 on page 3.14-19, project trip generation is calculated using the ITE Trip Generation manual, 9th Edition. However, the trip generation is based on average trip generation rates for individual land uses rather than specific formulas for the calculation of trip generation that are provided in the manual. This is a questionable practice that can lead to underestimation of project trips. Based on VRPA's calculations, the use of formulas rather than average trip generation rates, with all other factors equal, would lead to a daily trip generation of 17,851 as compared to a daily trip generation of 15,674 documented in the Draft EIR, with corresponding increases in AM peak hour and PM peak hour trip generation. The additional trips could result in significant traffic impacts that are not documented in the Draft EIR.

M-4

5. The Draft EIR incorrectly documents traffic impacts at unsignalized/side street stop-controlled intersections. The Draft EIR reports level of service at these intersections in terms of overall level of service for all approaches, based on average delays for all movements. This is an incorrect methodology that is not supported by the Highway Capacity Manual, the basis of the analysis for these types of intersections. The Draft EIR reports in parentheses the level of service for individual movements, which is the correct method for reporting levels of service at these types of intersections. If the correct level of service were used for the reporting of levels of service at side street stop-controlled intersections, the following significant traffic impact would result, which is not documented in the Draft EIR:

M-5

- ✓ Existing Plus Project Conditions, Lathrop Road/McKinley Avenue, PM Peak Hour: Level of service worsens from LOS C without the project to LOS D with the project.

6. The study area for analysis of roadway segments is not clear. For example, on Table 3.14-7 on page 3.14-17, there are only two roadway segments analyzed. It would be recommended that all roadway segments connecting to the study area intersections be analyzed. Similar issues occur in other traffic analysis scenarios. Analysis of additional roadway segments could result in significant traffic impacts that are not documented in the Draft EIR.

M-6

VRPA's additional comments are as follows:

1. On page 3.14-10, the Draft EIR states that the City of Manteca has target transportation level of service of C, except that level of service D is accepted under certain circumstances. In the thresholds of significance (page 3.14-12) and throughout the rest of the traffic analysis, the Draft EIR assumes that LOS D is the target level of service in Manteca without documenting any special circumstances at any roadway segment or intersection in the study area. Since there are no special circumstances noted, it would be assumed that the LOS C standard would apply. Using this standard, it should be noted that the intersection of Yosemite Avenue and Airport Way operates at an unacceptable LOS D for existing conditions.

M-7

<p>2. On page 3.14-30, the Draft EIR provides a cursory review of traffic impacts at at-grade rail crossings and concludes that the project’s traffic impacts for Existing Plus Project conditions are insignificant. Instead of the brief analysis that is provided, the project sponsors should make contact with the California Public Utilities Commission that oversees at-grade rail crossings to determine whether the crossing of the Union Pacific Railroad at Yosemite Avenue would require any upgrades or improved safety features. If any improvements are needed, the project should implement the improvements or pay for a fair share of the improvement cost, as appropriate. Furthermore, this analysis should be conducted for 2030 conditions in addition to Existing Plus Project conditions.</p>	<p>M-7 Cont’d</p>
<p>3. On page 3.14-30, the Draft EIR provides a cursory review of emergency vehicle access to the project site. The Draft EIR notes that there is a significant impact because there is only one access roadway provided to the project site. The Draft EIR provides a cursory analysis of mitigation measures and then states that the impact is significant and unavoidable. This analysis leaves a number of issues unresolved:</p>	
<p>✓ What is the size of development that could be safely accommodated if only one access roadway is provided? If the City of Lathrop does not have standards for this situation, it would be recommended that the standards of other jurisdictions be consulted.</p> <p>✓ Can the project size be limited to a level that could be supported by a single access roadway, thereby avoiding the significant impact?</p> <p>✓ Have the project sponsors investigated the possibility of providing an emergency-only secondary access to the project site? For example, it appears that an emergency-only access to Mancuso Road on west side of the project could be provided at a reasonable cost. Since the access point would be used for emergencies only, there would be no traffic impacts to Mancuso Road or adjacent facilities under typical conditions.</p>	<p>M-9</p>
<p>4. The text says that the 2010 Highway Capacity Manual was used in the analysis, but the tables refer to the 2000 Highway Capacity Manual. Which version of the manual was used?</p>	
<p>5. On page 3.14-6, the Draft EIR states that the Leisch methodology reports results in terms of density. In reality, the results are reported in terms of speed and level of service.</p>	<p>M-11</p>
<p>6. On page 3.14-13, the Draft EIR describes analysis of a scenario where the project is assumed to be built along with 50% of the Lathrop Gateway project. However, there is no discussion of how this scenario fits in with the rest of the analysis and no documentation of roadway segment or intersection levels of service for this scenario.</p>	
<p>7. On page 3.14-12, the Draft EIR reports that increasing delay at an intersection in Lathrop which is operating at LOS D or worse by 5 seconds or more would result in a significant impact. Similarly, it states that increasing delay at an intersection in Manteca that is operating at LOS E or worse by 3 seconds would result in a significant impact. However, there is no indication of where these significance thresholds come from or why they are different in different jurisdictions.</p>	<p>M-13</p>
<p>8. On page 3.14-16, the Draft EIR reports that it used the 2010 version of the MUTCD for analysis</p>	

of signal warrants. The correct version of the MUTCD that should be used in California is the 2012 California MUTCD.

M-14 Cont'd

9. On page 3.14-16, the Draft EIR provides analysis of signal warrants for Existing conditions and there is one location where signal warrants are met. However, there is no indication of whether this results in a significant traffic impact or how it relates to the rest of the analysis. A similar problem occurs for analysis scenarios.

M-15

10. On pages 3.14-23 and 3.14-24, the Draft EIR provides analysis of conditions with 50% buildout and 50% buildout of the improvements needed at the SR 120/Yosemite Avenue interchange to accommodate 50% buildout of the South Lathrop Specific Plan. However, there is no discussion of how this scenario fits in with the rest of the analysis and no documentation of roadway segment or intersection levels of service for this scenario.

M-16

11. Tables 3.4-10 and 3.4-12 disagree on levels of service and delays for Existing Plus Project conditions.

M-17

Should you have any further questions regarding our review of the Traffic Analysis, I can be reached at 559-259-9257.

Sincerely,

VRPA TECHNOLOGIES, INC.



Georgiena M. Vivian
President

Response to Comment M Georgiana M. Vivian, VRPA Technologies

Response M-1: The commentor indicates that VRPA Technologies, Inc. has conducted a peer review of the traffic analysis for the SLSP. The commentor states that the “Project consists of a proposed travel center encompassing 12,271 square feet of building area.” The commentor then states that the Project is a Specific Plan for mixed-use development of 315 acres of land in Lathrop, California. The commentor states that their peer review is based on VRPA's knowledge of standard engineering practice and the policies set forth in the General Plans of Lathrop and Manteca, Caltrans' Guide for the Preparation of Traffic Impact Studies, and various other relevant planning and engineering standards. The commentor then states that there are a number of issues regarding the traffic analysis that would need to be resolved before it would be possible to come to an informed conclusion on whether the project's traffic impacts are adequately documented and mitigated. The commentor notes that these issues are noted their subsequent comments.

The statement that the “Project consists of a proposed travel center encompassing 12,271 square feet of building area” is incorrect. Nowhere in the Draft EIR or NOP was there any reference to a proposed travel center encompassing 12,271 square feet of building area. The Draft EIR provides a detailed project description on Pages 2.0-1 through 2.0-26. Nevertheless, we have provided responses to address each of them based on the information contained in the Transportation and Circulation Section of the CEQA document.

The remainder of this comment serves as an introduction to the commentor’s letter and does not warrant a response. No further response is necessary.

Response M-2: The commentor states that even without resolution of the issues noted below, it is possible to come to a conclusion regarding the project's traffic impacts at the interchange of SR 120 and Yosemite Avenue. The commentor indicates that the project would add a large amount of traffic to this interchange, reducing the level of service (LOS) at the ramp terminal intersections from the best possible level of service (LOS A) to the worst possible level of service (LOS F), as noted on page 3.14-22 of the Draft EIR. The commentor indicates that on page 3.14-23, the Draft EIR recommends a large number of improvements to handle the added traffic; however, on page 3.14-24, the Draft EIR states that the interchange improvements are under the jurisdiction of Caltrans and that the improvements are beyond the control of the City. The Draft EIR goes on to say that the traffic impacts are significant and unavoidable. In reality, the traffic impacts are not unavoidable. The City could simply limit the development to a level that could be handled by the current interchange. It is recommended that the City conduct a phased analysis of traffic conditions that specifies the level of development

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that could be handled prior to improvement of the interchange and then provide a mitigation measure that limits project development accordingly.

The City did consider a “Reduced Project Alternative” as described on page 5.0-4 in Section 5.0 Alternatives. Under this alternative, the SLSP would be developed with the same components as described in the Project Description, but the size of the buildings would be reduced resulting in an increase of open space/ parkland. The total acreage dedicated to industrial and commercial uses would be reduced by approximately 1/3, which would result in smaller building footprints. The Reduced Project Alternative results in a total commercial square footage of 91,476 (reduction of 39,204 sq. ft.) a total industrial square footage of 2,772,158 (reduction of 1,386,080 sq. ft.), and an increase of 77 acres of River/Levee Park resulting in a total of 98 acres (the SLSP has 21 acres), and all other aspects (roads and public/quasi public facilities) remain the same as the SLSP. An estimate of peak hour and daily trips for the Reduced Project Alternative is shown in Table 5.0-9 below. 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.

TABLE 5.0-9: REDUCED PROJECT ALTERNATIVE TRIP GENERATION

LAND USE	QUANTITY (1,000 Sq. Ft.)	ITE LAND USE CODE	PEAK HOUR TRIP RATE			TRIPS		
			AM	PM	DAILY	AM PEAK HOUR	PM PEAK HOUR	DAILY
High Cube Warehouse	2,063	152	0.17	0.18	1.44	351	371	2,971
General Light Industrial	709	110	0.44	0.42	3.02	312	298	2,141
Shopping Center	91	820	1	3.73	42.94	91	339	3,908
Total	4,739		Gross Trips			754	1,009	9,019

Note: this is just a rough estimate and only used for comparative analysis. All calculations are based on a FAR of 0.43 and rates shown in Table 3.14-9.

The Reduced Project was determined to be the third best after the No Project and Agricultural Protection Alternative. However, it was also found that the Reduced Project Alternative does not meet all of the project objectives.

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 request 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 will be 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.

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Response M-3: The commentator states that the project does not include an opening day/near term traffic analysis and therefore fails to report the potential for cumulative traffic impacts that would be caused by the combined traffic from the project and other developments which could be built prior to the opening day of the project. The commentator indicates that on pages 3.14-32 and 3.14-33, the Draft EIR lists a large number of potential development projects that are located in the vicinity of the project's site. If all or any portion of these developments were to be built prior to the opening day of the project, the Existing Plus Project traffic analysis scenario would understate the cumulative traffic impacts of the project by failing to take into account the effect of traffic generated by these other developments.

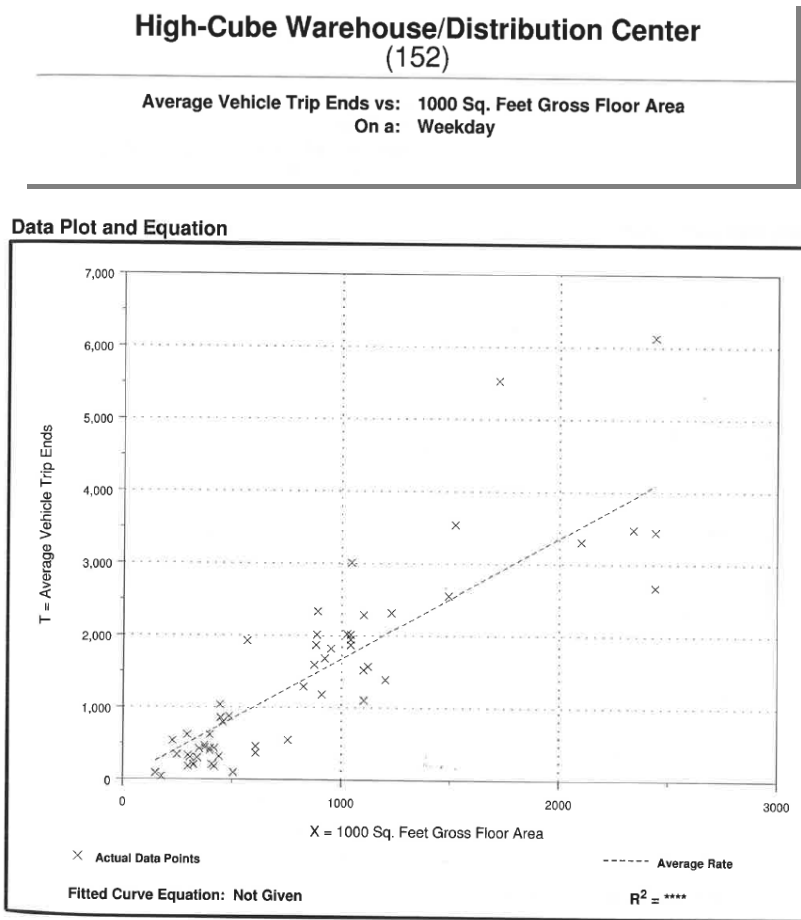
Under the "Analysis Scenarios" and consistent with CEQA requirements, the analysis includes a range of scenarios so that the City and the public can understand potential transportation and circulation impacts over time. The analysis also includes an additional scenario suggested by Caltrans, so the analysis encompasses an even broader range of scenarios than is contemplated under CEQA. There is no requirement that the analysis also includes opening day / near term analysis, as suggested by the comment.

The Existing Plus Project Conditions analysis adds traffic resulting from full buildout of the proposed project to existing traffic conditions. In addition, Under Mitigation Measure 3.14-1, improvements that are needed at the SR 120 / Yosemite Avenue interchange with 50% buildout of the South Lathrop Specific Plan and 100% buildout of the South Lathrop Specific Plan are identified. Lastly, a Cumulative Plus Project Conditions analysis adds traffic from full buildout of the proposed project to planned projects in Lathrop, Manteca, and San Joaquin County. This analysis is fully adequate under CEQA.

Response M-4: The commentator states that in Table 3.14-9 on page 3.14-19, project trip generation is calculated using the ITE Trip Generation manual, 9th Edition. However, the trip generation is based on average trip generation rates for individual land uses rather than specific formulas for the calculation of trip generation that are provided in the manual. This is a questionable practice that can lead to underestimation of project trips. Based on VRPA's calculations, the use of formulas rather than average trip generation rates, with all other factors equal, would lead to a daily trip generation of 17,851 as compared to a daily trip generation of 15,674 documented in the Draft EIR, with corresponding increases in AM peak hour and PM peak hour trip generation. The additional trips could result in significant traffic impacts that are not documented in the Draft EIR.

The commentator's statement that the use of the specific formulas would lead to a daily trip generation of 17,851 is incorrect because Land Use 152 – High Cube Warehouse /

Distribution does not provide a formula (Page 273 of Volume 2: Data) for daily trip generation.



Therefore, the trip generation analysis using average trip rates based on the Institute of Transportation Engineers Trip Generation Manual 9th Edition, 2012 and documented in Table 3.14-9 is accurate and appropriate for use in the environmental document.

Response M-5: The commenter states that the Draft EIR incorrectly documents traffic impacts at unsignalized/side street stop-controlled intersections. The commenters states that the Draft EIR reports level of service at these intersections in terms of overall level of service for all approaches, based on average delays for all movements. The commenter indicates that this is an incorrect methodology that is not supported by the Highway Capacity Manual, the basis of the analysis for these types of intersections. The Draft EIR reports in parentheses the level of service for individual movements, which is the correct method for reporting levels of service at these types of intersections. The commenter suggests that if the correct level of service were used for the reporting of levels of service at side street stop-controlled intersections, a

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significant traffic impact would result at the Lathrop Road/McKinley Avenue under PM Peak Hour. The impact would be an LOS C worsening to an LOS D.

The unsignalized level of service analysis methodology (Table 3.14-2) identifies the average delay per vehicle for Level of Service (LOS) C to range from (>15.0 to 25.0) and LOS D to range from (>25.0 to 35.0). Tables 3.14-5 and 3.14-10 have been revised to state that this unsignalized intersection side street stop-controlled approach at the Lathrop Road / McKinley Avenue intersection operates at the cusp of LOS C/D conditions under Existing Conditions with an average delay of 25 seconds for the stop controlled shared northbound left/right-turn movement.

As part of the Lathrop Road grade separation project that is currently under construction, funding for signaling the T-intersection of Lathrop Road / McKinley Avenue was secured based on construction bids received by the City of Lathrop. The existing side-street stop controlled unsignalized intersection will be signaled by December 2014.

The proposed project would be responsible for its fair share of the improvements. The Draft EIR includes Mitigation Measure 3.14-8 to require the proposed project to contribute a fair share toward this improvement. Implementation of the following mitigation measure would ensure that this impact is reduced to a less than significant level.

The text of the Draft EIR on page 3.14-39-40 warrants revisions to reflect that this improvement is currently under contract.

Mitigation Measure 3.14-8: *The project applicant shall pay its fair share toward improvements to the City of Lathrop for the Lathrop Road/McKinley Avenue intersection, which is currently under contract construction and will be signaled by December 2014. The project's fair share traffic contribution to these improvements is estimated to be 0.8%². The following mitigation measure as shown in Figure 3.14-13 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.*
- *~~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.~~*

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA

² 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:
Fair Share Percentage = [Project Only Total Volume / (Cumulative Plus Project Total Volume – Existing Count Volume)]
Fair Share Percentage = [22 / (5,250 – 2,401)] = 0.8 %

Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response M-6: The commentor states that the study area for analysis of roadway segments is not clear. For example, on Table 3.14-7 on page 3.14-17, there are only two roadway segments analyzed. The commentor recommends that all roadway segments connecting to the study area intersections be analyzed and suggests that similar issues occur in other traffic analysis scenarios. Analysis of additional roadway segments could result in significant traffic impacts that are not documented in the Draft EIR.

The segments analyzed for the proposed project were identified by the project description, project trip generation and corresponding trip distribution of project-generated traffic. And with the majority of project-generated traffic using the regional freeway system (86%), the two roadway segments on Yosemite Avenue were identified where project generated traffic was 14% and 9%. Under both Existing Plus Project and Cumulative Plus Project Conditions, neither of these segments were significantly impacted by project traffic as shown in Tables 3.14-14 and 3.14-20.

In addition, with the majority of delay occurring at either signalized or unsignalized intersection, the potential impacts of the proposed project were fully evaluated at the intersection level for Existing, Existing Plus Project and Cumulative Conditions. Table 3.14-5 identifies the 10 study intersections. Intersection level of service analysis was used as the primary measure for identifying traffic impacts at intersections and mitigation measures.

Based on the San Joaquin Council of Governments (SJCOG) Regional Travel Demand Model, 86% of all project-generated traffic is projected to use either eastbound SR 120 to the Central Valley (45%) or westbound SR 120 to the San Francisco Bay Area (41%). Table 3.14-8 identifies the freeway mainline, on-ramp merge, and off-ramp diverge section analysis that were agreed upon based on a scoping meeting with Caltrans District 10. Project scoping with the City of Lathrop and City of Manteca identified the two roadway segments on Yosemite Avenue between SR 120 and D’Arcy Parkway and D’Arcy Parkway and Airport Way as the roadway segments to also be analyzed. Based on the project trip distribution for both Existing Plus Project (Figure 3.14-1) and Cumulative Plus Project (Figure 3.14-2) Conditions, with 88% of project-generated traffic using the roadway segment on Yosemite Avenue between SR 120 and D’Arcy Parkway no roadway impacts were identified.

With 14% of project-generated traffic using the roadway segments on Yosemite Avenue between D’Arcy Parkway and Airport Way, no roadway impacts were identified in Table 3.14-14 (Existing Plus Project Conditions) or Table 3.14-20 (Cumulative Plus Project Conditions). Therefore, no additional roadway segments were included and no

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comments regarding roadway segment analysis were received from the City of Manteca.

Response M-7: The commentor indicates that on page 3.14-10, the Draft EIR states that the City of Manteca has target transportation level of service of C, except that level of service D is accepted under certain circumstances. In the thresholds of significance (page 3.14-12) and throughout the rest of the traffic analysis, the Draft EIR assumes that LOS D is the target level of service in Manteca without documenting any special circumstances at any roadway segment or intersection in the study area. Since there are no special circumstances noted, it would be assumed that the LOS C standard would apply. Using this standard, it should be noted that the intersection of Yosemite Avenue and Airport Way operates at an unacceptable LOS D for existing conditions.

Based on information provided directly by the City of Manteca Planning Department and also documented in the Final Environmental Impact Report for the Northwest Airport Way Master Plan (State Clearinghouse No. 2010022024 - October 2010), the level of service threshold for the intersection of Yosemite Avenue and Airport Way is LOS D based on Policy C-P-2 – “Where constructing facilities with enough capacity to provide LOS C is found to be unreasonably expensive. This applies to facilities, for example, on which it would cost significantly more per dwelling unit equivalent (DUE) to provide LOS C than to provide LOS D”.

Table 3.4-10 has been revised to clarify that Yosemite Avenue / Airport Way intersection is operating at acceptable LOS D for existing conditions. The comment warrants the following revisions to text on Page 3.14-22 of the Draft EIR.

Intersection	Jurisdiction	Traffic Control ²	LOS / Delay ¹			
			Existing		Existing Plus Project	
			AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
1. SR 120 EB Ramps / Yosemite Avenue	Caltrans	SSSC	A (A) / 4 (7)	A (A) / 5 (8)	F (F) / 60 (164)	F (F) / 180 (>180)
2. SR 120 WB Ramps / Yosemite Avenue	Caltrans	SSSC	A (A) / 2 (8)	A (A) / 2 (8)	F (F) / >180 (>180)	F (F) / >180 (>180)
3. Yosemite Avenue / D’Arcy Parkway	City of Lathrop	Signal	A / 6	A / 9	A / 6	A / 10
4. Yosemite Avenue / McKinley Avenue	City of Manteca	AWS	A / 9	B / 12	B / 11	C / 17
5. Yosemite Avenue / Airport Way	City of Manteca	Signal	C / 30	D / 51	C / 32	D / 54

Intersection	Jurisdiction	Traffic Control ²	LOS / Delay ¹			
			Existing		Existing Plus Project	
			AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
6. Lathrop Road / McKinley Avenue	City of Lathrop	SSSC	A (B) / 1 (14)	A (C/ <u>D⁵</u>) / 3 (25)	A (B) / 1 (14)	A (<u>D</u>) / 3 (<u>27</u>)
7. Louise Avenue / McKinley Avenue	City of Lathrop	Signal	C / 23	F / 89	C / 23	F / 90
8. Airport Way / Daniels Street	City of Manteca	Signal	B / 15	C / 30	B / 16	C / 30
9. SR 120 WB Ramps / Airport Way	Caltrans	Signal	B / 10	B / 18	B / 11	B / 18
10. SR 120 EB Ramps / Airport Way	Caltrans	Signal	B / 11	C / 31	B / 11	C / 29

Notes:

1. For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for all approaches. For side-street stop controlled intersections, the delay and LOS for the most-delayed individual movement is shown in parentheses next to the average intersection delay and LOS. All results are rounded to the nearest second.
2. SSSC = Side-Street-Stop Controlled intersection; AWS = All-Way Stop Controlled intersection
3. Level of Service based on Highway Capacity Manual (Transportation Research Board, ~~2000~~2010).
4. Bold and underlined text indicates unacceptable operations. Shaded cells indicate a significant impact.
5. [This unsignalized intersection side street stop-controlled approach operates at the cusp of LOS C/D conditions](#)

Source: Fehr & Peers, 2013

The text revisions above (Table 3.14-10) do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text bold and underline change.

Response M-8: The commentor indicates that on page 3.14-30, the Draft EIR provides a cursory review of traffic impacts at at-grade rail crossings and concludes that the project's traffic impacts for Existing Plus Project conditions are insignificant. The commentor suggests that instead of the brief analysis that is provided, the project sponsors should make contact with the California Public Utilities Commission that oversees at-grade rail crossings to determine whether the crossing of the Union Pacific Railroad at Yosemite Avenue would require any upgrades or improved safety features. If any improvements are needed, the project should implement the improvements or pay for a fair share of the improvement cost, as appropriate. Furthermore, this analysis should be conducted for 2030 conditions in addition to Existing Plus Project conditions.

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The Draft EIR adequately discusses impacts to at-grade rail crossings. As part of the Environmental Setting Section, rail service was discussed within the project study area. This included an inventory of existing equipment that is provided at the Yosemite Avenue at-grade crossing (advanced warning signs, railroad crossing pavement markings, stop lines, crossing gates, flashing lights, a concrete crossing, and warning bells). In addition, based on information provided by the US Department of Transportation Crossing Inventory, an average of 21 trains per day cross this segment of Yosemite Avenue. Lastly, a detailed review of accident data determined that no accidents have been reported at this crossing for the past seven (7) years. Based on this background information, project-generated daily traffic increase from 7,900 vehicles to 8,830 vehicles. This impact is considered less than significant because the project would not cause an increase in delay during train crossings that would correspond to LOS D or worse conditions. Therefore, no mitigation measures are required under Impact 3.14-8

Under Cumulative 2030 Conditions, a grade-separated crossing would be constructed as part of SJCOG Measure K and the existing at-grade rail crossing would ~~be eliminated~~ not exist under 2030 Conditions. The UPRR crossing would be similar to the Louise Avenue and Lathrop Road grade separation projects and no at-grade rail crossing would exist on Yosemite Avenue. Therefore, no at-grade crossing analysis is required under Cumulative 2030 Conditions.

Response M-9: The commentor indicates that on page 3.14-30, the Draft EIR provides a cursory review of emergency vehicle access to the project site. The Draft EIR notes that there is a significant impact because there is only one access roadway provided to the project site. The commentor indicates that the Draft EIR provides a cursory analysis of mitigation measures and then states that the impact is significant and unavoidable. The commentor states that this analysis leaves a number of issues unresolved including the following:

- What is the size of development that could be safely accommodated if only one access roadway is provided? If the City of Lathrop does not have standards for this situation, it would be recommended that the standards of other jurisdictions be consulted.
- Can the project size be limited to a level that could be supported by a single access roadway, thereby avoiding the significant impact?
- Have the project sponsors investigated the possibility of providing an emergency-only secondary access to the project site? For example, it appears that an emergency-only access to Mancuso Road on west side of the project could be provided at a reasonable cost. Since the access point would be used for

emergencies only, there would be no traffic impacts to Mancuso Road or adjacent facilities under typical conditions.

Connection to Mancuso Road would require a bridge across the San Joaquin River, as well as a bridge across the Paradise Cut Off. The construction of two bridges and a roadway would be extremely costly. Section 2.0 Project Description presents a discussion of feasibility considerations for an alternative secondary access across the San Joaquin River via a bridge; 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 alternative secondary access is considered infeasible.

An alternative secondary access onto I5 or SR 120 was also considered during preparation of the SLSP; 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.

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. Public access to the Plan Area will continue to be provided by Guthmiller Road. The improved entry road into the Plan Area will be designed as a four to six lane divided arterial with a raised sixteen foot wide median. Nonpublic access will continue to be provided along the levee road. Direct access will be provided at two points from the development to the levee road. An internal loop road will allow for emergency circulation. The north-south road from the Madruga Road cul-de-sac to the east-west industrial collector will be designed as an emergency vehicle access road that will also allow for public use under an emergency condition. This road is intended to have bollards that are removable by emergency personnel in the event of an emergency.

With the implementation of Mitigation Measure 3.14-1 (Existing Plus Project), 100% of the project trip generation and distribution can be served at the SR 120 / Yosemite Avenue (Guthmiller Road) interchange with acceptable levels of service. In addition, for cumulative conditions the San Joaquin Council of Governments (SJCOG) Travel demand Model was modified to reflect 12 reasonable and foreseeable projects in Lathrop, Manteca and unincorporated San Joaquin County, including the Lathrop Gateway Business Park located on the north side of SR 120. With the implementation of Mitigation Measure 3.14-7, 100% of the project trip generation and distribution can be served at the SR 120 / Yosemite Avenue (Guthmiller Road) interchange with acceptable levels of service.

Response M-10: The commentor indicates that the text says that the 2010 Highway Capacity Manual was used in the analysis, but the tables refer to the 2000 Highway Capacity Manual. The commentor asks which version of the manual was used.

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As noted in the text, the 2010 Highway Capacity Manual was used in the analysis in the Draft EIR. Consistent with the text, the following table footnotes have been updated to read “Highway Capacity Manual, Transportation Research Board, 2010” – Table 3.14-1, 3.14-2, 3.14-5, 3.14-8, 3.14-10, 3.14-12, 3.14-17, and 3.14-19. These revisions can be reviewed in Section 3.0 Errata.

Response M-11: The commentor indicates that on page 3.14-6, the Draft EIR states that the Leisch methodology reports results in terms of density. The commentor states that the results are reported in terms of speed and level of service.

The comment warrants the following revisions to text on Page 3.14-6 of the Draft EIR.

The performance of freeway ramp weaving segments under future conditions was analyzed using the Leisch methodology as defined in the *2010 Highway Design Manual* (Caltrans). The Leisch method calculates weave ~~section density in passenger cars per mile per lane~~ and assigns a LOS based on appropriate thresholds.

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response M-12: The commentor indicates that on page 3.14-13, the Draft EIR describes analysis of a scenario where the project is assumed to be built along with 50% of the Lathrop Gateway project. The commentor indicates that there is no discussion of how this scenario fits in with the rest of the analysis and no documentation of roadway segment or intersection levels of service for this scenario.

As stated on Page 3.14-13 “analysis of the SR 120 / Yosemite Avenue interchange was completed for Existing Plus Project and 50% Buildout of Lathrop Gateway Conditions based on a meeting with Caltrans District 10”. Under this scenario, five (5) intersection improvements were identified to assist the City of Lathrop and Caltrans in the preparation of a Project Study Report / Project Development Support (PSR/PDS). Mitigation Measure 3.14-1 and 3.14-10 further discuss that a Project Study Report – Project Development Support (PSR-PDS) document will be prepared.

Response M-13: The commentor states that on page 3.14-12, the Draft EIR reports that increasing delay at an intersection in Lathrop which is operating at LOS D or worse by 5 seconds or more would result in a significant impact. Similarly, it states that increasing delay at an intersection in Manteca that is operating at LOS E or worse by 3 seconds would result in a significant impact. The commentor indicates that there is no indication of where these significance thresholds come from or why they are different in different jurisdictions.

The significant traffic impacts identified on Page 3.14-12 are consistent with the City of Lathrop General Plan circulation element, City of Manteca General Plan circulation element, and Caltrans' Guide for the Preparation of Traffic Impact Studies. Section 15064.7 of CEQA provides lead agencies the discretion to establish their own thresholds of significance. This flexibility is important to recognize the unique values that different agencies may have when it comes to what constitutes a significant impact. Further, cities are allowed to establish their own goals, policies, and thresholds as part of general plans to determine the long-term physical infrastructure necessary to support planned population and employment growth. As part of the general plan, Government Code Section 65302(b)(2) requires that the circulation element, "...plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan." The City of Lathrop and the City of Manteca complied with Section 65302(b)(2) when they developed their thresholds of significance. And although different from each other, they reflect the community values recognized in the general plan and ensure that development projects are consistent with the general plan, which is a fundamental requirement of individual project entitlement review. Neither the CEQA Statute nor Guidelines contain any mandatory thresholds for traffic analysis that would conflict with the City's approach.

The following thresholds for significance were accepted for use by the City of Lathrop, City of Manteca and Caltrans as part of the scoping process with each agency:

- Worsen the LOS at an intersection in Lathrop from LOS C or better to LOS D or worse;
- Increase the average delay at a signalized intersection in Lathrop currently operating (or projected to operate) at LOS D or worse by five (5) seconds or more;
- Worsen the LOS at an intersection in Manteca or on a Caltrans facility from LOS D or better to LOS E or F;
- Worsen the LOS on a roadway segment in Lathrop, Manteca or on a Caltrans facility from LOS D or better to LOS E or F;
- Increase the average delay at a signalized intersection in Manteca currently operating (or projected to operate) at LOS E or worse by three (3) seconds or more;
- Add traffic by one percent or more at a freeway ramp intersection maintained by Caltrans that currently operates (or is projected to operate) at LOS E or F;
- Worsen operations on a segment or ramp of SR 99, SR 120, or I-5 from LOS D or better to LOS E or worse;
- Add 100 or more vehicles per day to a freeway segment, on-ramp or off-ramp that currently operates (or is projected to operate) at LOS E or F;

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- Cause a substantial reduction in safety on a public street due to a design feature (e.g., sharp curve) or incompatible use (e.g., farm equipment).

In addition, these identical impact criteria and have been used on CEQA documents for projects located in either the City of Lathrop or City of Manteca and included Caltrans Local Development – Intergovernmental Review (LD-IGR). The most recent CEQA document using these same thresholds was for the Northwest Airport Way Master Plan (State Clearinghouse No. 2010022024) – City of Manteca, San Joaquin County, California. That project included 21 study intersections encompassing the City of Lathrop, City of Manteca, Caltrans and San Joaquin County intersections. As stated in the City of Manteca General Plan, LOS D is acceptable “ Where constructing facilities with enough capacity to provide LOS C is found to be unreasonably expensive. This applies to facilities, for example, on which it would cost significantly more per dwelling unit equivalent (DUE) to provide LOS C than to provide LOS D.”

Response M-14: The commentor indicates that on page 3.14-16, the Draft EIR reports that it used the 2010 version of the MUTCD for analysis of signal warrants. The commentor indicates that the correct version of the MUTCD that should be used in California is the 2012 California MUTCD.

The Draft EIR used the 2012 California MUTCD. The comment warrants the following revisions to text on Page 3.14-16 of the Draft EIR.

To assess consideration for signalization of stop-controlled intersections, the ~~Manual of Uniform Traffic Control Devices (MUTCD) (Federal Highway Administration, 2010)~~[California MUTCD 2012 Edition](#), presents eight signal warrants. Generally, meeting one of the signal warrants could justify signalization of an intersection. However, an evaluation of all applicable 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. The peak hour volume warrant (Warrant 3) for urban conditions was evaluated using the available data. The results of the traffic signal warrant analysis are shown in Table 3.14-6. Detailed signal warrant assessments are provided in Appendix H. As shown in Table 3.14-6, the urban peak hour volume traffic signal warrant is currently satisfied at the Lathrop Road/McKinley Avenue intersection.

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response M-15: The commentor indicates that on page 3.14-16, the Draft EIR provides analysis of signal warrants for Existing conditions and there is one location where signal warrants are met. The commentor indicates that there is no indication of whether this results in a significant traffic impact or how it relates to the rest of the analysis. The commentor notes a similar problem exists for analysis scenarios.

The comment warrants the following revisions to text on Page 3.14-16 of the Draft EIR.

As shown in Table 3.14-6, the urban peak hour volume traffic signal warrant is currently satisfied at the Lathrop Road/McKinley Avenue intersection. As part of the Lathrop Road grade separation project that is currently under construction, funding for signalizing the T-intersection of Lathrop Road / McKinley Avenue was secured based on construction bids received by the City of Lathrop. The existing side-street stop controlled unsignalized intersection will be signalized by December 2014. The proposed project will be responsible for its fair share of this improvement.

Intersection	Control ¹	Peak Hour Warrant Met?
1. SR 120 EB Ramps / Yosemite Avenue	SSSC	NO
2. SR 120 WB Ramps / Yosemite Avenue	SSSC	NO
4. Yosemite Avenue/McKinley Avenue	AWS	NO
6. Lathrop Road / McKinley Avenue	SSSC	YES
Note: 1. SSSC = side-street stop-controlled intersection, AWSC = all-way stop-controlled intersection Source: Fehr & Peers, 2013		

As noted in the text revisions presented above (from Page 3.14-16), the project will pay its fair share of this improvement. The comment and the above revisions warrants the following revisions to text on Page 3.14-38 and 3.14-39 of the Draft EIR.

Impact 3.14-11: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service at the Lathrop Road/McKinley Avenue intersection (~~Significant and Unavoidable~~Less than Significant)

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. This is a **significant impact**. Improvements to the Lathrop Road/McKinley Avenue intersection are currently under contract. The proposed project would be responsible for its fair share of the improvements. Implementation of the following mitigation measure would ensure that this impact is reduced to a less than significant level.

MITIGATION MEASURES

Mitigation Measure 3.14-8: *The project applicant shall 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%³. The following mitigation measure as shown in Figure 3.14-13 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. An evaluation of all applicable signal warrants should be conducted and additional*

³ 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:
 Fair Share Percentage = [Project Only Total Volume / (Cumulative Plus Project Total Volume – Existing Count Volume)]
 Fair Share Percentage = [22 / (5,250 – 2,401)] = 0.8 %

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factors (e.g., congestion, approach conditions, driver confusion) should be considered before the decision to install a signal is made.

SIGNIFICANCE AFTER MITIGATION

If the City of Lathrop constructs the proposed improvements described above (Mitigation Measure 3.14-8) and full funding is secured, the intersection would 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, as shown in Table 3.14-21. ~~However, the impact is considered significant and unavoidable because funding the remaining share of the cost of this improvement has not secured.~~

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response M-16: The commenter indicates that on pages 3.14-23 and 3.14-24, the Draft EIR provides analysis of conditions with 50% buildout and 50% buildout of the improvements needed at the SR 120/Yosemite Avenue interchange to accommodate 50% buildout of the South Lathrop Specific Plan. The commenter states that there is no discussion of how this scenario fits in with the rest of the analysis and no documentation of roadway segment or intersection levels of service for this scenario.

Based on meetings with Caltrans District 10, these two sections were incorporated to identify improvements needed at the SR 120 / Yosemite interchange if only South Lathrop Specific Plan is constructed at 50% Build-out and 100% Build-out. The purpose of this analysis was to determine project specific improvements that would be required if development of Lathrop Gateway did not occur.

Response M-17: The commenter indicates that Tables 3.4-10 and 3.4-12 disagree on levels of service and delays for Existing Plus Project conditions.

The results documented in Table 3.4-10 for Existing Plus Project Conditions – Intersection Operations are consistent with the analysis contained in Appendix H of the Draft EIR. Table 3.4-12 – Existing Plus Project with Mitigations – Intersection Operations has been revised for the columns showing Existing Plus Project.

Table 3.14-12 Existing Plus Project with Mitigations – Intersection Operations							
Intersection	Jurisdiction	LOS / Delay ¹					
		Existing		Existing Plus Project		Existing Plus Project with Mitigation	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour

**Table 3.14-12
Existing Plus Project with Mitigations – Intersection Operations**

Intersection	Jurisdiction	LOS / Delay ¹					
		Existing		Existing Plus Project		Existing Plus Project with Mitigation	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
3. SR 120 EB Ramps / Yosemite Avenue	Caltrans	A (A) / 4 (7)	A (A) / 5 (8)	<u>F (F) / 60 (164)</u>	<u>F (F) / 180 (>180)</u>	A / 9	C / 22
4. SR 120 WB Ramps / Yosemite Avenue	Caltrans	A (A) / 2 (8)	A (A) / 2 (8)	<u>F (F) / >180 (>180)</u>	<u>F (F) / >180 (>180)</u>	17 / B	C / 21
6. Yosemite Avenue / Airport Way	City of Manteca	C / 30	D / 51	C / 33	<u>E / 56</u>	C / 32	D / 50

Notes:

6. For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for all approaches. For side-street stop controlled intersections, the delay and LOS for the most-delayed individual movement is shown in parentheses next to the average intersection delay and LOS. All results are rounded to the nearest second.
7. SSSC = Side-Street-Stop Controlled intersection; AWS = All-Way Stop Controlled intersection
8. Level of Service based on Highway Capacity Manual (Transportation Research Board, 2010).
9. Bold and underlined text indicates unacceptable operations. Shaded cells indicate a significant impact.
10. Refer to previous page(s) for description of mitigations.

Source: Fehr & Peers, 2013



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

January 13, 2014

RECEIVED

JAN 15 2014

CITY OF LATHROP
COM. DEV. DEPT.

Regulatory Division SPK-2008-01181

Rebecca Willis
Community Development Director
City of Lathrop
390 Towne Centre Dr.
Lathrop, California 95330

Dear Ms. Willis:

We are responding to your December 15, 2013 request for comments on the South Lathrop Specific Plan. The project is located on the San Joaquin River, in Section 1, Township 2 South, Range 6 East, Mount Diablo Meridian, Latitude 37.785510°, Longitude -121.294045°, Lathrop, San Joaquin County, California. Your identification number is SPK-2008-01181.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, and marshes. Work that would result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

N-1

To ascertain the extent of waters in the Specific Plan area, the City of Lathrop or landowners should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetlands Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

N-2

The range of alternatives considered for the Specific Plan should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated 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.

N-3

-2-

Please refer to identification number SPK-2008-01181 in any correspondence concerning this project. If you have any questions, please contact Stephen Willis at our California South Branch Office, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at Stephen.M.Willis2@usace.army.mil, or by telephone 916-557-7355. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

N-4

Sincerely,



Kathleen A. Dadey, Ph.D
Chief, California South Branch

Response to Comment N Kathleen Dadey, Ph.D., USACE

Response N-1: The commentor indicates that her agency is responding to a request for comments on the SLSP. The commentor provides a project location and identified the project identification number as SPK-2008-01181. The commentor cites Section 404 of the Clean Water Act for the USACE's jurisdiction over the discharge of dredged or fill material into waters of the United States. The commentor indicates that work that would result in the discharge of dredged or fill material into waters of the United States will require USACE authorization prior to starting work.

This comment is noted. These comments serve as an introduction to the commentor's letter. Section 3.4 Biological Resources includes a discussion of Section 404 of the Clean Water Act as well as the USACE's jurisdiction over the discharge of dredged or fill material into waters of the United States. No further response is necessary.

Response N-2: The commentor states that to ascertain the extent of waters in the Plan area, the City of Lathrop or landowners should prepare a wetland delineation, in accordance with the Minimum Standards for Acceptance of Preliminary Wetlands Delineations, on the USACE website, and submit it to their office for verification.

As noted on page 3.4-1 and 3.4-2 of the Draft EIR, a wetland delineation was conducted in the Plan Area in accordance with the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987). The wetland delineation has been verified by the USACE (SPK-2008-01181) as shown on a letter from the commentor dated September 9, 2008 (See Appendix B in the Draft EIR for the USACE verification). The verification expired on September 9, 2013 and will require a reverification prior to permitting. There are no changes to the wetland delineation. Regardless, the applicant will be required to coordinate with the USACE prior to any activities within the USACE jurisdiction (Mitigation Measure 3.4-3). This may require a reverification of the wetland delineation. The formality of reverifying the wetland delineation for the permit process does not warrant revisions to the Draft EIR.

Response N-3: The commentor indicates that the range of alternatives considered for the SLSP should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated 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 Alternatives analysis is provided in Section 4.0.

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. The City Council will ultimately consider the alternatives when the EIR and project consideration package are presented to them in a public hearing.

Response N-4: The commentor requests that the identification number SPK-2008-01181 be referenced in any correspondence concerning this project. The commentor closes with some contact information for future inquiries.

This comment is noted. These comments serve as closing remarks. No further response is necessary.



SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202

209.235.0600 • 209.235.0438 (fax)

www.sjcog.org

December 4, 2013

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DEC 06 2013
CITY OF LATHROP
COM. DEV. DEPT.

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CHAIR

Steve Dresser
VICE CHAIR

Andrew T. Chesley
EXECUTIVE DIRECTOR

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MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

Mr. Charlie Mullen
City of Lathrop, Community Development Department
390 Towne Center Drive, Lathrop CA 95330

Re: Draft Environmental Impact Report (DEIR) - South Lathrop Specific Plan

Dear Mr. Mullen:

Thank you for the opportunity to comment on the DEIR for the South Lathrop Specific Plan (SLSP) project. As the County's designated Regional Transportation Planning Agency (RTPA), the Congestion Management Agency (CMA), and the Metropolitan Planning Organization (MPO), the San Joaquin Council of Governments (SJCOC) has reviewed the above-referenced document and has the following comments:

O-1

GENERAL COMMENTS

Section 3.14.2

Page 5 The Regional Congestion Management Program, updated in 2012, uses the HCM methodology in determining roadway LOS. The DEIR states that SJCOC uses the thresholds published in FDOT's Quality/Level of Service Handbook. Within the FEIR, please correct this statement.

O-2

Section 3.14.4

Pages 7 and 12 The reference to the 1996 CMP is incorrect. The Regional Congestion Management Program has had several comprehensive updates since 1996 with the most recent being adopted in 2012. Within the FEIR, please correct this reference.

O-3

SIGNIFICANCE THRESHOLDS

Section 3.14.4

The DEIR neglected to incorporate any Significance Thresholds or discussion relative to impacts to the Regional Congestion Management Program (RCMP), which includes the Regional Travel Demand Management Plan.

O-4

The following threshold taken from the 2012 CEQA Guidelines, Appendix G is specific to the statutorily defined duties of SJCOC as the San Joaquin County's Congestion Management Agency (CMA).

Section XVI TRANSPORTATION/TRAFFIC. Would the project:

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The project will have significant and unmitigable impacts to RCMP facilities. The RCMP is a local, state, and federally mandated program that has been adopted by SJCOG’s Board of Directors. Within the NOP comment letter from SJCOG, dated February 21, 2013, adequate information was given to enable the project to show compliance with the RCMP within the DEIR. The project is subject to a “Tier 2 Review”, which includes a quantitative, program specific analysis of RCMP impacts. It was stated that “The DEIR should contain a section that specifically addresses requirements and standards of the RCMP, which includes the Regional Travel Demand Management Action Plan”. The unmitigable impacts to the RCMP transportation facilities should also be included in the project’s Statement of Overriding Considerations. An exhibit is provided showing the RCMP facilities within the project’s impact area (Attachment A).

O-4 cont’d

TRAVEL DEMAND MANAGEMENT

With regards to Travel Demand Management (TDM), proposed mitigation measure 3.3-3 for Air Quality Impact 3.3-1 would carry over to show consistency with the Regional Travel Demand Action Plan. As stated in the February 21, 2013 NOP comment letter:

“The SLSP should be conditioned to ensure that, as development plans are processed, they include provisions to promote participation in San Joaquin COG’s Commute Connection program (www.commuteconnection.com). Commute Connection is the regional rideshare program operated by the San Joaquin Council of Governments whose mission is to reduce traffic congestion and improve air quality. The program is designed to help commuters make the transition from driving alone to a convenient ridesharing option such as carpooling, vanpooling, bicycling/walking or riding transit. The program serves San Joaquin, Stanislaus, and Merced Counties. The program includes free services such as commuter ride-matching, Guaranteed Ride Home and Employer Services.

O-5

The following development types require coordination with Commute Connection services/programs:

- All business or industrial parks*
- All event centers or stadiums*
- Schools with greater than 150 students*
- All commercial, industrial, and retail offices with greater than 50 full-time equivalent employees*

As a means of mitigating any potential significant effect regarding a conflict with adopted policies, plans, or programs supporting alternative transportation SJCOG requests that measures be added that will ensure that future development per the SLSP will include provisions for alternative travel and that the land uses listed above will participate in SJCOG’s Commute Connection Program.”

Mitigation measure 3.3-3 incorporates these components with the exception of specifically requiring the coordination with SJCOG’s Commute Connection Program in developing the project-specific TDM plan. This is a free and very beneficial service to the County, and is a requirement. Therefore SJCOG requests that language be added to MM 3.3-3 to include coordination with Commute Connection.

O-5 cont’d

Regional Transportation Impact Fees as Mitigation

For projects subject to RCMP review, the Regional Traffic Impact Fee (RTIF) program establishes a specific mitigation fee program relative to cumulative regional impacts. To satisfy these requirements, project applicants are required to pay their fair share contribution into the RTIF program. These “fair share” contributions must be committed to funding priorities established in the CIP of the RCMP, the RTP, or the Federal TIP. Although RTIF is an identified partial source of funding for future improvements to SR 120, the program funds collected go to all facilities on the RTIF network and are not project specific.

O-6

Therefore, to better inform the public and stakeholders, the environmental document’s mitigation language must convey that payment into the RTIF program does not guarantee that the lead agency (local agency) will necessarily spend these developer fees on the identified mitigating improvement.

Thank you for the opportunity to review and comment on this project. If you have any questions please call the RCMP’s lead planner, Laura Brunn, at (209) 235-0579. We would be pleased to meet with the city and project sponsors to provide any necessary information, support, and guidance.

Sincerely,



LAURA BRUNN, PMP
SJCOG Associate Regional Planner



Response to Comment O Laura Brunn, SJCOG

Response O-1: The commentator indicates the San Joaquin Council of Governments (SJCOG) has reviewed the Draft EIR and has included comments.

This comment is noted. These comments serve as an introduction to the commentator’s letter and do not warrant a response. No further response is necessary.

Response O-2: The commentator states the following relative to Section 3.14.2 Page 5: “The Regional Congestion Management Program, updated in 2012, uses the HCM methodology in determining roadway LOS. The DEIR states that SJCOG uses the thresholds published in FDOT’s Quality/Level of Service Handbook. Within the FEIR, please correct this statement.”

This comment is noted. These comments warrant text revisions to correct the textual error pointed out by the commentator. Revisions from Page 3.14-5 of the Draft EIR:

Roadway Segments

Roadway segments are analyzed using capacity thresholds consistent with those presented in ~~the Florida Department of Transportation (FDOT) Quality/Level of Service Handbook (2002) Table 4-4, Local Arterial LOS Criteria (2010 HCM Planning Method)~~, as specified in the 2012 Regional Congestion Management Plan (RCMP) implemented by SJCOG. Table 3.14-3 lists the LOS thresholds with respect to both facility type and number of lanes.

Lanes	Divided	Levels of Service				
		A	B	C	D	E
2	Undivided	**	**	7,700	143,060	14,960
4	Divided	**	**	16,140	279,930	2830,490
6	Divided	**	**	235,970	404,510	406,840

Source: ~~Florida Department of Transportation (FDOT) Table 4-2 “Generalized Annual Average Daily Volumes for Florida’s Areas Transitioning into Urbanized Areas or Areas Over 5,000 Not in Urbanized Areas” 2010 HCM Planning Method and Table 4-4, Local Arterial LOS Criteria from the 2012 Regional Congestion Management Program (RCMP)~~

The changes to Table 3.14-3 do not change the Roadway Segment Operations results presented in Tables 3.14-7, 3.14-14, or 3.14-20. The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response O-3: The commentor states the following relative to Section 3.14.4 Page 7 and 12: “The reference to the 1996 CMP is incorrect. The Regional Congestion Management Program has had several comprehensive updates since 1996 with the most recent being adopted in 2012. Within the FEIR, please correct this reference.”

This comment is noted. These comments warrant text revisions to correct the textual error pointed out by the commentor. References to the 1996 CMP are revised to the 2012 CMP and presented in the Errata. The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including these text revisions.

Response O-4: The commentor indicates that the DEIR neglected to incorporate any Significance Thresholds or discussion relative to impacts to the Regional Congestion Management Program (RCMP), which includes the Regional Travel Demand Management Plan. The commentor cites the following threshold taken from the 2012 CEQA Guidelines, Appendix G specific to the statutorily defined duties of SJCOG as the San Joaquin County's Congestion Management Agency (CMA).

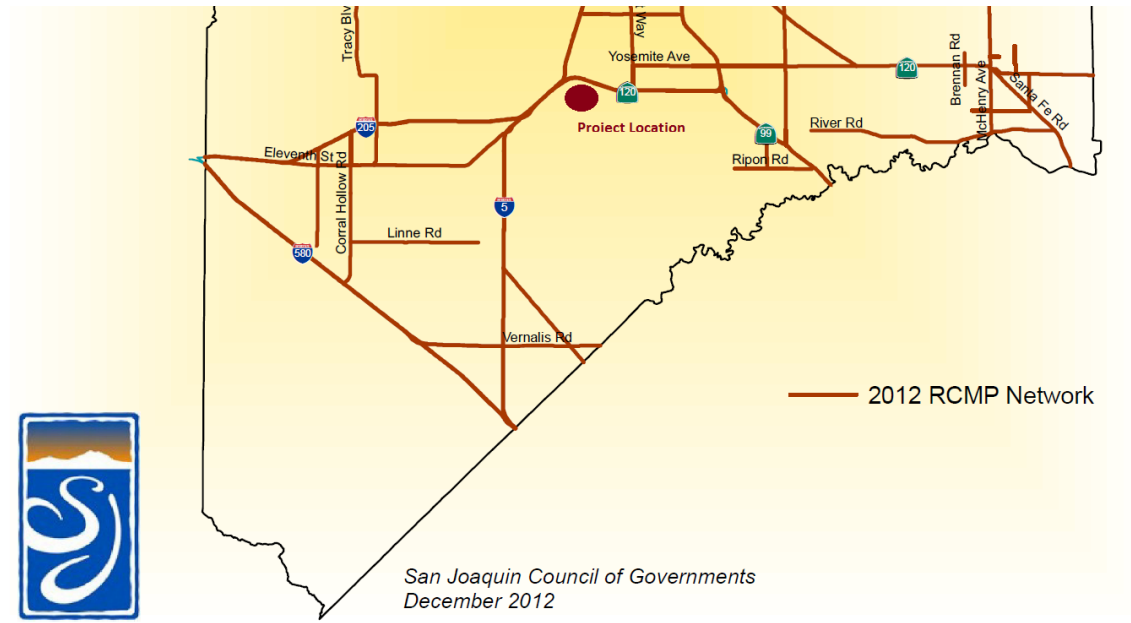
Section XVI TRANSPORTATION/TRAFFIC. Would the project:

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The commentor indicates that the project will have significant and unmitigable impacts to RCMP facilities. The commentor indicates that within the NOP comment letter from SJCOG, dated February 21, 2013, adequate information was given to enable the project to show compliance with the RCMP within the DEIR. The project is subject to a "Tier 2 Review", which includes a quantitative, program specific analysis of RCMP impacts. It was stated that "The DEIR should contain a section that specifically addresses requirements and standards of the RCMP, which includes the Regional Travel Demand Management Action Plan". The commentor also states that the unmitigable impacts to the RCMP transportation facilities should also be included in the project's Statement of Overriding Considerations. An exhibit is provided showing the RCMP facilities within the project's impact area (Attachment A).

The SJCOG Regional Congestion Management Program (RCMP) includes the regional freeway system and major arterials in San Joaquin County. As part of Chapter 3.14 Transportation and Circulation, the project's impacts to SR 120, Interstate 5, Yosemite Avenue and Airport Way were analyzed, thereby complying with SJCOG's RCMP Network.

2.0 COMMENTS ON DRAFT EIR AND RESPONSES



The analysis did not identify any significant roadway segment impacts. For the freeway segments, the analysis identified project impacts, mitigation measures and significance after mitigation under Impact 3.14-4 and 3.14-14. Mitigation included requiring 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 EIR includes that with the implementation of this mitigation measure the impact would be reduced to a less than significant level. However, the EIR indicates that this impact would remain **significant and unavoidable** because these improvements are within the jurisdiction of Caltrans and the timing of such improvements cannot be certain.

The City of Lathrop supports San Joaquin Council of Governments Regional Congestion Management Program and their trip reduction planning. Therefore, SLSP will be conditioned to include provisions that as development occurs and building / occupancy permits are processed, participation in San Joaquin COG's Commute Connection program be required. The San Joaquin COG's Commute Connection program is the regional rideshare program operated by SJCOG whose mission is to reduce traffic congestion and improve air quality in accordance with the RCMP. The program is designed to help commuters make the transition from driving alone to a convenient ridesharing option such as carpooling, vanpooling, bicycle/walking or riding transit. The program includes free services such as commuter ride-matching, Guaranteed Ride Home and Employer Services.

The goals of reducing traffic congestion and improving air quality are key factors in mitigating the potentially significant impacts to both the local and regional transportation system.

The comment warrants the following revisions to text on Page 3.14-8 of the Draft EIR.

San Joaquin County Congestion Management Plan

SJCOG operates a Regional Congestion Management Program (RCMP), which monitors cumulative transportation impacts of growth on the regional roadway system, identifies deficient roadways, and develops plans to mitigate the deficiencies. The RCMP considers LOS E or F operations to be deficient and includes segments of SR 120 and Airport Way (north of SR 120) as CMP facilities.

In 2012, SJCOG adopted an update to the Regional Congestion Management Program, and has implemented a Regional Travel Demand Management Action Plan for all business and industrial parks. Travel demand management is an integral part of San Joaquin's congestion management program. San Joaquin COG's Commute Connection program is the regional rideshare program operated by SJCOG whose mission is to reduce traffic congestion and improve air quality. The program is designed to help commuters make the transition from driving alone to a convenient ridesharing option such as carpooling, vanpooling, bicycle/walking or riding transit. The program includes free services such as commuter ride-matching, Guaranteed Ride Home and Employer Services.

The text revisions do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response O-5: The commentor indicates that "with regards to Travel Demand Management (TDM), proposed mitigation measure 3.3-3 for Air Quality Impact 3.3-1 would carry over to show consistency with the Regional Travel Demand Action Plan. As stated in the February 21, 2013 NOP comment letter:

"The SLSP should be conditioned to ensure that, as development plans are processed, they include provisions to promote participation in San Joaquin COG's Commute Connection program (www.commuteconnection.com). Commute Connection is the regional rideshare program operated by the San Joaquin Council of Governments whose mission is to reduce traffic congestion and improve air quality. The program is designed to help commuters make the transition from driving alone to a convenient ridesharing option such as carpooling, vanpooling, bicycling/walking or riding transit. The program serves San Joaquin, Stanislaus, and Merced Counties. The program includes free services such as commuter ride-matching, Guaranteed Ride Home and Employer Services.

The following development types require coordination with Commute Connection services/programs:

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

- All business or industrial parks
- All event centers or stadiums
- Schools with greater than 150 students
- All commercial, industrial, and retail offices with greater than 50 full-time equivalent employees

As a means of mitigating any potential significant effect regarding a conflict with adopted policies, plans, or programs supporting alternative transportation SJCOG requests that measures be added that will ensure that future development per the SLSP will include provisions for alternative travel and that the land uses listed above will participate in SJCOG's Commute Connection Program. "

The commentor indicates that Mitigation measure 3.3-3 incorporates these components with the exception of specifically requiring the coordination with SJCOG's Commute Connection Program in developing the project-specific TDM plan. The commentor indicates that this is a free and very beneficial service to the County, and is a requirement. Therefore SJCOG requests that language be added to Mitigation measure 3.3-3 to include coordination with Commute Connection.

This comment is noted. These comments warrant text revisions to Mitigation Measure 3.3-3 on Page 3.3-19 through 3.3-20 of the Draft EIR:

Mitigation Measure 3.3-3: *Prior to the approval of improvement plans, the project proponent shall prepare and implement a transportation demand management (TDM) plan that includes, but is not limited to, the following measures subject to the review and approval of the City of Lathrop:*

- 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.
- Coordinate SJCOG's Commute Connection Program

The text revisions do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

Response O-6: The commentor indicates that “For projects subject to RCMP review, the Regional Traffic Impact Fee (RTIF) program establishes a specific mitigation fee program relative to cumulative regional impacts. To satisfy these requirements, project applicants are required to pay their fair share contribution into the RTIF program. These "fair share" contributions must be committed to funding priorities established in the CIP of the RCMP, the RTP, or the Federal TIP. Although RTIF is an identified partial source of funding for future improvements to SR 120, the program funds collected go to all facilities on the RTIF network and are not project specific.”

The commentor further states that “Therefore, to better inform the public and stakeholders, the environmental document's mitigation language must convey that payment into the RTIF program does not guarantee that the lead agency (local agency) will necessarily, spend these developer fees on the identified mitigating improvement.”

This comment is noted. These comments warrant text revisions to Page 3.14-8 of the Draft EIR:

San Joaquin County Regional Traffic Impact Fee (RTIF)

SJCOG has implemented a regional traffic impact fee that is assessed on new developments throughout San Joaquin County. The RTIF capital project list provides funding for various freeway and local road widening. As of June 2012, the fee schedule for new warehousing development is approximately \$590 per thousand square feet of warehousing space, \$750 per thousand square feet of manufacturing / light industrial space, and \$3,717 per thousand square feet of retail space. These fees are adjusted annually to account for inflation and the funds go toward adding capacity on regional roadways and state highways. The payment into the RTIF program does not guarantee that the lead agency (local agency) will necessarily, spend these developer fees on a specific improvement that mitigates a project impact.

These comments warrant text revisions to Page 3.14-29 of the Draft EIR:

Mitigation Measure 3.14-4: *The following mitigation measures would potentially improve SR 120 operations to an acceptable level of service:*

- *The project applicant shall 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 payment into the RTIF program does not guarantee that the lead agency will necessarily spend these developer fees on a specific improvement that mitigates a project impact.*

These comments warrant text revisions to Page 3.14-47 of the Draft EIR:

Mitigation Measure 3.14-11: *The project applicant shall 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 payment into the RTIF program does not guarantee that the lead agency will necessarily spend these developer fees on a specific improvement that mitigates a project impact.*

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 helps 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 implementation of Mitigation Measure like 3.14-1. 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.*

The text revisions do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Section 3.0 Errata presents all text changes warranted by comments, including this text deletion.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 STOCKTON, CA 95201
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 LUTHER KING JR. BLVD. 95205)
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February 18, 2014

**10-SJ-120-1.18
 South Lathrop Specific Plan
 SCH #2013012064**

Ms. Rebecca Willis
 City of Lathrop
 390 Towne Centre Drive
 Lathrop, CA 95330

Dear Ms. Willis:

The California Department of Transportation (Department) appreciates the efforts of Fred Choa, Fehr and Peers, to provide us with the additional information requested by our Traffic Operations, System Planning and Travel Forecasting units. After reviewing this information, we have the following comments:

P-1

Travel Forecast

As mentioned in our letter dated December 12, 2013, 100% of the project trip generation and distribution through Guthmiller Road as a single undercrossing roadway access point is not acceptable without an alternative route proposal. Trips from all projects in the vicinity area will contribute to an unacceptable level of service. A secondary access road should be provided as an alternative to the local road network. We recommend a Frontage Road south of SR-120/Guthmiller Road Interchange connecting to the local road network.

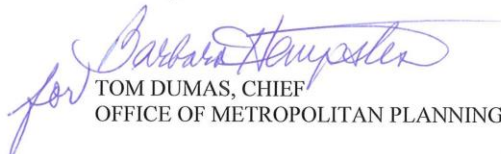
P-2

Please be aware that access to I-5 using Roth Road is the only path that allows for STAA trucks. There are no other designated STAA truck routes approved in the vicinity of this project. Therefore, the vehicular traffic defined as STAA must use Roth Road to I-5 until approval is obtained to use other routes designated for STAA truck traffic.

P-3

If you have any questions please contact Barbara Hempstead at (209) 948-3909 (email: Barbara_Hempstead@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,


 TOM DUMAS, CHIEF
 OFFICE OF METROPOLITAN PLANNING

"Caltrans improves mobility across California"

Response to Comment P Tom Dumas, Caltrans

Response P-1: The commentor indicates Caltrans appreciates the efforts of the traffic consultant to provide Caltrans with the additional information requested by our Traffic Operations, System Planning and Travel Forecasting units. The commentor indicates that after reviewing this information they have additional comments.

This comment is noted. These comments serve as an introduction to the commentor's letter and do not warrant a response. No further response is necessary.

Response P-2: The commentor indicates that as stated in their letter dated December 12, 2013, 100% of the project trip generation and distribution through Guthmiller Road as a single undercrossing roadway access point is not acceptable without an alternative route proposal. Trips from all projects in the vicinity area will contribute to an unacceptable level of service. A secondary access road should be provided as an alternative to the local road network. The commentor recommends a frontage road south of SR-120/Guthmiller Road Interchange connecting to the local road network.

Section 2.0 Project Description presents a discussion of feasibility considerations for an alternative secondary access across the San Joaquin River via a bridge; 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 alternative secondary access is considered infeasible.

An alternative secondary access onto I-5 or SR 120 was also considered during preparation of the SLSP; 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.

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. Public access to the Plan Area will continue to be provided by Guthmiller Road. The improved entry road into the Plan Area will be designed as a four to six lane divided arterial with a raised sixteen foot wide median. Nonpublic access will continue to be provided along the levee road. Direct access will be provided at two points from the development to the levee road. An internal loop road will allow for emergency circulation. The north-south road from the Madrugá Road cul-de-sac to the east-west industrial collector will be designed as an emergency vehicle access road that will also allow for public use under an emergency condition. This road is intended to have bollards that are removable by emergency personnel in the event of an emergency.

With the implementation of Mitigation Measure 3.14-1 (Existing Plus Project), 100% of the project trip generation and distribution can be served at the SR 120 / Yosemite Avenue (Guthmiller Road) interchange with acceptable levels of service. In addition, for

cumulative conditions the San Joaquin Council of Governments (SJCOG) Travel demand Model was modified to reflect 12 reasonable and foreseeable projects in Lathrop, Manteca and unincorporated San Joaquin County, including the Lathrop Gateway Business Park located on the north side of SR 120. With the implementation of Mitigation Measure 3.14-7, 100% of the project trip generation and distribution can be served at the SR 120 / Yosemite Avenue (Guthmiller Road) interchange with acceptable levels of service.

At the SR 120 / Yosemite Avenue interchange, the site plan includes the construction of an improved L-7 interchange configuration. The improved Guthmiller Road into the Plan Area will be designed as a four to six lane divided arterial with a raised sixteen foot wide median.

There is currently no frontage road in the project area. From an internal circulation standpoint, a frontage road is not needed to serve the project and has not been incorporated into the design. Additionally, a frontage road would not change the regional network nor would it change the levels of service on the regional network because all traffic would have the same access into and out of the Plan Area. Without a warrant for a specific improvement such as a frontage road the City cannot require such an improvement.

The existing Madruga Road is the only paved street providing access to current low density / trucking businesses. Madruga Road will be designed as an emergency vehicle access road that will also allow for public use under an emergency condition. This road is intended to have bollards that are removable by emergency personnel in the event of an emergency.

A new east-west arterial will be constructed approximately 1,000 feet south of the interchange to serve the Plan Area.

Response P-3: The commentor notes that the City should be aware that access to I-5 using Roth Road is the only path that allows for STAA trucks. There are no other designated STAA truck routes approved in the vicinity of this project. Therefore, the vehicular traffic defined as STAA must use Roth Road to I-5 until approval is obtained to use other routes designated for STAA truck traffic.

This comment is noted. STAA Trucks are the largest commercial shipping trucks on the Interstates. What usually distinguishes a STAA truck from a California Legal Truck is the size of the cab. STAA trucks are designed for long-distance hauling and are equipped with sleeper cabs for the drivers. Because of the overall length of the STAA truck, and their limited turning capacity and increased impacts on roadways, they are restricted from driving on many roadways and highways throughout California and the rest of the United States. STAA trucks mainly travel along the major interstate highways such as: I-

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

5, I-80, I-10, etc. Both STAA and California Legal trucks can haul 48-53 foot trailers, and both are limited to a total weight of 80,000 pounds.

Completion of the improvements identified in Mitigation Measure 3.14-1 would provide sufficient pavement width for STAA trucks to use the SR 120 / Yosemite Avenue interchange without off-tracking onto oncoming travel lanes.

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Revisions made to the Draft EIR are identified below. None of the revisions identify new significant environmental impacts, nor does any of the revisions result in substantive changes to the Draft EIR. The new information to the EIR is intended merely correct, clarify, amplify, and makes insignificant modifications.

3.1 REVISIONS TO THE DRAFT EIR

EXECUTIVE SUMMARY

The Executive Summary was revised to reflect changes within Table ES-2: Project Impacts and Proposed Mitigation Measures, all of which are incorporated into the EIR. The changes in this table reflect changes through the EIR. The changes to the EIR occur in the Executive Summary on Page ES-7 through ES-11, ES-17 through ES-18, ES-20, ES-21, ES-25, and ES-29 through ES-38. The changes are identified with revision marks (underline for new text, ~~strike-out~~ for deleted text).

EXECUTIVE SUMMARY		ES	
ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p>\$12,711/acre). 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.</p> <p>Mitigation Measure 3.2-2: Prior to the close of real property transactions within the SISP, the project proponent shall provide Right-to-Farm disclosures to the purchaser. This provision is required for all properties within the Plan Area which may be impacted or affected by on-going farming operations.</p>	
Impact 3.2-2: The proposed project has the potential to conflict with existing zoning or Williamson Act Contracts	LS		--
Impact 3.2-3: The proposed project has the potential to result in conflicts with adjacent agricultural lands or indirectly cause conversion of agricultural lands	LS		--
Impact 3.2-4: The proposed project has the potential to result in the conversion of Prime Farmland, as defined under California Government Code Section 560643 for purposes of LAFCO's decision for the proposed annexation	LS		--
AIR QUALITY			
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	PS	<p>Mitigation Measure 3.3-1: Prior to the issuance of a building permit, the project proponent shall obtain a permit under APCD Rule 9510, Indirect Source Rule (ISR). The project proponent shall incorporate mitigation measures into the SISP and/or pay the required ISR fees to the APCD as required to comply with Rule 9510 emission reduction requirements for NCG and PM emissions associated with project operations. Final discretionary approval of the project proponent shall submit an Air Impact Assessment</p>	SU

CC – cumulatively considerable
 PS – potentially significant

LCC – less than cumulatively considerable
 B – beneficial impact

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ES EXECUTIVE SUMMARY

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p><i>(AIA) application to the San Joaquin Valley Air Pollution Control District for District Rule 9510 Indirect Source Review (ISR) to obtain AIA approval from the District. Prior to the issuance of a building permit, the project proponent shall incorporate mitigation measures into the SISP and demonstrate compliance with District Rule 9510 including payment of all fees.</i></p> <p>Mitigation Measure 3.3-2: Prior to the approval of improvement plans, the project proponent shall incorporate the following features into project plans and specifications consistent with adopted City of Lathrop Design and Construction Standards (2007):</p> <ul style="list-style-type: none"> • 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. • Require low-VOC cleaning supplies to be used by businesses and cleaning services within the Plan Area. <p>Mitigation Measure 3.3-3: Prior to the approval of improvement plans, the project proponent shall prepare and implement a transportation demand management (TDM) plan that includes, but is not limited to, the following measures subject to the review and approval of the City of Lathrop:</p> <ul style="list-style-type: none"> • 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 	

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EXECUTIVE SUMMARY		ES
ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE
		<p>such as locker, shower, and secure bike storage facilities.</p> <ul style="list-style-type: none"> • 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. • Coordinate SLOGG's Commute Connection Program. <p>Mitigation Measure 3.3-4: Prior to the approval of a Building Permit, the project proponent shall provide the City of Lathrop with confirmation that they have met with the SIVAPCD 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 and other mitigation measures required for the SISP. The City shall 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.</p>
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	LS	<p>Mitigation Measure 3.3-4E: Prior to the commencement of construction activities, the project proponent shall prepare and submit a Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3, for the review and approval of the APCD Air Pollution Control Officer.</p> <p>Mitigation Measure 3.3-5E: During all construction activities, the project proponent shall implement dust control measures, as required by APCD Rules 8011-8081, to limit Visible Dust Emissions to 20% opacity or less. Dust control measures shall include application of water or chemical dust suppressants to unpaved roads and graded areas, covering or stabilization of transported bulk materials, prevention of carryout or trackout of soil materials to public roads, limiting the area subject to soil disturbance,</p>

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Draft Environmental Impact Report – South Lathrop Specific Plan

ES EXECUTIVE SUMMARY

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p>construction of wind barriers, access restrictions to inactive sites as required by the applicable rules.</p> <p>Mitigation Measure 3.3-6Z: During all construction activities, the project proponent shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (San Joaquin Valley APCD, 2002):</p> <ul style="list-style-type: none"> a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover. b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking. d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained. e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. g. Limit traffic speeds on unpaved roads to 15 mph; and h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a 	

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ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE
		<p>slope greater than one percent.</p> <p>Mitigation Measure 3.3-2B: Architectural coatings applied to all structures in the Plan Area shall meet or exceed volatile organic compound (VOC) standards set in APCD Rule 4601. The ODS shall submit to the APCD a list of architectural coatings to be used and shall indicate how the coatings meet or exceed VOC standards. If the APCD determines that any architectural coatings do not meet VOC standards, the ODS shall replace the identified coatings with those that meet standards.</p> <p>Mitigation Measure 2.2-9: Prior to the issuance of the first building permit, the project proponent shall submit an application to the APCD for a permit under APCD Rule 9510, Indirect Source Rule (ISR). The project proponent shall incorporate mitigation measures into project construction and/or pay ISR fees as required to comply with Rule 9510 emission reduction requirements for construction NOx and DM emissions.</p> <p>Mitigation Measure 3.3-9: To reduce impacts from construction related exhaust emissions, the project proponent shall utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.</p> <p>Mitigation Measure 3.3-10: Asphalt paving shall be applied in accordance with APCD Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.</p>
Impact 3.3-3: The proposed project has the potential to have carbon monoxide hotspot impacts	LS	
Impact 3.3-4: The proposed project has the potential for public exposure to toxic air	LS	

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EXECUTIVE SUMMARY ES

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		Mitigation Measure 3.4-9: <i>The project applicant shall coordinate with state, federal, and local agencies prior to the 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. Avoidance measures should include species specific work windows to avoid spawning periods to the extent feasible.</i>	
Impact 3.4-9: Conflict with an Adopted Habitat Conservation Plan	LS	Implement Mitigation Measure 3.4-1.	--
Impact 3.4-10: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance	LS	Implement Mitigation Measure 3.4-1.	--
CULTURAL RESOURCES			
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	PS	Mitigation Measure 3.5-1: <i>If any cultural resources, including prehistoric or historic artifact, submerged resources or artifacts, or other indications of archaeological resources are found during grading and construction activities, all work shall be halted immediately within a 200-foot radius of the discovery until the an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the find(s). Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR; or 3) not a significant Public Trust Resource. If a potentially-eligible resource or a significant Public Trust Resource is encountered, then the archaeologist, lead agency, trustee agency, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. If a significant Public Trust Resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange coordinate with the trustee agency for the appropriate course</i>	LS

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ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
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	PS	<p><i>of action when the facts and circumstances of the find. The determination shall be formally documented in writing and submitted to the lead agency and trustee agency, if applicable, as verification that the provisions in CEQA for managing unanticipated discoveries have been met.</i></p> <p>If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Applicant's expense.</p> <p>Implement Mitigation Measure 3.5-1</p>	LS
Impact 3.5-3: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource	PS	<p>Mitigation Measure 3.5-2: If paleontological resources are discovered during the course of construction, work shall be halted immediately within 50 meters (165 feet) of the discovery, the City of Lathrop shall be notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it should be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where they could be curated and displayed for public education purposes.</p>	LS
Impact 3.5-4: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries	PS	<p>Mitigation Measure 3.5-3: If human remains are discovered during the course of construction, work shall be halted at the site and any nearby area reasonably suspected to overlie adjacent human remains until the San Joaquin County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:</p> <ul style="list-style-type: none"> The coroner will contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner will make a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may 	LS

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ES EXECUTIVE SUMMARY

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
Impact 3.6-3: The proposed project has the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse	LS	temporary vegetation, and permanent seeding. Sediment control BMPs, installing silt fences or placing straw wattles below slopes, installing berms and other temporary run-on and runoff diversions. These BMPs are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. Final selection of BMPs will be subject to approval by City of Lathrop and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.	-
Impact 3.6-4: Potential for expansive soils to create substantial risks to life or property	PS	Mitigation Measure 3.6-4: Prior to earthmoving activities, a certified geotechnical engineer, or equivalent, shall be retained to perform a final geotechnical evaluation of the soils at a design-level as required by the recommendations contained in the Preliminary Geotechnical Report (Engco 2004) and the requirements of the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 related to expansive soils and other soil conditions. The evaluation shall be prepared in accordance with the standards and requirements outlined in 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 shall 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 shall be designed in accordance with the recommendations provided in the final geotechnical evaluation.	-

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EXECUTIVE SUMMARY		ES
ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE
<p>GREENHOUSE GASES AND CLIMATE CHANGE</p> <p>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</p>	PS	<p>Mitigation Measure 3.7Z-1: To reduce Greenhouse Gas Emissions and Energy Consumption, the project applicant shall institute measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, and maintenance/landscaping. As the individual projects are designed and undergo Design Review by the City of Lathrop, there should be an explanation as to why certain measures were incorporated in the individual projects and why other measures were dismissed.</p> <ul style="list-style-type: none"> • Increase transit accessibility in the Plan Area by ensuring a minimum distance of 0.2 miles to transit stops • Ensure that the pedestrian network within the Plan Area connects to offsite pedestrian networks • Provide traffic calming measures on all street segments and intersections • Implement a voluntary trip reduction program for all employees • Encourage telecommuting and alternative work schedules. Ensure that 10% of employees have a 9/80, 4/40, or telecommute 1.5 days/wk. • Provide a Ride Sharing Program for all employees • Exceed Title 24 by 15% • Install high efficiency lighting and appliance within all buildings • Apply a water conservation strategy to achieve a 15% reduction in indoor and outdoor water usage • Utilize the City's reclaimed water system to irrigate outdoor landscaping, including medians once available (i.e. installation recycled water infrastructure to the Plan Area) • Install low faucets, toilets and showers as applicable • Use water-efficient irrigation systems throughout the Plan Area • Institute Recycling and Composting Services to achieve a 50% reduction in waste disposal • Plant 100 hardwood tree species within the overall landscaping for the Plan Area
		LS

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Draft Environmental Impact Report – South Lathrop Specific Plan

EXECUTIVE SUMMARY		ES	
ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
Impact 3.9.3: The proposed project has the potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge	LS		--
Impact 3.9-4: The proposed project has the potential to alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, or polluted runoff	LS		--
Impact 3.9.5 The proposed project has the potential to otherwise substantially degrade water quality	LS	<p>Implement Mitigation Measure 3.6-1, Mitigation Measure 3.4-7 and 3.4-8</p> <p>Mitigation Measure 3.9-1: Prior to any activities that would require in-water construction activities in the San Joaquin River, the project applicant shall obtain a lease agreement from the California Lands Commission. The lease agreement shall 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 should 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 CWRWQCB 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.</p>	--
Impact 3.9.6 Place housing or structures that would impede/redirect flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map	LS		--

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EXECUTIVE SUMMARY			ES
ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
substantial adverse physical environmental impacts			
Impact 3.13-6: Would increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated	LS		--
TRANSPORTATION AND CIRCULATION			
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)	PS	<p>Mitigation Measure 3.14-1: At the SR 120 / Yosemite Avenue interchange, the City of Lathrop in coordination with Caltrans will prepare a Project Study Report – Project Development Support (PSR-PDS) document. Implementation of the following mitigation measures would improve operations at the SR 120/Yosemite Avenue Interchange ramp-terminal intersections to an acceptable level of service.</p> <p>Improvements needed to accommodate 50% Build-out of South Lathrop Specific Plan</p> <ol style="list-style-type: none"> 1. 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. 2. Widen the eastbound and westbound off-ramps to accommodate one shared through/left-turn lane and a separate right-turn lane. 3. Widen Guthmiller Road (south of SR 120) to four lanes to provide one through and one right turn lane on the northbound approach. 4. <u>Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes (2 mixed-flow and 1 HOV) and ramp metering.</u> <p>Improvements needed to accommodate 100% Build-out of South Lathrop Specific Plan</p>	SU

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ES EXECUTIVE SUMMARY

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
		<p>are presented on Figure 3.14, and include the following</p> <ol style="list-style-type: none"> 1. <i>Widen the SR 120 undercrossing to four lanes with two through lanes and one left-turn lane on the northbound approach to the westbound ramp-terminal intersection and on the southbound approach to the eastbound ramp-terminal intersection. Tieback walls will be necessary to accommodate widening under SR 120 and will be identified as part of a PSR/PDS.</i> 2. <i>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.</i> 3. <i>Widen the eastbound and westbound off-ramps to accommodate one shared through/left-turn lane and a separate right-turn lane.</i> 4. <i>Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes [2 mixed-flow and 1 HOV] and ramp metering.</i> <p><i>The City of Lathrop will participate with SICOG, the City of Manteca, and San Joaquin County in the preparation of a Corridor System Management Plan for SR 120 between Mossdale Junction I-5 to south junction SR 99 as part of the Tier 1 SR 120 Widening Project from four to six lanes.</i></p> <p><i>In addition to the improvements identified above, the PSR/PDS will also include Intelligent Transportation System (ITS) alternatives that will provide emergency vehicle access in the event of an emergency or natural disaster. Alternatives may include either infra-red / GPS enabled traffic signal pre-emption and/or emergency vehicle access via locked gates.</i></p> <p><i>These two study intersections are under Caltrans jurisdiction. The City of Lathrop would be responsible for the intersection improvement, acquisition of right-of-way, and</i></p>	

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EXECUTIVE SUMMARY		ES	
ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
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	PS	<p>construction. However, Caltrans would serve as the approval agency for the design and construction of proposed interchange / intersection improvements.</p> <p>Mitigation Measure 3.14-2: The following mitigation measure would be required with completion and occupancy of 25% (1,072,000 square feet) of the proposed project's total development to improve operations at the Yosemite Avenue/Airport Way intersection to an acceptable level of service:</p> <ul style="list-style-type: none"> • Add an eastbound right turn lane with a storage pocket of 200 feet. <p>This study intersection is in the City of Manteca. The City of Lathrop would be responsible for the intersection improvement, acquisition of right-of-way, and the construction of proposed intersection improvements.</p>	SU
Impact 3.14-3: Under Existing Plus Project Conditions, project implementation would add traffic to the Louise Avenue/Mckinley Avenue intersection which currently operates at unacceptable levels of service	LS		--
Impact 3.14-4: Under Existing Plus Project Conditions, project implementation would result in a significant impact to freeway facilities	PS	<p>Mitigation Measure 3.14-3: The following mitigation measures would potentially improve SR 120 operations to an acceptable level of service:</p> <ul style="list-style-type: none"> • The project applicant shall 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. 	SU
Impact 3.14-5: The proposed project provides pedestrian and bicycle facilities	LS		--
Impact 3.14-6: The proposed project does not identify specific transit facilities (such as	PS	<p>Mitigation Measure 3.14-5: The project applicant shall incorporate bus turnouts and shelters into the preparation of the South Lathrop Specific Plan as required by the City's</p>	LS

CC – cumulatively considerable
 PS – potentially significant

LCC – less than cumulatively considerable
 B – beneficial impact
 LS – less than significant
 SU – significant and unavoidable

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ES EXECUTIVE SUMMARY

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
sheltered transit stops or pullouts)		<i>General Plan.</i>	
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.	PS	Implement Mitigation Measure 3.14-1.	SU
Impact 3.14-8: The proposed project could cause potentially significant impacts to at-grade rail crossings	LS		--
Impact 3.14-9: The proposed project could result in inadequate emergency vehicle access	PS	Mitigation Measure 3.14-6¹: The project applicant has evaluated the ability to provide a secondary access point and has determined that the feasibility and cost are prohibitive. As part of Mitigation Measure 3.14-1, the PSR/PDS will also include <i>Intelligent Transportation System (ITS) alternatives that will provide emergency vehicle access in the event of an emergency or natural disaster. Alternatives may include either infra-red / GPS enabled traffic signal pre-emption and/or emergency vehicle access via locked gates.</i>	SU
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)	PS	Mitigation Measure 3.14-7¹: <i>At the SR 120 / Yosemite Avenue interchange, the City of Lathrop in coordination with Caltrans will prepare a Project Study Report – Project Development Support (PSR-PDS) document. The project applicant shall pay its fair share toward improvements to the SR 120/Yosemite Avenue Interchange to the City of Lathrop, who will be the lead agency for the interchange improvement project. The project's fair share traffic contribution to these improvements is estimated to be 28 percent¹. The following mitigation measures as shown in Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:</i>	SU

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:
 Fair Share Percentage = [Project Only Total Volume / ((Cumulative Plus Project Total Volume – Existing County Volume))]
 Fair Share Percentage = [1,923 / (8,490 – 1,672)] = 28 %

CC – cumulatively considerable
 PS – potentially significant
 LCC – less than cumulatively considerable
 B – beneficial impact
 LS – less than significant
 SU – significant and unavoidable

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EXECUTIVE SUMMARY		ES
ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE
		<p>1. 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.</p> <p>2. Widen the eastbound and westbound off-ramps to accommodate one left-turn lane, one shared through/left-turn lane and a separate right-turn lane.</p> <p>3. Widen the eastbound and westbound diagonal on-ramps to provide two-receiving lanes that transition to one entrance lane at SR 120 provide three receiving lanes (2 mixed-flow and 1 HOV) and ramp metering.</p> <p>4. Widen Yosemite Avenue (south of SR 120) to four lanes to provide two through and one right turn lane on the northbound approach.</p> <p>5. Widen the SR 120 undercrossing to accommodate six lanes including two through lanes in each direction, two left-turn lanes on the northbound approach to the westbound ramp-terminal intersection and on the southbound approach to the eastbound ramp-terminal intersection. Tieback walls will be necessary to accommodate widening under SR 120.</p> <p>Relocate the westbound ramp-terminal intersection approximately 550 feet north of its current location to create an L-7 interchange configuration with a northbound Yosemite Avenue to westbound SR 120 loop on-ramp. The two lane loop on-ramp would replace the slip-on-ramp be metered and would increase the westbound SR 120 weave distance between the Yosemite Avenue and the I-5 northbound and southbound ramps.</p> <p><u>The City of Lathrop will participate with SICOG, the City of Manteca, and San Joaquin County in the preparation of a Corridor System Management Plan for SR 120 between Mossdale Junction I-5 to south junction SR 99 as part of the Tier 1 SR 120 Widening Project</u></p>
<p>CC – cumulatively considerable PS – potentially significant</p>	<p>LCC – less than cumulatively considerable B – beneficial impact</p>	<p>LS – less than significant SU – significant and unavoidable</p>

ES EXECUTIVE SUMMARY

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
Impact 3.14-11: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service at the Lathrop Road/McKinley Avenue intersection	PS	<p><i>from four to six lanes</i></p> <p>Mitigation Measure 3.14-9Z: The project applicant shall pay its fair share toward improvements to the City of Lathrop for the Lathrop Road/McKinley Avenue intersection, <u>which is currently under construction and will be signalized by December 2014</u>. The project's fair share traffic contribution to these improvements is estimated to be 0.8%. The following mitigation measure as shown in Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:</p> <ul style="list-style-type: none"> Install traffic signal control; and Provide for protected eastbound to southbound left-turn signal phasing. <p><i>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 the signal is made.</i></p>	SU
Impact 3.14-12: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service at the Louise Avenue/McKinley Avenue intersection	PS	<p>Mitigation Measure 3.14-9B: The project applicant shall pay its fair share toward improvements to the Louise Avenue/McKinley Avenue intersection. The project's fair share traffic contribution to this intersection is estimated to be 2.1%. The following mitigation measures as shown in Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:</p> <ul style="list-style-type: none"> Widen the eastbound approach to add one EB left-turn lane and one EB right-turn lane. Restripe the shared left/through lane and shared through/right lane to two eastbound through lanes. 	SU

² 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:
 Fair Share Percentage = [Project Only Total Volume / (Cumulative Plus Project Total Volume - Existing Count Volume)]
 Fair Share Percentage = [22 / (5,250 - 2,401)] = 0.8 %
³ 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:
 Fair Share Percentage = [Project Only Total Volume / (Cumulative Plus Project Total Volume - Existing Count Volume)]
 Fair Share Percentage = [66 / (6,020 - 2,893)] = 2.1 %
 CC - cumulatively considerable
 PS - potentially significant
 LCC - less than cumulatively considerable
 B - beneficial impact
 LS - less than significant
 SU - significant and unavoidable

EXECUTIVE SUMMARY		ES
ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE
<p>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</p>	PS	<p>Widen the westbound approach to add one WB left-turn lane and one WB right-turn lane. Restripe the shared left/through lane and shared through/right lane to two westbound through lanes.</p> <ul style="list-style-type: none"> Widen the northbound approach to add an additional NB left-turn lane. Optimize signals with protected left-turns signal phasing. <p>Mitigation Measure 3.14-199: The project applicant shall pay its fair share toward improvements to the SR 120/Airport Way interchange and Airport Way/Daniels Street intersection. The project's fair share contribution to these intersections is estimated to be 1.6 % and 1.1 %, respectively. The following mitigation measures as shown in Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:</p> <p>SR 120/Airport Way Interchange</p> <ul style="list-style-type: none"> Relocate the westbound ramp-terminal intersection approximately 180 feet south of its current location to create a tight interchange configuration, which will increase the spacing to the Airport Way/Daniels Street intersection. Construct loop on-ramps. Widen overcrossing to include two northbound and three southbound lanes. Widen SR 120 eastbound and westbound off-ramps to include two left-turn lanes and two right-turn lanes. <p>Airport Way/Daniels Street</p> <ul style="list-style-type: none"> Restripe the southbound approach to add a third through lane and restripe the northbound approach to add an exclusive right-turn lane.
		<p>Resulting Level of Significance: SU</p>

⁴ 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:
 Fair Share Percentage = [Project Only Total Volume / (Cumulative Plus Project Total Volume - Existing Count Volume)]
 Fair Share Percentage = [134 / (14,770 - 6,452)] = 1.6 %, Fair Share Percentage = [44 / (7,980 - 4,022)] = 1.1 %
 CC - cumulatively considerable
 PS - potentially significant
 LCC - less than cumulatively considerable
 B - beneficial impact
 LS - less than significant
 SU - significant and unavoidable

ES EXECUTIVE SUMMARY

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
<p>Impact 3.14-14: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service on SR 120 and I-5</p>	<p>PS</p>	<ul style="list-style-type: none"> Restripe the eastbound Daniels Street approach to include one left-turn, one shared left/through lane, and two right-turn lanes with right-turn overlap phasing. <p>The SR 120/Airport Way ramp-terminal intersections are under Caltrans jurisdiction and the Airport Way/Daniels Street intersection is under City of Manteca jurisdiction.</p> <p>Mitigation Measure 3.14-14.10: The project applicant shall pay appropriate San Joaquin County Regional Traffic Impact Fee (RTIF), which is collecting fees from new development to help fund improvements to SR 120.</p> <p>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 helps fund SR 120 improvements.</p> <p>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 implementation of Mitigation Measure like 3.14-1. 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.</p>	<p>SU</p>
<p>UTILITIES</p>			

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 PS – potentially significant

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 SU – significant and unavoidable

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EXECUTIVE SUMMARY		ES	
ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
Impact 3.15-1: The proposed project has the potential to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.	LS		--
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.	PS	Mitigation Measure 3.15-1: Prior to occupancy of the any building that would require wastewater treatment services, the project proponent shall secure adequate wastewater treatment capacity. The wastewater treatment capacity may come from a variety of existing facilities including the Lathrop Consolidated Treatment Facility 4444-1 , 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 4444-2 wastewater treatment plant at the Lathrop Consolidated Treatment Facility , or a capacity expansion at Lathrop Consolidated Treatment Facility 4444-1 , Crossroads POTW, and or Lathrop-Manteca WQCF. The 4444-2 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 (Note: the expansion of Lathrop Consolidated Treatment Facility 4444-1 to 1.56 mgd is permitted by the State under the existing waste discharge permit). Additionally, the project proponent would be required to install/connect the necessary collection/transmission infrastructure to ensure the appropriate treatment of all wastewater.	LS
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	PS	Implement Mitigation Measure 3.2-1, 3.4-1, 3.4-2, 3.6-1, 3.6-3	SU
Impact 3.15-4: The proposed project has the	LS		--

CC – cumulatively considerable
 PS – potentially significant
 LCC – less than cumulatively considerable
 B – beneficial impact
 LS – less than significant
 SU – significant and unavoidable

ES EXECUTIVE SUMMARY

ENVIRONMENTAL IMPACT	LEVEL OF SIGNIFICANCE WITHOUT MITIGATION	MITIGATION MEASURE	RESULTING LEVEL OF SIGNIFICANCE
potential to require construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects			
Impact 3.15-5: The proposed project has the potential to have insufficient water supplies available to serve the project from existing entitlements and resources	LS		--
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	LS	Implement Mitigation Measure 3.2-1, 3.4-1, 3.4-2, 3.4-3, 3.4-5, 3.4-6, 3.6-1, 3.6-3	SU
Impact 3.15-7: The proposed project has the potential to be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, State, and local statutes and regulations related to solid waste	LS		--
CUMULATIVE IMPACTS			
Impact 4.1: project implementation may substantially damage scenic resources within a State Scenic Highway	LS and LCC		--
Impact 4.2: Cumulative Degradation of the Existing Visual Character of the Region	PS		CC and SU

CC – cumulatively considerable
 PS – potentially significant
 LCC – less than cumulatively considerable
 B – beneficial impact
 LS – less than significant
 SU – significant and unavoidable

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SECTION 1.0 INTRODUCTION

This section was revised to include new information to the EIR based on comments noted by the California Lands Commission. The revisions include additions that are incorporated into the EIR. The changes to the EIR occur in Section 1.0 Introduction on Page 1.0-2. The changes are identified with revision marks (underline for new text).

1.0 INTRODUCTION

The program-level analysis considers the broad environmental effects of the proposed SLSP. The EIR examines all phases of the project including planning, construction and operation. The program-level approach is appropriate for the SLSP because it allows comprehensive consideration of the reasonably anticipated scope of development plan; however, not all aspects of the future development are known at this stage in the planning process. Development projects in the Plan Area that require further discretionary approvals will be examined in light of this EIR to determine whether additional environmental documentation must be prepared.

1.3 KNOWN RESPONSIBLE AND TRUSTEE AGENCIES

The term “Responsible Agency” includes all public agencies other than the Lead Agency that have discretionary approval power over the SLSP or an aspect of the SLSP (CEQA Guidelines Section 15381). The following agencies are considered Responsible Agencies for the SLSP:

- California Department of Transportation (Caltrans): Encroachment permits
- Lathrop-Manteca Fire Protection District: Provision of Fire Protection Services
- Reclamation District 17: Levee permits
- San Joaquin Local Agency Formation Commission (LAFCo): Annexation
- San Joaquin Valley Unified Air Pollution Control District (SJVAPCD): Indirect Source Rule Permit, Authority to Construct, Permit to Operate for stationary sources of air pollution (auxiliary power, storm drainage pump station)
- [California State Lands Commission \(CSLC\): Approval for any encroachment onto Sovereign Lands of the State, or impact to Public Trust Resources.](#)

For the purpose of CEQA, a “Trustee” agency has jurisdiction by law over natural resources that are held in trust for the people of the State of California (CEQA Guidelines Section 15386). The following agencies are considered Trustee Agencies for the SLSP, and may be required to issue permits or approve certain aspects of the SLSP:

- California Department of Fish and Game - Streambed Alteration Agreement pursuant to Section 1602 of the California Fish and Game Code;
- [California State Lands Commission \(CSLC\) - Approval for any encroachment onto Sovereign Lands of the State, or impact to Public Trust Resources.](#)
- Central Valley Regional Water Quality Control Board (CVRWQCB) - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities pursuant to the Clean Water Act,
- Central Valley Regional Water Quality Control Board (CVRWQCB) – Water quality certification pursuant to Section 401 of the Clean Water Act.
- Central Valley Regional Water Quality Control Board (CVRWQCB) – Permitting of State jurisdictional areas, including isolated wetlands pursuant to the Porter-Cologne Water Quality Act;
- United States Army Corps Of Engineers – Permitting of federal jurisdictional areas pursuant to Section 404 of the Clean Water Act;

SECTION 2.0 PROJECT DESCRIPTION

This section was revised to include new and revised information to the EIR based on comments noted by the City of Lathrop Public Works Department. The revisions include corrections, clarification, and modifications, all of which are incorporated into the EIR. The changes to the EIR occur in Section 2.0 Project Description on Page 2.0-1 through 2.0-12. The changes are identified with revision marks (underline for new text, ~~strike-out~~ for deleted text).

PROJECT DESCRIPTION

2.0

Potable Water Supply: Potable water is proposed to be supplied to the SLSP by the City of Lathrop with funding to be provided by the developers. The proposal anticipates the provision of potable groundwater from an expansion of the City's well field and potable surface water from Phase 1 and/or the Phase 2 expansion of the South County Surface Water Supply Program (SCSWSP) by the South San Joaquin Irrigation District (SSJID). The provision of potable water is subject to the approval of the City, as the water purveyor.

Potable Water Storage and Distribution: Potable water storage and distribution is proposed to be provided to the SLSP by extending the City's existing pipe network into the Plan Area generally consistent with the City Master Utility Plan. The proposal is to construct and/or contribute fees toward the SLSP's proportional share of water storage as specified in the City Master Utility Plan. The final design of all onsite and offsite infrastructure potable water storage and distribution improvements is subject to the review and approval of the City of Lathrop.

Wastewater Treatment: Wastewater generated by the SLSP is proposed to be treated by future expansions of the ~~City of Lathrop's treatment plant, Water Recycling Plant #1 (WRP-1) Lathrop Consolidated Treatment Facility, formerly named Water Recycling Plant #1 (WRP-1)~~. Alternatively, the wastewater could be treated at the Regional Water Quality Control Facility treatment plant located in the City of Manteca. On an interim basis wastewater may be treated at the City of Lathrop's Crossroads Treatment Plant. The provision of wastewater treatment is subject to the review and approval by the City of Lathrop and/or wastewater treatment plant owner/operator.

Wastewater Disposal: The City of Lathrop does not possess a river discharge permit for ~~the Lathrop Consolidated Treatment Facility WRP-1~~ or the Crossroads Treatment Plant. ~~Although the City is pursuing such a permit for WRP-1, until one is approved. Unless the City pursues such a permit,~~ all treated wastewater disposal from ~~Lathrop Consolidated Treatment Facility WRP-1~~ would occur by irrigating landscaped areas and/or "spray fields" (aka "disposal fields). Section 3.15 Utilities provides information relative to the recycled water infrastructure and disposal. Disposal of any wastewater treated at the Regional Manteca Wastewater Quality Control Facility would not require disposal land.

Recycled water not utilized for on-site irrigation would be piped off-site to be held in storage basins and/or used for land application disposal. Storage basins are required to provide both daily and seasonal storage of the recycled water. The use of "Recycled Water" for irrigation is an option that may be pursued by the applicant, subject to approval by the Central Valley Regional Water Quality Control Board (RWQCB). It is estimated that approximately 15.7 acres of land may be irrigated with recycled water within the developed portion of the Plan Area, if approved by the RWQCB. The estimated minimum overall off-site basin area needed to serve full build-out of the SLSP is approximately 14.0 acres with 61.0 acres of off-site irrigated disposal fields. There are four sites that are under consideration to be used for basins and/or disposal fields including: 191-28-09 Rio Blanco Ranch 49.5 acres; 191-28-10 Rio Blanco Ranch 101.2 acres; 191-27-24 Roseville Investments 58.6 acres; and 191-27-31 Roseville Investments 85.0 acres. Each site is located in North Lathrop. Basins and disposal fields located in the North Lathrop area were approved with previous CEQA documents, the City's "5-year plan for wastewater capacity" and ultimately by the RWQCB in the City's Report of Waste Discharge (RWD) and Waste Discharge Requirements

2.0 PROJECT DESCRIPTION

(WDR's). Use of these basins/disposal fields would require an annual water balance analysis to be prepared to determine the actual recycled water storage volume and irrigation area required. The water balance will be prepared with future planning efforts (i.e. tentative map processing). The use of recycled water for irrigation is discussed below under heading titled "Recycled Water."

Wastewater Collection and Conveyance: The collection and conveyance system will consist of gravity pipes, a pump station and a forcemain. The pump station will be sized for the build-out condition of the SLSP and will be located within the Plan Area. The forcemain will connect the pump station to one of the selected treatment plants options. The final design of all onsite and offsite wastewater collection and conveyance infrastructure improvements is subject to the review and approval of the City of Lathrop.

Recycled Water: The SLSP would maximize reuse opportunities for recycled water. The term "recycled water" refers to wastewater that has been treated and disinfected to tertiary levels. Water treated to this level has been determined by governmental regulations to be acceptable for human contact without cause for concern and is commonly used for irrigation. The use of recycled water is regulated by the RWQCB and the Department of Health Services, which apply stringent water quality, treatment and disinfection standards.

The use of recycled water for irrigation serves to conserve potable water for other uses. In addition, in the event the potable water supply is limited at any time, such as a "dry year" situation, the use of recycled water ensures a supply for landscaped areas and reduces the likelihood that potable water would be needed for this purpose.

The SLSP proposes to make recycled water an option for public irrigation uses, subject to approval by the RWQCB. This includes irrigation of landscaped areas within street rights-of-way and open space. In addition, there may be potential for the use of recycled water for private irrigation uses as well, such as common open space areas and landscaping around buildings.

As wastewater is treated off-site, it must be returned to the Plan Area or sent to the off-site disposal areas. Wastewater generated in the Plan Area would be conveyed to ~~City of Lathrop's WRP #1 and/or #2~~ the City of Lathrop's Lathrop Consolidated Treatment Facility for treatment. Alternatively, if available, all or a portion of the Project's wastewater could be routed to the City of Manteca Wastewater Treatment Plant pursuant to an agreement between the two cities.

If ~~the Lathrop Consolidated Treatment Facility WRP #1 and/or #2~~ is used for wastewater treatment, a portion of the recycled water generated by the future uses within the Plan Area could be land applied onsite for irrigation of public (e.g., landscape within roadway rights-of-way) and private landscaping if this option is pursued by the applicant and approved by the RWQCB. The remainder would be disposed of offsite through irrigation of dedicated agricultural spray fields.

Recycled water leaving ~~the Lathrop Consolidated Treatment Facility WRP #1 and #2~~ would be disinfected and would undergo tertiary treatment to Title 22 standards for unrestricted use. Tertiary treatment includes the removal of nutrients such as phosphorous and nitrogen, and practically all suspended and organic matter from wastewater. Therefore, the recycled water would contain minimal to no water quality constituents that could be directly (via runoff of

SECTION 3.3 AIR QUALITY

This section was revised to include new and revised information to the EIR based on comments noted by the San Joaquin Valley Air Pollution Control District. The revisions include corrections, clarification, and modifications, all of which are incorporated into the EIR. The changes to the EIR occur in Section 3.3 Air Quality on Page 3.3-10, 3.3-18 through 3.3-20, 3.3-23, 3.3-24, 3.3-28, and 3.3-29. The changes are identified with revision marks (underline for new text, ~~strike out~~ for deleted text).

3.3 AIR QUALITY

San Joaquin County Air Quality Monitoring

SJVAPCD and CARB maintain two air quality monitoring sites in San Joaquin County that collect data for ozone, PM10, and PM2.5. These include the Stockton - Hazelton Street and Tracy – Airport monitoring sites. It is important to note that the federal ozone 1-hour standard was revoked by the EPA and is no longer applicable for federal standards. The federal ozone 1-hour standard was revoked by the EPA in 2005, but subsequent litigation reinstated portions of implementation requirements under the revoked standard. As a result, the SJVAPCD adopted the 2013 Plan for the Revoked 1-Hour Ozone Standard in September 2013 to address the reinstated requirements for this standard. The data and analysis contained in this Draft EIR does not conflict with the 2013 Plan. Data obtained from the monitoring sites between 2010 and 2012 is shown in Tables 3.3-6 and 3.3-7.

TABLE 3.3-6: AMBIENT AIR QUALITY MONITORING DATA (STOCKTON – HAZELTON STREET)

POLLUTANT	CAL.	FED.	YEAR	MAX CONCENTRATION	DAYS EXCEEDED STATE/FED STANDARD
	PRIMARY STANDARD				
Ozone (O3) (1-hour)	0.09 ppm for 1 hour	NA	2012	0.097	1 / (N/A)
			2011	0.089	0 / (N/A)
			2010	0.120	2 / (N/A)
Ozone (O3) (8-hour)	0.07 ppm for 8 hour	0.075 ppm for 8 hour	2012	0.083	8 / 2
			2011	0.068	0 / 0
			2010	0.095	3 / 2
Particulate Matter (PM10)	50 ug/m3 for 24 hours	150 ug/m3 for 24 hours	2012	70.0	17.9 / 0
			2011	70.1	24.4 / 0
			2010	55.4	6.1 / 0
Fine Particulate Matter (PM2.5)	No 24 hour State Standard	35 ug/m3 for 24 hours	2012	60.4	(N/A) / 6.0
			2011	60.0	(N/A) / 11.0
			2010	41.0	(N/A) / 5.3

SOURCES: CALIFORNIA AIR RESOURCES BOARD (AEROMETRIC DATA ANALYSIS AND MANAGEMENT SYSTEM OR IADAM) AIR POLLUTION SUMMARIES

TABLE 3.3-7: AMBIENT AIR QUALITY MONITORING DATA (TRACY – AIRPORT)

POLLUTANT	CAL.	FED.	YEAR	MAX CONCENTRATION	DAYS EXCEEDED STATE/FED STANDARD
	PRIMARY STANDARD				
Ozone (O3) (1-hour)	0.09 ppm for 1 hour	NA	2012	0.109	8 / (N/A)
			2011	0.107	3 / (N/A)
			2010	0.113	1 / (N/A)
Ozone (O3) (8-hour)	0.07 ppm for 8 hour	0.075 ppm for 8 hour	2012	0.098	36 / 16
			2011	0.088	21 / 8
			2010	0.092	8 / 3
Particulate Matter (PM10)	50 ug/m3 for 24 hours	150 ug/m3 for 24 hours	2012	73.4	* / *
			2011	110.8	* / *
			2010	28.5	* / *
Fine Particulate Matter (PM2.5)	No 24 hour State Standard	35 ug/m3 for 24 hours	2012	26.8	* / *
			2011	35.1	* / *
			2010	42.3	* / *

SOURCES: CALIFORNIA AIR RESOURCES BOARD (AEROMETRIC DATA ANALYSIS AND MANAGEMENT SYSTEM OR IADAM) AIR POLLUTION SUMMARIES

3.3.2 REGULATORY SETTING

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3.3 AIR QUALITY

SJVAPCD Rule 9510 (Indirect Source Rule), which could result in substantial mitigation of NO_x and PM 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.

Voluntary Emission Reduction Agreements As noted above, design elements and compliance with District rules and regulations may not be sufficient to reduce project related impacts on air quality to a less than significant level. In such situations, the SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts (May 2012) indicates that the project proponents may enter into a Voluntary Emission Reduction Agreement (VERA) with the SJVAPCD. A VERA is a method by which the project proponent provides pound-for-pound mitigation of air emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's Emission Reduction Incentive Program (ERIP). The funds are disbursed by ERIP in the form of grants for projects that achieve emission reductions. Thus, project specific impacts on air quality are offset. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the SJVAPCD verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a SJVAPCD approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the SJVAPCD has designed flexibility into the VERA such that the final mitigation is based on actual emissions related to the project as determined by actual equipment used, hours of operation, etc. After the project is mitigated, the SJVAPCD certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that project specific emissions have been mitigated.

At the time SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts (May 2012) was published, the SJVAPCD had entered into approximately seventeen VERAs with developers since 2005.

A Mitigation Measure is included in this EIR that 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

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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 impact relative to operational air emissions.

MITIGATION MEASURES

~~**Mitigation Measure 3.3-1:** Prior to the issuance of a building permit, the project proponent shall obtain a permit under APCD Rule 9510, Indirect Source Rule (ISR). The project proponent shall incorporate mitigation measures into the SLSP and/or pay the required ISR fees to the APCD as required to comply with Rule 9510 emission reduction requirements for NOx and PM emissions associated with project operations. final discretionary approval, the project proponent shall submit an Air Impact Assessment (AIA) application to the San Joaquin Valley Air Pollution Control District for District Rule 9510 Indirect Source Review (ISR) to obtain AIA approval from the District. Prior to the issuance of a building permit, the project proponent shall incorporate mitigation measures into the SLSP and demonstrate compliance with District Rule 9510 including payment of all fees.~~

Mitigation Measure 3.3-2: Prior to the approval of improvement plans, the project proponent shall incorporate the following features into project plans and specifications, consistent with adopted City of Lathrop Design and Construction Standards (2007):

- 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.
- Require low-VOC cleaning supplies to be used by businesses and cleaning services within the Plan Area.

Mitigation Measure 3.3-3: Prior to the approval of improvement plans, the project proponent shall prepare and implement a transportation demand management (TDM) plan that includes, but is not limited to, the following measures subject to the review and approval of the City of Lathrop:

- 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.

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- 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.
- Coordinate SJCOG's Commute Connection Program

Mitigation Measure 3.3-4: Prior to the approval of a Building Permit, the project proponent shall 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 and other mitigation measures required for the SLSP. The City shall 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.

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 (less than significant)

Construction Activities/Schedule: Construction activities will consist of multiple phases over several years. These construction activities can be described as site improvements (grading, underground infrastructure, and topside improvements) and vertical construction (building construction and architectural coatings).

Site Improvements: The construction of site improvements may be performed as one task, but may be broken into two or more separate phases. The exact construction schedule is largely dependent on the economic conditions of the region and the ability for the market to absorb the proposed commercial and industrial buildings. For purposes of this analysis it is assumed that site improvements are installed in one phase. This approach will present a more conservative and worst-case scenario.

The site improvement phase of construction will begin with site preparation. This step will include the use of dozers, backhoes, and loaders to strip (clear and grub) all organic materials and the upper half-inch to inch of soil from the Plan Area. This task will generally take a month or less to complete and will include vehicle trips from construction workers. Given that the Plan Area lacks significant vegetation, this step will likely be less than the assumed month.

After the site is striped of organic materials grading will begin. This activity will involve the use of excavators, graders, dozers, scrappers, loaders, and backhoes to move soil around the Plan Area to create specific engineered grade elevations and soil compaction levels. Grading the Plan Area would take approximately four months and will include vehicle trips from construction workers. (Note: It would be possible to grade the site under a more compacted schedule with extra equipment operating or under a longer timeframe with less equipment.)

Implementation of the following mitigation measures will further ensure that the SLSP would have a *less than significant* impact related to construction emissions.

MITIGATION MEASURES

Mitigation Measure 3.3-45: *Prior to the commencement of construction activities, the project proponent shall prepare and submit a Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3, for the review and approval of the APCD Air Pollution Control Officer.*

Mitigation Measure 3.3-56: *During all construction activities, the project proponent shall implement dust control measures, as required by APCD Rules 8011-8081, to limit Visible Dust Emissions to 20% opacity or less. Dust control measures shall include application of water or chemical dust suppressants to unpaved roads and graded areas, covering or stabilization of transported bulk materials, prevention of carryout or trackout of soil materials to public roads, limiting the area subject to soil disturbance, construction of wind barriers, access restrictions to inactive sites as required by the applicable rules.*

Mitigation Measure 3.3-67: *During all construction activities, the project proponent shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (San Joaquin Valley APCD, 2002):*

- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.*
- b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.*
- c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking.*
- d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.*
- e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.*
- f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.*
- g. Limit traffic speeds on unpaved roads to 15 mph; and h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.*

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Mitigation Measure 3.3-78: Architectural coatings applied to all structures in the Plan Area shall meet or exceed volatile organic compound (VOC) standards set in APCD Rule 4601. The ODS shall submit to the APCD a list of architectural coatings to be used and shall indicate how the coatings meet or exceed VOC standards. If the APCD determines that any architectural coatings do not meet VOC standards, the ODS shall replace the identified coatings with those that meet standards.

~~**Mitigation Measure 3.3-9:** Prior to the issuance of the first building permit, the project proponent shall submit an application to the APCD for a permit under APCD Rule 9510, Indirect Source Rule (ISR). The project proponent shall incorporate mitigation measures into project construction and/or pay ISR fees as required to comply with Rule 9510 emission reduction requirements for construction NOx and PM emissions.~~

Mitigation Measure 3.3-9: To reduce impacts from construction related exhaust emissions, the project proponent shall utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.

Mitigation Measure 3.3-10: Asphalt paving shall be applied in accordance with APCD Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Impact 3.3-3: The proposed project has the potential to have carbon monoxide hotspot impacts (less than significant)

The Plan Area is located in an attainment area for CO. Project traffic would increase concentrations of carbon monoxide along streets providing access to the Plan Area. Carbon monoxide is a local pollutant (i.e., high concentrations are normally only found very near sources). The major source of carbon monoxide, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations (i.e. hotspots), therefore, are usually only found near areas of high traffic volume and congestion.

The California Project-Level Carbon Monoxide Protocol (CO Protocol) was used to analyze CO impacts for the SLSP. The CO Protocol requires an examination of the Level of Service (LOS) for both road segments and intersections affected by the SLSP to determine if existing or future street segments or intersections are forecast to operate at an unacceptable LOS E or worse with the recommended mitigation.

According to the traffic impact study that was prepared for the SLSP, the following intersections will operate at an unacceptable LOS E or F under existing plus project conditions:

- SR 120 EB Ramps / Guthmiller Road side-street movement would operate at LOS E in the AM peak hour and LOS F in the PM peak hour
- SR 120 WB Ramps / Guthmiller Road side-street movement would operate at LOS F in the AM and PM peak hours

3.3 AIR QUALITY

stationary sources of toxic air emissions. Additionally, the commercial and industrial area could result in increased diesel truck traffic within the Plan Area as a result of manufacturing, assembling, construction, maintenance, warehousing, and distribution, among other businesses. There are no specific businesses proposed at this time so it is unknown whether these potential toxic air emitters would be developed within the Plan Area.

The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly) requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels. The Air Toxics "Hot Spots" Act requires Air Districts to prioritize facilities to determine which facilities must perform a health risk assessment. These facilities, for purposes of risk assessment, are ranked into high, intermediate, and low priority categories. Each Air District is responsible for establishing the prioritization score threshold at which facilities are required to prepare a health risk assessment. In establishing priorities, the Air Districts are to consider the potency, toxicity, quantity, and volume of hazardous materials released from the facility, the proximity of the facility to potential receptors, and any other factors that the Air District determines may indicate that the facility may pose a significant risk.

In order to assist the Air Districts with this prioritization requirement, the California Air Pollution Control Officers Association (CAPCOA) Toxics Committee, in cooperation with the Office of Environmental Health Hazard Assessment and the California Air Resources Board, developed the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990). The purpose of the guideline is to provide Air Districts with suggested procedures for prioritizing facilities. However, districts may develop and use prioritization methods which differ from the CAPCOA guidelines.

The SJVAPCD prioritizes facilities based on the quantity and toxicity of the emissions, and their proximity to areas where the public may be exposed. Facilities put in the significant risk category are required by the SJVAPCD to prepare a comprehensive, facility-wide health risk assessment. For facilities for which risk assessments have not been conducted, the SJVAPCD's Permit Services Section should be consulted to determine whether location of nearby sensitive receptors would alter the status of the facility with respect to AB 2588 (that is, cause the facility to become "high priority" and therefore trigger a risk assessment requirement). The proposed project is a Plan-level document and does not include facility-specific detail that would enable the analysis of the quantity and toxicity of emissions, if any. It is noted, however, that the closest sensitive receptors are located to the south of the Plan Area in the Oakwood Lakes Subdivision. Until an actual user/business/facility is proposed within the Plan Area, quantity and toxicity of emissions cannot be assessed with any level of certainty.

The SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) (2002) includes procedures for evaluating hazardous air pollutants. The GAMAQI states that Lead Agencies should consider both of the following situations when evaluating hazardous air pollutants:

- 1) a new or modified source of hazardous air pollutants is proposed for a location near an existing residential area or other sensitive receptor, and
- 2) a residential development or other sensitive receptor is proposed for a site near an existing source of hazardous air pollutants.

For the first scenario, the GAMAQI indicates that the Lead Agency should consult with the SJVAPCD's regarding anticipated hazardous air pollutant emissions, potential health impacts, and control measures. The GAMAQI states that "preparation of the environmental document should be closely coordinated with the SJVAPCD review of the facility's permit application when timing allows." The SJVAPCD's policies and regulations for implementing AB 2588 designate facilities as significant when they have a carcinogenic risk in excess of 10 in one million or a non-cancer risk Hazard Index of greater than one (if prescribed so by California's Office of Environmental Health Hazard Assessment).

The second scenario is not applicable because the proposed project does not include the construction of a residential development or other sensitive receptor.

Implementation of the SLSP, in and of itself, would not result in an increased exposure of sensitive receptors to localized concentrations of TACs. There is a potential for future commercial and industrial business, as permitted under the South Lathrop Specific Plan Zoning Ordinance, to result in increased exposure of sensitive receptors to localized concentrations of TACs. The emission sources could be stationary sources and/or mobile source (i.e. diesel truck traffic). The following mitigation measure would 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) Implementation of this measure would ensure that the impact is **less than significant**.

MITIGATION MEASURES

Mitigation Measure 3.3-1211: *Prior to the construction and/or operation of any industrial or commercial building that would emit toxic air contaminants, the project proponent shall, at a minimum, perform prioritization screening in accordance with the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990) and the Air Toxics "Hot Spots" Information and Assessment Act. The prioritization screening shall be performed in coordination with the San Joaquin Valley Air Pollution Control District, whom will be responsible for determining which facilities based on their prioritization screening score, must perform a health risk assessment. In determining the need to prepare a health risk assessment, the San Joaquin Valley Air Pollution Control District should consider the potency, toxicity, quantity, and volume of hazardous materials released from the facility, the proximity of the facility to potential receptors, and any other factors specific to the facility that indicate that it may pose a significant health risk.*

If a health risk assessment is warranted for a facility based on its prioritization score, the project applicant shall assess the facilities for the potential to expose the public to toxic air contaminants in excess of the following thresholds:

SECTION 3.4 BIOLOGICAL RESOURCES

This section was revised to include new and revised information to the EIR based on comments noted by the California State Lands Commission. The revisions include amplification of the existing information which incorporated into the EIR. The changes to the EIR occur in Section 3.4 Biological Resources on Page 3.4-36, and -38. The changes are identified with revision marks (underline for new text).

3.4 BIOLOGICAL RESOURCES

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 direct and/or indirect impacts on these fish species from the potential for sedimentation and other pollution to enter into the San Joaquin River during construction. Construction activities would result in noise as a result of the specific equipment used to install the outfall, and such noise could have impacts on these fish species. The range of effects potentially includes alteration of behavior to physical injury or mortality, depending on the intensity and characteristics of the sound, the distance and location of the fish in the water column relative to the sound source, the size and mass of the fish, and the fish's anatomical characteristics. Little is known about the exact effects that construction noise has on fish; however, it is generally accepted that sound generated by percussive pile driving or blasting has the highest potential to affect fish, while excavation or dredging activities tend to have the lowest effect on fish. This is a result of the sound and vibration levels being higher with the pile driving and blasting activities compared to the excavation and dredging activities. The outfall construction would require a nominal amount of excavation along the bank of the San Joaquin River. The excavation would be performed for a limited period of time. These activities may cause disturbance and displacement of fish species due to movement along the bank of the river and noise from equipment operations. Fish would likely avoid the area during the excavation activities.

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. While there would be a temporary loss of foraging habitat and prey species, and there is the possibility of injury or disturbance to fish species from noise or physical injury caused by equipment operations in the water column may occur, avoidance and minimization measures required by the regulatory agencies would include species-specific work windows to the extent feasible.

The ongoing operational phase of the SISP 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. The Lathrop Municipal Code provides rules and regulations to protect water courses (Chapter 12.28) and to manage and control stormwater and discharge (Chapter 13.28). Section 13.28.130 specifically provides requirement to prevent, control and reduce stormwater pollutants. This includes requirements to implement best management practices to the extent they are technologically achievable to prevent and reduce pollutants. Under this requirement, the owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

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3.4 BIOLOGICAL RESOURCES

- *Grassed Swales: A swale is a vegetated, open channel management practice designed to treat and attenuate stormwater runoff for a specified water quality volume. Stormwater runoff flowing through these channels is treated by being filtered through vegetation in the channel, through a subsoil matrix, and/or through infiltration into the underlying soils. Swales can be used throughout the SLSP area where feasible in the landscape design to treat parking lot runoff.*
- *Proprietary Devices: There are a variety of commercially available stormwater treatment devices designed to remove contaminants from drainage once flows enter the conveyance systems. StormFilter™ units, or equivalent filtration-type systems, are recommended within the commercial and industrial areas as the main structural BMP for these areas. Bioswales are also recommended for streets and parking areas. Drop inlet filters should also be used to control drainage runoff water quality.*

Mitigation Measure 3.4-9: The project applicant shall coordinate with state, federal, and local agencies prior to the 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. Avoidance measures should include species specific work windows to avoid spawning periods to the extent feasible.

Impact 3.4-9: Conflict with an Adopted Habitat Conservation Plan (less than significant)

The SLSP is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The SLSP does not conflict with the SJMSCP. Therefore, the SLSP would have a **less than significant** impact relative to this topic. Mitigation Measure 3.4-1 requires participation in the SJMSCP.

Impact 3.4-10: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (less than significant)

The Resource Management Element of the General Plan establishes policies numerous policies related to vegetation, fish and wildlife. Below is a consistency review of the policies applicable to the proposed project.

Policy 1 seeks to retain habitat by integrating waterway habitat areas as part of an open space system, preserving standards of vegetation along waterways, achieving a “no net loss” of wetland acreage, careful introduction of recreation into habitat areas, retention of hedgerows and other habitat areas within farmland, and protection of fisheries by preventing discharge of contaminated surface waters to waterways.

The SLSP is consistent with this policy because it has incorporated an open space corridor in the southern portion of the Plan Area that includes the San Joaquin River and its adjacent riparian habitat. Additionally, mitigation is provided within this EIR that would ensure “no net loss” of wetland acreage. The open space area is passive and will not be designed in a way that would result in degradation of the riparian habitat.

SECTION 3.5 CULTURAL RESOURCES

This section was revised to include new and revised information to the EIR based on comments noted by the California State Lands Commission. The revisions include amplification of the existing information which is incorporated into the EIR. The changes to the EIR occur in Section 3.5 Cultural Resources on Page 3.5-21 through 3.5-23. The changes are identified with revision marks (underline for new text).

Therefore, this site appears to be ineligible for listing in the NRHP or CRHR under NRHP Criterion A and CRHR Criterion 1.

Because neither the archival nor the archaeological records can connect this site to any person or persons, regardless of their historical significance, this site appears to be ineligible for listing in the NRHP or CRHR under NRHP Criterion B and CRHR Criterion 2.

Because this site lacks standing structures, it appears to be ineligible for listing in the NRHP or CRHR under NRHP Criterion C and CRHR Criterion 3.

In light of these considerations, and the absence of adequate data beyond that which has already been recorded and that would be important in history (NRHP Criterion D, CRHR Criterion 4), this site is considered to be ineligible for inclusion on the NRHP or CRHR. (ECORP 2008)

It cannot be clearly demonstrated that there is a high probability that this resource: 1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; 2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or 3) directly associates with a scientifically recognized important prehistoric or historic event. As such, this resource does not meet the definition of a “unique” site as outlined in PRC §21083.2 and it is not considered a significant resource by the lead agency.

Isolates

Isolates have no potential to yield important information (NRHP Criterion D), are not associated with important events or persons (NRHP Criteria A and B), and are not architecturally distinctive (NRHP Criterion C). Therefore, all isolates within the project area are not eligible for the NRHP or the CRHR. No further investigation of the isolates is necessary. (ECORP 2008) It cannot be clearly demonstrated that there is a high probability that this resource: 1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; 2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or 3) directly associates with a scientifically recognized important prehistoric or historic event. As such, this resource does not meet the definition of a “unique” site as outlined in PRC §21083.2 and it is not considered a significant resource by the lead agency.

Submerged Resources

There is no physical evidence of a submerged resource in the San Joaquin River adjacent to, or within the project site. Additionally, a review of the California Lands Commission (CLSC) ship wreck database indicates that there are 19 documented ship wrecks in San Joaquin County, none of which are located adjacent to or within the project site. The coordinates of the project site are: 37deg 47'8.81"N, 121deg 17'36.4"W. The coordinates (and other info) of each ship wreck is as follows:

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TABLE 3.5-3: DOCUMENTED SHIP WRECKS IN SAN JOAQUIN COUNTY

SHIP'S NAME	TYPE	YEAR BUILT	YEAR SUNK	CAUSE	LATITUDE	LONGITUDE
Agnes	Gas motor vessel	1886	1931	Foundered	37deg 57'30"N	121deg 18'00"W
American Eagle	Steamship	1851	1853	Explosion	38deg 05'00"N	121deg 34'20"W
Arrow	Steamship		1867	Burned	38deg 06'00"N	121deg 34'00"W
Cora	Steamship		1879	Snagged	38deg 31'00"N	121deg 32'00"W
Dolphin	Gas screw	1918	1927	Burned	37deg 57'30"N	121deg 18'00"W
El Dorado			1940		37deg 57'08"N	121deg 20'00"W
Fred Ball #4	Gas screw	1916	1932	Burned	37deg 57'30"N	121deg 18'00"W
Golden West			1938	Wrecked	37deg 57'30"N	121deg 18'00"W
Hone	Gas screw	1914	1917	Wrecked	37deg 57'30"N	121deg 18'00"W
John	Gas screw	1919	1928	Burned	37deg 57'30"N	121deg 18'00"W
Miner	Sternwheel Steamboat	1850	1851	Burned	38deg 02'25"N	121deg 53'08"W
Monarch	Gas screw	1919	1929	Burned	37deg 57'30"N	121deg 18'00"W
Motormate	Gas screw		1944	Collision	37deg 57'30"N	121deg 18'00"W
Red Line	Tanker		1930	Explosion	37deg 57'30"N	121deg 18'00"W
Robert B	Oil screw	1923	1945	Burned	38deg 00'00"N	121deg 00'30"W
Steven Quinn #1	Gas screw	1918	1918	Burned	37deg 57'30"N	121deg 18'00"W
Stockton City #2	Gas screw	1916	1925	Wrecked	37deg 51'55"N	121deg 18'47"W
Valley Brew	Gas screw	1917	1937	Burned	37deg 58'00"N	121deg 22'01"W
Wilhelmina	Gas screw	1918	1935	Burned	37deg 59'42"N	121deg 24'36"W

SOURCE: CALIFORNIA LANDS COMMISSION (2014) ([HTTP://SHIPWRECKS.SLC.CA.GOV/SHIPWRECKSDATABASE/](http://SHIPWRECKS.SLC.CA.GOV/SHIPWRECKSDATABASE/))

There is always the possibility of an unknown submerged resource that would be discovered during construction. Installation of the storm drain outfall will involve activities that involve ground-disturbing activities, and possibly in-water construction. The CSLC has jurisdiction over any submerged resources found in State waters, and considers resources 50 years or older to be significant.

Summary

The resources identified in the Plan Area are not eligible for listing based on the four criteria under the NRHP and CRHP as previously discussed. Additionally, it cannot be clearly demonstrated that there is a high probability that these resources: 1) contain information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; 2) have a special and particular quality such as being the oldest of its type or the best available example of its type; or 3) directly associates with a scientifically recognized important prehistoric or historic event. As such, these resources do not meet the definition of a "unique" site as outlined in PRC §21083.2 and it is not considered a significant resource by the lead agency. The resources have been recorded and the loss of these resources would be a less than significant impact. Additionally, there is no evidence that there are submerged resources within the San Joaquin River adjacent to, or within the project site. However, as with most projects in the region that involve ground-disturbing (or in-water) activities, there is the potential for discovery of a previously unknown cultural and/or historical resource or human remains, or submerged resources. The implementation of the following mitigation measure would ensure that this potential impact is **less than significant**.

MITIGATION MEASURES

Mitigation Measure 3.5-1: *If any cultural resources, including prehistoric or historic artifact, submerged resources or artifacts, or other indications of archaeological resources are found during grading and construction activities, all work shall be halted immediately within a 200-foot radius of the discovery until the an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the find(s).*

Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR; or 3) not a significant Public Trust Resource.

If a potentially-eligible resource or a significant Public Trust Resource is encountered, then the archaeologist, lead agency, trustee agency, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. If a significant Public Trust Resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange coordinate with the trustee agency for the appropriate course of action given the facts and circumstances of the find. The determination shall be formally documented in writing and submitted to the lead agency and trustee agency, if applicable, as verification that the provisions in CEQA for managing unanticipated discoveries have been met.

If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Applicant's expense.

SECTION 3.6 GEOLOGY AND SOILS

This section was revised to include corrections to the EIR. The revisions include revisions to a mitigation number, which is incorporated into the EIR. The changes to the EIR occur in Section 3.6 Geology and Soils on Page 3.6-18. The changes are identified with revision marks (underline for new text).

3.6 GEOLOGY AND SOILS

Impact 3.6-4: Potential for expansive soils to create substantial risks to life or property (less than significant with mitigation)

Expansive soils are those that undergo volume changes as moisture content fluctuates; swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement and distorting structural elements. Expansion is a typical characteristic of clay-type soils. Expansive soils shrink and swell in volume during changes in moisture content, such as a result of seasonal rain events, and can cause damage to foundations, concrete slabs, roadway improvements, and pavement sections.

According to the *Custom Soils Report*, the soils in the Plan Area have a range of low to high regarding the shrink-swell potential. This potential is directly related to the expansion potential of the site. The *Preliminary Geotechnical Report* (Engeo 2004) also identifies that the southern portion of the Plan Area has a high shrink-swell potential (Engeo, pg. 6). The *Preliminary Geotechnical Report* (Engeo 2004) recommended that a design-level evaluation of soils be performed to address expansive soils.

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 3.6-32, presented below, 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 would 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. With the implementation of Mitigation Measure 3.6-32 the SLSP would have a **less than significant** impact relative to this topic.

MITIGATION MEASURES

Mitigation Measure 3.6-32: *Prior to earthmoving activities, a certified geotechnical engineer, or equivalent, shall be retained to perform a final geotechnical evaluation of the soils at a design-level as required by the recommendations contained in the Preliminary Geotechnical Report (Engeo 2004) and the requirements of the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 related to expansive soils and other soil conditions. The evaluation shall be prepared in accordance with the standards and requirements outlined in 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 shall 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 shall be designed in accordance with the recommendations provided in the final geotechnical evaluation.*

SECTION 3.7 GREENHOUSE GASES AND CLIMATE CHANGE

This section was revised to include new and revised information to the EIR based on comments noted by the California State Lands Commission. The revisions include clarification, amplification, and modifications, all of which are incorporated into the EIR. The changes to the EIR occur in Section 3.7 Greenhouse Gases and Climate Change on Page 3.7-3, 3.7-5, 3.7-16, and 3.7-21. The changes are identified with revision marks (underline for new text).

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supply for a growing state population. Further, the increased ocean temperature could result in increased moisture flux into the state; however, since this would likely increasingly come in the form of rain rather than snow in the high elevations, increased precipitation could lead to increased potential and severity of flood events, placing more pressure on California's levee/flood control system.

Sea level has risen approximately seven inches during the last century and it is predicted to rise more in the future. Some estimates anticipate a rise of an additional 22 to 35 inches by 2100, depending on the future GHG emissions levels (Cal EPA 2006). A recent estimate (2013) by the Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT) anticipates that sea-levels south of the Cape Mendocino could rise between 16.56 inches (1.38 ft) to 65.76 inches (5.48 ft). If this occurs, resultant effects could include increased coastal flooding, saltwater intrusion and disruption of wetlands (Cal EPA 2006). As the existing climate throughout California changes over time, mass migration of species, or failure of species to migrate in time to adapt to the perturbations in climate, could also result. Under the emissions scenarios of the Climate Scenarios report (Cal EPA 2006), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

Public Health

Higher temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation are projected to increase from 25% to 35% under the lower warming range and to 75% to 85% under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases in wildfires, which emit fine particulate matter that can travel long distances depending on wind conditions. The Climate Scenarios report indicates that large wildfires could become up to 55% more frequent if GHG emissions are not significantly reduced.

In addition, under the higher warming scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a large increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures will increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

Water Resources

A vast network of man-made reservoirs and aqueducts capture and transport water throughout the state from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snow pack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snow pack, increasing the risk of summer water shortages.

GREENHOUSE GASES AND CLIMATE CHANGE

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abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.

Forests and Landscapes

Global warming is expected to alter the distribution and character of natural vegetation thereby resulting in a possible increased risk of large wildfires. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks will not be uniform throughout the state. For example, if precipitation increases as temperatures rise, wildfires in southern California are expected to increase by approximately 30% toward the end of the century. In contrast, precipitation decreases could increase wildfires in northern California by up to 90%.

Moreover, continued global warming will alter natural ecosystems and biological diversity within the state. For example, alpine and sub-alpine ecosystems are expected to decline by as much as 60% to 80% by the end of the century as a result of increasing temperatures. The productivity of the state's forests is also expected to decrease as a result of global warming.

Rising Sea Levels

Rising sea levels, more intense coastal storms, and warmer water temperatures will increasingly threaten the state's coastal regions. Under the higher warming scenario, sea level is anticipated to rise between 16.56 inches (1.38 ft) to 65.76 inches (5.48 ft) by 2100. Elevations of this magnitude would inundate coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.

ENERGY CONSUMPTION

The consumption of nonrenewable energy (primarily gasoline and diesel fuel) associated with the operation of passenger, public transit, and commercial vehicles results in GHG emissions that ultimately result in global climate change. Alternative fuels such as natural gas, ethanol, and electricity (unless derived from solar, wind, nuclear, or other energy sources that do not produce carbon emissions) also result in GHG emissions and contribute to global climate change.

Electricity Consumption

California relies on a regional power system composed of a diverse mix of natural gas, renewable, hydroelectric, and nuclear generation resources. Approximately 71 percent of the electrical power needed to meet California's demand is produced in the state. Approximately 29 percent of its electricity demand is imported from the Pacific Northwest and the Southwest (California Energy Commission, 2012)⁶. In 2010, California's in-state generated electricity was derived from natural

⁶ California Energy Commission (2012). Energy Almanac. Retrieved August 2012, from <http://energyalmanac.ca.gov/overview/index.html>

3.7 GREENHOUSE GASES AND CLIMATE CHANGE

IMPACTS AND MITIGATION MEASURES

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 (less than significant with mitigation)

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. A project’s GHG emissions are at a micro-scale relative to global emissions, but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. Implementation of the SLSP would contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development would be primarily associated with increases of CO₂ and other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O), from mobile sources and utility usage.

The SLSP’s short-term construction-related and long-term operational GHG emissions were estimated using the California Emission Estimator Model (CalEEMod)TM (v.2011.1.14). CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO₂ equivalent units of measure (i.e., MTCO₂e), based on the global warming potential of the individual pollutants.

Short-Term Construction GHG Emissions: Estimated increases in GHG emissions associated with construction of the SLSP are summarized in Table 3.7-1.

TABLE 3.7-1: CONSTRUCTION GHG EMISSIONS (UNMITIGATED METRIC TONS/YR)

	Bio- CO ₂	NBio- CO ₂	Total CO ₂	CH ₄	N ₂ O	CO ₂ e
2014	0.00	597.07	597.07	0.06	0.00	598.26
2015	0.00	586.76	586.76	0.06	0.00	587.92
2016	0.00	657.87	657.87	0.05	0.00	658.96
2017	0.00	653.33	653.33	0.05	0.00	654.32
2018	0.00	654.01	654.01	0.04	0.00	654.92
2019	0.00	652.39	652.39	0.04	0.00	653.22
2020	0.00	653.43	653.43	0.04	0.00	654.19
2021	0.00	656.96	656.96	0.03	0.00	657.67
2022	0.00	653.16	653.16	0.03	0.00	653.82
2023	0.00	137.92	137.92	0.01	0.00	138.05
Total	0.00	5,902.90	5,902.90	0.41	0.00	5,911.33

SOURCES: CAL EEMOD (v.2011.1.1)

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Conclusion: As stated previously, short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change over the lifetime of the SLSP. With the implementation of the following mitigation measure and those presented in Section 3.1 Air Quality, the overall annual GHG emissions associated with the SLSP would be reduced by over 36.3 percent by the year 2020, consistent with applicable standards and thresholds of a 29 percent reduction. Because the SLSP would meet the City's 29 percent minimum reduction threshold, the SLSP would not hinder the State's ability to reach the GHG reduction target.

As previously discussed, 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% 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%. 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 APCD. Based on the criteria set forth in the APCD's Climate Change Action Plan, the SLSP would have an individual and cumulative impact that is less than significant.

The project's energy requirements would be reduced by 15.0 percent (natural gas) and 18.5 percent (electricity) with the incorporation of mitigation. The energy requirements for the proposed project would come from PG&E and would not adversely affect the local and regional energy supplies or cause a need for additional capacity. PG&E manages the supply and transmission of electricity and natural gas for the region in an effort to maintain a quality supply at base and peak periods of demand. The proposed 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. The City will review individual building plans as they are prepared to ensure that they comply with the latest Title 24 requirements, including CALGreen.

Implementation of the SLSP would not conflict with any applicable plan, policy, or regulation related to GHG reduction, and impacts related to GHG emissions and global climate change would be considered **less-than-significant** with the implementation of mitigation measures.

MITIGATION MEASURES

Mitigation Measure 3.57-1: *To reduce Greenhouse Gas Emissions and Energy Consumption, the project applicant shall institute measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, and maintenance/landscaping. As the individual projects are designed and undergo Design Review by the City of Lathrop, there should be*

SECTION 3.9 HYDROLOGY AND WATER QUALITY

This section was revised to include new and revised information to the EIR based on comments noted by the California State Lands Commission. The revisions include amplification of existing text which is incorporated into the EIR. The changes to the EIR occur in Section 3.9 Hydrology and Water Quality on Page 3.9-27 through 3.9-28. The changes are identified with revision marks (underline for new text).

HYDROLOGY AND WATER QUALITY

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According to the California Water Quality Control Monitoring Council, which is part of California Environmental Protection Agency, Natural Resources, there are many areas within the San Joaquin County which are considered Section 303(d) impaired waterbodies. Those areas in the regional vicinity of the Plan Area that are impaired are referred as Delta Waterways (Southern Portion) by the Water Quality Control Monitoring Council. This includes 3,125 acres listed as early as 1996 for Chlorpyrifos (Agriculture, Urban Runoff/Storm Sewers), DDT (Agriculture), Diazinon (Agriculture, Urban Runoff/Storm Sewers), Electrical Conductivity (Agriculture), Group A Pesticides (Agriculture), Invasive Species (Source Unknown), Mercury (Resource Extraction), and Unknown Toxicity (Source Unknown).

The San Joaquin River is specifically listed by the Central Valley Regional Water Quality Control Board (CVRWQCB) as an impaired water body due to mercury under the Clean Water Act. Mercury is a sediment-based pollutant that can be released into the water column during various in-water construction activities (e.g., construction of the storm drain outfall) that may disturb the sediment and cause turbidity. As a result, such activities may increase the likelihood of mercury exposure to the public and wildlife that utilize the San Joaquin River.

The California Lands Commission (CSLC) is a State agency that manages open water areas in the Sacramento-San Joaquin Delta Estuary and a nonpoint source discharger of methylmercury (Resolution No. R5-2010-0043) as a result of CSLC's lands being impacted by mercury from legacy mining activities dating back to California's Gold Rush. Pursuant to a CVRWQCB Total Maximum Daily Load (TMDL), the CVRWQCB is requiring the CSLC to fund studies to identify potential methylmercury control methods in the Delta and to participate in an Exposure Reduction Program. The goal of the studies is to evaluate existing control methods and evaluate options to reduce methylmercury in open waters under jurisdiction of the CSLC. As previously stated, installation of the storm drain outfall could disturb sediment and cause turbidity resulting in mercury or methylmercury suspension within the Sacramento-San Joaquin Delta Estuary, which may affect the CSLC's efforts to comply with the CVRWQCB TMDL.

In accordance with the NPDES Stormwater Program, Mitigation Measure 3.6-1 contained in Section 3.6 Geology and Soils requires 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.

The ongoing operational phase of the SISP requires discharge of stormwater into the San Joaquin River through the outfall. The discharge of stormwater must be treated through BMPs prior to its

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discharge to the San Joaquin River. In accordance with the City's Storm Water Master Plan (SWMP) and NPDES Stormwater Program (General Industrial Stormwater Permit), Mitigation Measure 3.4-7 and 3.4-8 contained in Section 3.4 Biological Resources would 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.

The use of BMPs are intended to treat runoff close to the source during the construction and long term operational phase of the project reduce stormwater quality impacts. The mitigation measures listed below are existing regulator requirements. Implementation of SLSP would have a *less-than-significant* impact relative to this topic.

MITIGATION MEASURES

Implement **Mitigation Measure 3.6-1** (from Section 3.6 Geology and Soils) and **Mitigation Measures 3.4-7 and 3.4-8** (from Section 3.4 Biological Resources).

Mitigation Measure 3.9-1: Prior to any activities that would require in-water construction activities in the San Joaquin River; the project applicant shall obtain a lease agreement from the California Lands Commission. The lease agreement shall 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 should 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.

SECTION 3.14 TRANSPORTATION AND CIRCULATION

This section was revised to include new and revised information to the EIR based on comments noted by the Caltrans, Thomas Terpstra, and VRPA Technologies. The revisions include corrections, clarification, and modifications, all of which are incorporated into the EIR. The changes to the EIR occur in Section 3.13 Transportation and Circulation on Page 3.14-4 through 3.14-6, 3.14-8 through 3.14-9, 3.14-12, 3.14-13, 3.14-16 through 3.14-19, 3.14-21 through 3.14-22, 3.14-24, 3.14-26, 3.14-29, 3.14-36, 3.14-38 through 3.14-40, and 3.14-43. The changes are identified with revision marks (underline for new text, ~~strike-out~~ for deleted text).

3.14 TRANSPORTATION AND CIRCULATION

Signalized Intersections

Traffic operations at signalized intersections are evaluated using the LOS method described in Chapter 16 of the 2010 *Highway Capacity Manual* (HCM) by the Transportation Research Board. A signalized intersection's LOS is based on the weighted average control delay measured in seconds per vehicle. Control delay includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration. The average control delay was calculated using the Synchro 7 analysis software and is correlated to a LOS designation. Table 3.14-1 summarizes the relationship between the control delay and LOS for signalized intersections.

Operations at the SR 120/Yosemite Avenue, SR 120/Airport Way, and the future SR 120/McKinley Avenue interchanges and the adjacent intersections were analyzed in SimTraffic to account for potential queues and congestion affecting adjacent intersections.

Table 3.14-1 Signalized Intersection LOS Criteria		
Level of Service	Description	Average Control Delay (Seconds)
A	Operations with very low delay occurring with favorable traffic signal progression and/or short cycle lengths.	≤ 10.0
B	Operations with low delay occurring with good progression and/or short cycle lengths.	> 10.0 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	> 20.0 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	> 35.0 to 55.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	> 55.0 to 80.0
F	Operations with delays unacceptable to most drivers occurring due to over-saturation, poor progression, or very long cycle lengths.	> 80.0

Source: *Highway Capacity Manual*, Transportation Research Board, ~~2000~~2010.

Unsignalized Intersections

In Chapter 17 of the Transportation Research Board's 2010 *Highway Capacity Manual*, the LOS for unsignalized intersections (side-street or all-way stop controlled intersections) is also defined by

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the average control delay per vehicle (measured in seconds). The control delay incorporates delay associated with deceleration, acceleration, stopping, and moving up in the queue. For side-street stop-controlled intersections, delay is calculated for each stop-controlled movement and for the uncontrolled left turns, if any, from the main street. The delay and LOS for the intersection as a whole and for the worst movement are reported for side-street stop intersections. The intersection average delay is reported for all-way stop intersections. Table 3.14-2 summarizes the relationship between delay and LOS for unsignalized intersections. The delay ranges for unsignalized intersections are lower than for signalized intersections as drivers expect less delay at unsignalized intersections.

Level of Service	Description	Average Control Delay Per Vehicle (Seconds)
A	Little or no delays	≤ 10.0
B	Short traffic delays	> 10.0 to 15.0
C	Average traffic delays	> 15.0 to 25.0
D	Long traffic delays	> 25.0 to 35.0
E	Very long traffic delays	> 35.0 to 50.0
F	Extreme traffic delays with intersection capacity exceeded	> 50.0

Source: *Highway Capacity Manual* (Transportation Research Board, ~~2000~~2010).

Roadway Segments

Roadway segments are analyzed using capacity thresholds consistent with those presented in [the Florida Department of Transportation \(FDOT\) Quality/Level of Service Handbook \(2002\) Table 4-4, Local Arterial LOS Criteria \(2010 HCM Planning Method\)](#), as specified in the 2012 Regional Congestion Management Plan (RCMP) implemented by SJCOG. Table 3.14-3 lists the LOS thresholds with respect to both facility type and number of lanes.

Lanes	Divided	Levels of Service				
		A	B	C	D	E
2	Undivided	**	**	7,700	14,060	14,960
4	Divided	**	**	16,140	27,930	28,490

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6	Divided	**	**	235,9700	404,5100	406,8400
Source: Florida Department of Transportation (FDOT) Table 4-2 "Generalized Annual Average Daily Volumes for Florida's Areas Transitioning into Urbanized Areas or Areas Over 5,000 Not in Urbanized Areas" - 2010 HCM Planning Method and Table 4-4, Local Arterial LOS Criteria from the 2012 Regional Congestion Management Program (RCMP)						

Freeway Facilities

Per Caltrans standards, existing conditions freeway-segment operations are evaluated using the methodology contained in Chapter 21 of the HCM. The LOS for a freeway segment is based on the vehicle density (passenger cars/lane/mile) as shown in Table 3.14-4.

Level of Service ¹	Maximum Density (Passenger Cars/Lane/Mile)
A	11
B	18
C	26
D	35
E	45
F	> 45

Notes:
1. Freeway mainline LOS based on a 65 mph free-flow speed.
Source: *Highway Capacity Manual* (Transportation Research Board, 2010).

The performance LOS for merge and diverge sections is computed in one of two ways. If both the ramp and the adjacent freeway mainline segment are under capacity, then LOS is based on the density of the ramp junction. If either the ramp or the adjacent freeway mainline segment have reached (or exceed) capacity, then the merge/diverge segment is considered to operate at LOS F regardless of the computed ramp junction density.

The performance of freeway ramp weaving segments under future conditions was analyzed using the Leisch methodology as defined in the *2010 Highway Design Manual* (Caltrans). The Leisch method calculates weave ~~section density in passenger cars per mile per lane~~ and assigns a LOS based on appropriate thresholds.

3.14.3 REGULATORY SETTING

Existing transportation polices, laws, and regulations that would apply to the proposed project are summarized below. This information provides a context for the impact discussion related to the

3.14 TRANSPORTATION AND CIRCULATION

San Joaquin County Congestion Management Plan

SJCOG operates a Regional Congestion Management Program (RCMP), which monitors cumulative transportation impacts of growth on the regional roadway system, identifies deficient roadways, and develops plans to mitigate the deficiencies. The RCMP considers LOS E or F operations to be deficient and includes segments of SR 120 and Airport Way (north of SR 120) as CMP facilities.

San Joaquin County Regional Traffic Impact Fee (RTIF)

SJCOG has implemented a regional traffic impact fee that is assessed on new developments throughout San Joaquin County. The RTIF capital project list provides funding for various freeway and local road widening. As of June 2012, the fee schedule for new warehousing development is approximately \$590 per thousand square feet of warehousing space, \$750 per thousand square feet of manufacturing / light industrial space, and \$3,717 per thousand square feet of retail space. These fees are adjusted annually to account for inflation and the funds go toward adding capacity on regional roadways and state highways.

San Joaquin County Regional Congestion Management Plan

In 2012, SJCOG adopted an update to the Regional Congestion Management Program, and has implemented a Regional Travel Demand Management Action Plan for all business as industrial parks. Travel demand management is an integral part of San Joaquin's congestion management program. San Joaquin COG's Commute Connection program is the regional rideshare program operated by SJCOG whose mission is to reduce traffic congestion and improve air quality. The program is designed to help commuters make the transition from driving alone to a convenient ridesharing option such as carpooling, vanpooling, bicycle/walking or riding transit. The program includes free services such as commuter ride-matching, Guranteed Ride Home and Employer Services.

Measure K

Measure K is a San Joaquin County measure that funds transportation projects through a half-cent sales tax. Measure K provides funding for a number of improvements in the study area as described below.

City of Lathrop General Plan

The City of Lathrop General Plan (partial amendment in November 2004) contains various transportation-related goals and policies. Those relevant to this study are listed below.

RELEVANT FREEWAY POLICIES

Freeway interchanges should be improved to carry the demands of traffic generated by development in Lathrop in keeping with the principle that responsibility for improvements must reflect the fair apportionment of traffic to existing and future regional demands vs. local demands.

3.14 TRANSPORTATION AND CIRCULATION

RELEVANT ARTERIAL POLICIES

The City General Plan includes proposed improvements to existing expressways and arterial streets in Lathrop east of I-5. These improvements would allow east-west traffic to access I-5 by traveling around the existing developed area of Lathrop. This would reduce traffic impacts on the Lathrop Road and Louise Avenue interchanges and on freeway sections between Roth Road on the north and the I-5/SR 120 merge on the south. The following improvements were identified:

- Improve Roth Road to six traffic lanes between I-5 and Airport Way, along with railroad separation structures.
- Improve Airport Way to six traffic lanes from Roth Road to SR 120.
- Improve Yosemite Avenue from two to six lanes from SR 120 to approximately 800 feet north of the westbound SR 120 off-ramp, and from two to four lanes to east of Airport Way.
- Improve Lathrop Road and Louise Avenue to four traffic lanes between I-5 and the Manteca City limits; provide railroad separation structures along Lathrop Road.
- Construct an at-grade crossing of the Southern Pacific Railroad (SPRR) (now Union Pacific Railroad [UPRR]) from the Crossroads Industrial Park along the line of Vierra Avenue and curving south to Yosemite Avenue.

The City's General Plan identifies LOS C operations on City streets (intersections and roadway segments) and LOS D operations at interchange ramps as acceptable levels of service. It should be noted that since Lathrop's LOS C policy is more restrictive than the ~~2012~~1996 CMP policy of LOS D on principal arterials such as Lathrop Road, Louise Avenue, and Airport Way, a LOS D goal is not listed above for intersections on these roads.

~~According to the City of Lathrop Adopted Budget (Fiscal year 2009 — 2010), funds are being collected for the following Capital Improvement Program projects: The following Capital Improvement Program project includes Proposition 1B and Measure K funding and is expected to be completed in 2015:~~

- Lathrop Road westerly railroad grade-separation. Other sources of funding include Section 190 funds from the PUC, and State Transportation Improvement Program (STIP) funds. Completion is expected in 2012.

~~The following Capital Improvement Program projects have been completed:~~

- I-5/Lathrop Road improvements. The City is pursuing interim improvements as the ultimate improvements are several years away. Funding for ultimate improvements will be through developer fees, Measure K Renewal, and other sources.

TRUCK ROUTES

Truck routes are to be limited to arterial streets, which serve commercial and industrial areas close to freeway interchanges. These routes are intended to carry heavy weight commercial and

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Policy C-P-35	Route sidewalks so that they connect to major public parking areas, transit stops, and intersections within the bikeway system.
Policy C-P-36	Provide adequate bicycle parking facilities at commercial, business/professional, and light industrial uses.
Policy CD-P-31	The pedestrian and bikeway system shall be linked to other pedestrian and bikeways in adjacent neighborhoods and ultimately, to the City-wide Pedestrian and Bikeway trail System to provide a continuous interconnected system.

3.14.4 THRESHOLDS OF SIGNIFICANCE

This section describes the thresholds or criteria that determine whether the project causes a significant impact on the roadway, bicycle, pedestrian, and/or transit systems. These thresholds are based on policies from the General Plans of Lathrop and Manteca, the [2012/1996](#) CMP, previous input from Caltrans staff regarding state highway LOS goals, and Appendix G of the CEQA Guidelines (2007).

Traffic Impacts

For the purposes of this EIR analysis, significant traffic impacts at intersections and roadway segments are defined when the addition of project traffic is expected to cause any one of the following:

- Worsen the LOS at an intersection in Lathrop from LOS C or better to LOS D or worse;
- Increase the average delay at a signalized intersection in Lathrop currently operating (or projected to operate) at LOS D or worse by five (5) seconds or more;
- Worsen the LOS at an intersection in Manteca or on a Caltrans facility from LOS D or better to LOS E or F;
- Worsen the LOS on a roadway segment in Lathrop, Manteca or on a Caltrans facility from LOS D or better to LOS E or F;
- Increase the average delay at a signalized intersection in Manteca currently operating (or projected to operate) at LOS E or worse by three (3) seconds or more;
- Add traffic by one percent or more at a freeway ramp intersection maintained by Caltrans that currently operates (or is projected to operate) at LOS E or F;
- Worsen operations on a segment or ramp of SR 99, SR 120, or I-5 from LOS D or better to LOS E or worse;

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- Add 100 or more vehicles per day to a freeway segment, on-ramp or off-ramp that currently operates (or is projected to operate) at LOS E or F;
- Cause a substantial reduction in safety on a public street due to a design feature (e.g., sharp curve) or incompatible use (e.g., farm equipment).

The City's General Plan identifies LOS C operations on City streets (intersections and roadway segments) and LOS D operations at interchange ramps as acceptable levels of service. It should be noted that since Lathrop's LOS C policy is more restrictive than the [2012/1996](#) CMP policy of LOS D on principal arterials such as Lathrop Road, Louise Avenue, and Airport Way, a LOS D goal is not listed above for intersections on these roads.

Transit, Bicycle, and Pedestrian Impacts

The proposed project is considered to result in a significant transit, bicycle, and/or pedestrian impact if it:

- Conflicts or precludes transit service and facilities;
- Causes an unmet demand for public transit;
- Conflicts or interferes with existing or planned bicycle or pedestrian facilities;

Rail Impacts

The proposed project is considered to result in a significant rail impact if any of the following conditions occur:

- Cause a substantial increase in potential conflicts between trains and motorists and at an at-grade railroad crossing.

3.14.5 ANALYSIS SCENARIOS

The operations of the study intersections were evaluated for the following five scenarios:

Existing Conditions – establishes the existing setting, which is used to measure the significance of project impacts.

Existing Plus Project Conditions – adds traffic resulting from full buildout of the proposed project to existing conditions traffic.

Cumulative No Project Conditions (Year 2030) – represents cumulative travel conditions based on output from the San Joaquin Council of Governments (SJCOG) Travel Demand Model. This scenario assumes all RTP Tier 1 planned projects are developed.

Cumulative Plus Project Conditions (Year 2030) – incorporates the South Lathrop Specific Plan project to the above scenario.

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Mainline volumes at other locations along SR 120 and I-5 were calculated by subtracting off-ramp volumes and adding on-ramp volumes.

EXISTING INTERSECTION OPERATIONS

Existing operations were analyzed for the weekday AM and PM peak hours at the study intersections. Table 3.14-5 displays the intersection analysis results.

Intersection	Jurisdiction	Traffic Control ²	LOS / Delay ¹	
			AM Peak Hour	PM Peak Hour
1. SR 120 EB Ramps / Yosemite Avenue	Caltrans	SSSC	A (A) / 4 (7)	A (A) / 5 (8)
2. SR 120 WB Ramps / Yosemite Avenue	Caltrans	SSSC	A (A) / 2 (8)	A (A) / 2 (8)
3. Yosemite Avenue / D'Arcy Parkway	City of Lathrop	Signal	A / 6	A / 9
4. Yosemite Avenue / McKinley Avenue	City of Manteca	AWS	A / 9	B / 12
5. Yosemite Avenue / Airport Way	City of Manteca	Signal	C / 30	<u>D / 51</u>
6. Lathrop Road / McKinley Avenue	City of Lathrop	SSSC	A (B) / 1 (14)	A (C/ <u>D</u>) / 3 (25)
7. Louise Avenue / McKinley Avenue	City of Lathrop	Signal	C / 23	<u>F / 89</u>
8. Airport Way / Daniels Street	City of Manteca	Signal	B / 15	C / 30
9. SR 120 WB Ramps / Airport Way	Caltrans	Signal	B / 10	B / 18
10. SR 120 EB Ramps / Airport Way	Caltrans	Signal	B / 11	C / 31

Notes:

- For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for all approaches. For side-street stop controlled intersections, the delay and LOS for the most-delayed individual movement is shown in parentheses next to the average intersection delay and LOS. All results are rounded to the nearest second.
- SSSC = side-street stop-controlled intersection, AWS = all-way stop-controlled intersection
- Level of Service based on Highway Capacity Manual (Transportation Research Board, ~~2000~~2010).
- Bold and underlined text indicates unacceptable operations.**
- This unsignalized intersection side street stop-controlled approach operates at the cusp of LOS C/D conditions.

Source: Fehr & Peers, 2013

The data in this table establishes the baseline to which potential project impacts will be identified. The results of the Existing Conditions analysis indicate that most study intersections currently operate at LOS A through LOS CD service levels during the AM and PM peak hours. The two one exceptions is the Louise Avenue/McKinley Avenue intersection which currently operates at unacceptable LOS F during PM peak hour conditions and the Yosemite Avenue / Airport Way intersection that currently operates at unacceptable LOS D during PM peak hour conditions.

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EXISTING PEAK HOUR TRAFFIC SIGNAL WARRANTS

To assess consideration for signalization of stop-controlled intersections, the *Manual of Uniform Traffic Control Devices (MUTCD) (Federal Highway Administration, 2010) California MUTCD 2012 Edition*, presents eight signal warrants. Generally, meeting one of the signal warrants could justify signalization of an intersection. However, an evaluation of all applicable 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. The peak hour volume warrant (Warrant 3) for urban conditions was evaluated using the available data. The results of the traffic signal warrant analysis are shown in Table 3.14-6. Detailed signal warrant assessments are provided in Appendix H.

As shown in Table 3.14-6, the urban peak hour volume traffic signal warrant is currently satisfied at the Lathrop Road/McKinley Avenue intersection. [As part of the Lathrop Road grade separation project that is currently under construction, funding for signalizing the T-intersection of Lathrop Road / McKinley Avenue was secured based on construction bids received by the City of Lathrop. The existing side-street stop controlled unsignalized intersection will be signalized by December 2014.](#)

Intersection	Control ¹	Peak Hour Warrant Met?
1. SR 120 EB Ramps / Yosemite Avenue	SSSC	NO
2. SR 120 WB Ramps / Yosemite Avenue	SSSC	NO
4. Yosemite Avenue/McKinley Avenue	AWS	NO
6. Lathrop Road / McKinley Avenue	SSSC	YES

Note:
1. SSSC = side-street stop-controlled intersection, AWS = all-way stop-controlled intersection
Source: Fehr & Peers, 2013

EXISTING ROADWAY OPERATIONS

Daily roadway segment level of service results were determined by comparing average daily traffic volumes (ADT) to the level of service thresholds presented in Table 3.14-3. The existing roadway level of service results are presented in Table 3.14-7.

Segment	Roadway Classification	Average Daily Traffic (ADT) ¹	LOS
Yosemite Avenue between SR 120 and D'Arcy Parkway	2 Lanes Undivided	5,800	C

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Yosemite Avenue between D'Arcy Parkway and Airport Way	2 Lanes Undivided	7,900	D
Note: 1. Volumes represent both directions of travel and are rounded to the nearest 100. Source: Fehr & Peers, 2013			

As shown in Table 3.14-7, both roadway segments on Yosemite Avenue (Guthmiller Road) currently operate at acceptable service levels.

EXISTING FREEWAY OPERATIONS

Table 3.14-8 displays the AM and PM peak hour operations of freeway segments within the study area.

Table 3.14-8: Existing Conditions – Freeway Analysis				
Freeway	Location	Type	LOS / Average Density	
			AM Peak Hour	PM Peak Hour
Eastbound SR 120	SB I-5 Off-ramp	Merge	B / 18	D / 31
	NB I-5 to Yosemite Avenue	Basic	C / 18	D / 34
	Yosemite Avenue Off-Ramp	Diverge	C / 24	E / 38
	Yosemite Avenue On-Ramp	Merge	B / 19	D / 32
	Yosemite Avenue to Airport Way	Basic	B / 18	D / 33
	Airport Way Off-Ramp	Diverge	C / 22	E / 36
	Airport Way On-Ramp	Merge	C / 20	D / 31
Westbound SR 120	Airport Way Off-Ramp	Diverge	D / 33	D / 32
	Airport Way On-Ramp	Merge	D / 30	C / 26
	Airport Way to Yosemite Avenue	Basic	D / 31	C / 25
	Yosemite Avenue Off-Ramp	Diverge	D / 35	D / 31
	Yosemite Avenue On-Ramp	Merge	D / 30	C / 27
	Yosemite Avenue to NB I-5	Basic	D / 31	D / 26
Northbound I-5	NB I-5 On-Ramp	Diverge	D / 34	D / 31
	South of SR 120	Basic	B / 13	C / 23
	WB SR 120 Off-Ramp	Merge	B / 15	C / 24
Southbound I-5	North of SR 120	Basic	B / 18	D / 26
	North of SR 120	Basic	C / 22	C / 21
	EB SR 120 On-Ramp	Diverge	C / 27	C / 24
	WB SR 120 Off-Ramp	Merge	B / 15	B / 11

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	South of SR 120	Basic	C / 21	B / 15
Notes:				
1. Average density is reported in passenger cars per lane per mile (pcplpm).				
2. Level of Service based on Highway Capacity Manual (Transportation Research Board, 2000 2010).				
3. Density is not reported for LOS F conditions.				
Source: Fehr & Peers, 2013				

Table 3.14-8 yields the following key conclusions regarding operations on SR 120:

- **AM Peak Hour:** The westbound SR 120 ramp merge/diverge movements and mainline segments between Airport Way and I-5 currently operates at LOS D conditions.
- **PM Peak Hour:** The eastbound SR 120 ramp diverge movements at Yosemite Avenue and Airport Way currently operates at LOS E conditions. All other eastbound SR 120 study segments operate at LOS D. In the westbound direction, all study segments operate at an acceptable LOS.

3.14.6 PROJECT TRAVEL CHARACTERISTICS

PROJECT DESCRIPTION

Project Description

For analysis purposes, the proposed project was assumed to consist of the following trip generating land uses (based on the building area from the Conceptual Mater Plan, the land use stated in the NOP, and discussions with the project team).

- 3,134,159 square feet of high cube warehouse space
- 1,079,759 square feet of general light industrial space
- 75,000 square feet of shopping center space
- Total of 4,288,918 square feet of development

TRIP GENERATION

The trip generation of the proposed project was estimated for daily, AM peak hour, and PM peak hour conditions using trip rates published in the *Trip Generation 9th Edition* (ITE, 2012). Table 3.14-9 summarizes the estimated trip generation of the project. According to the sample land use plan, the shopping center space would provide complimentary land uses to serve the employees working at the over 4 million square feet of high cube warehousing and general light industrial space.

It should be noted that an internal trip reductions of 10% was applied to the 75,000 square feet of shopping center space for AM, PM, and Daily trip generation. Based on the location of the proposed project and similar mixed use developments in the City of Lathrop (i.e. Crossroads

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Figure 3.14-4 shows the expected distribution of project trips under cumulative conditions. The cumulative distribution is similar to that of existing, but considers planned roadway improvements and new land use developments that may attract project trips. This figure shows that 45 percent of project trips are expected to travel to/from the east on SR 120, 41 percent to/from the west on SR 120, and 14 percent to/from the north on Yosemite Avenue.

3.14.7 IMPACTS AND MITIGATION MEASURES

EXISTING PLUS PROJECT TRAFFIC IMPACT ANALYSIS

An Existing Plus Project analysis was performed to identify potential impacts under existing conditions.

Traffic Forecasts

Project trips were assigned to the study intersections in accordance with the trip generation estimates and distribution percentages described in Section 3.14.3. Figure 3.14-5 shows the project trips for AM and PM peak hours. Those trips were then added to the existing volumes to yield “existing plus project” conditions. Refer to Figure 3.14-6 for the existing plus project volumes.

Intersection Operations

The study intersections were re-analyzed under existing plus project conditions. The results are shown in Table 3.14-10.

Table 3.4-10
Existing Plus Project Conditions – Intersection Operations

Intersection	Jurisdiction	Traffic Control ²	LOS / Delay ¹			
			Existing		Existing Plus Project	
			AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
1. SR 120 EB Ramps / Yosemite Avenue	Caltrans	SSSC	A (A) / 4 (7)	A (A) / 5 (8)	<u>F (F) / 60 (164)</u>	<u>F (F) / 180 (>180)</u>
2. SR 120 WB Ramps / Yosemite Avenue	Caltrans	SSSC	A (A) / 2 (8)	A (A) / 2 (8)	<u>F (F) / >180 (>180)</u>	<u>F (F) / >180 (>180)</u>
3. Yosemite Avenue / D'Arcy Parkway	City of Lathrop	Signal	A / 6	A / 9	A / 6	A / 10
4. Yosemite Avenue / McKinley Avenue	City of Manteca	AWS	A / 9	B / 12	B / 11	C / 17
5. Yosemite Avenue / Airport Way	City of Manteca	Signal	C / 30	D / 51	C / 32	<u>D / 54</u>
6. Lathrop Road / McKinley Avenue	City of Lathrop	SSSC	A (B) / 1 (14)	A (C/D) / 3 (25)	A (B) / 1 (14)	A (<u>D</u>) / 3 (<u>27</u>)
7. Louise Avenue / McKinley Avenue	City of Lathrop	Signal	C / 23	<u>F / 89</u>	C / 23	<u>F / 90</u>
8. Airport Way / Daniels Street	City of Manteca	Signal	B / 15	C / 30	B / 16	C / 30
9. SR 120 WB Ramps / Airport Way	Caltrans	Signal	B / 10	B / 18	B / 11	B / 18

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Intersection	Jurisdiction	Traffic Control ²	LOS / Delay ¹			
			Existing		Existing Plus Project	
			AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
10. SR 120 EB Ramps / Airport Way	Caltrans	Signal	B / 11	C / 31	B / 11	C / 29

Notes:

- For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for all approaches. For side-street stop controlled intersections, the delay and LOS for the most-delayed individual movement is shown in parentheses next to the average intersection delay and LOS. All results are rounded to the nearest second.
- SSSC = Side-Street-Stop Controlled intersection; AWS = All-Way Stop Controlled intersection
- Level of Service based on Highway Capacity Manual (Transportation Research Board, [20002010](#)).
- Bold and underlined text indicates unacceptable operations. Shaded cells indicate a significant impact.**
- [This unsignalized intersection side street stop-controlled approach operates at the cusp of LOS C/D conditions](#)

Source: Fehr & Peers, 2013

The data in this table indicates that with the addition of project trips, most study intersections are projected to operate at acceptable service levels during the AM and PM peak hours under Existing Plus Project conditions, except for the following intersections:

- SR 120 EB Ramps / Yosemite Avenue side-street movement would operate at LOS F during both AM and PM peak hours
- SR 120 WB Ramps / Yosemite Avenue side-street movement would operate at LOS F during both AM and PM peak hours
- Lathrop Road/McKinley Avenue side-street movement would operate at LOS D in the PM peak hour
- Louise Avenue / McKinley Avenue operates at LOS F in the PM peak hour

The Lathrop Road/McKinley Avenue intersection and Louise Avenue/McKinley intersection are not identified as an impact because the average delay does not increase greater than five seconds.

Peak Hour Traffic Signal Warrant Analysis

The four unsignalized study intersections were re-evaluated to determine if they satisfy the Peak Hour warrant for consideration of a traffic signal with the addition of project trips.

As shown in Table 3.14-11, with the addition of project traffic, three of the four unsignalized intersections satisfy the warrant during one or both peak hours under existing plus project conditions.

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4. [Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes \(2 mixed-flow and 1 HOV\) and ramp metering.](#)

Improvements needed to accommodate 100% Build-out of South Lathrop Specific Plan are presented on Figure 3.14, and include the following

1. Widen the SR 120 undercrossing to four lanes with two through lanes and one left-turn lane on the northbound approach to the westbound ramp-terminal intersection and on the southbound approach to the eastbound ramp-terminal intersection. Tieback walls will be necessary to accommodate widening under SR 120 and will be identified as part of a PSR/PDS.
2. 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.
3. Widen the eastbound and westbound off-ramps to accommodate one shared through/left-turn lane and a separate right-turn lane.
4. [Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes \(2 mixed-flow and 1 HOV\) and ramp metering.](#)

[The City of Lathrop will participate with SJCOG, the City of Manteca, and San Joaquin County in the preparation of a Corridor System Management Plan for SR 120 between Mossdale junction I-5 to south junction SR 99 as part of the Tier 1 SR 120 Widening Project from four to six lanes](#)

In addition to the improvements identified above, the PSR/PDS will also include Intelligent Transportation System (ITS) alternatives that will provide emergency vehicle access in the event of an emergency or natural disaster. Alternatives may include either infra-red / GPS enabled traffic signal pre-emption and/or emergency vehicle access via locked gates.

These two study intersections are under Caltrans jurisdiction. The City of Lathrop would be responsible for the intersection improvement, acquisition of right-of-way, and construction. However, Caltrans would serve as the approval agency for the design and construction of proposed interchange / intersection improvements.

SIGNIFICANCE AFTER MITIGATION

Implementation of the improvements outlined above (Mitigation Measure 3.14-1), would reduce the impact to a less than significant level. As shown in Table 3.14-12, 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 has not been secured. If Caltrans does not approve the proposed improvements and/or full funding is

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increase the intersection’s overall average delay by more than 5 seconds; therefore, based on the significance criteria, the project impacts at this study intersection would be **less than significant**.

**Table 3.14-12
Existing Plus Project with Mitigations – Intersection Operations**

Intersection	Jurisdiction	LOS / Delay ¹					
		Existing		Existing Plus Project		Existing Plus Project with Mitigation	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
1. SR 120 EB Ramps / Yosemite Avenue	Caltrans	A (A) / 4 (7)	A (A) / 5 (8)	F (F) / 608 (184)	F (F) / 180-173 (>180)	A / 9	C / 22
2. SR 120 WB Ramps / Yosemite Avenue	Caltrans	A (A) / 2 (8)	A (A) / 2 (8)	F (F) / >180 (8)	F (F) / >180 (>180)	17 / B	C / 21
5. Yosemite Avenue / Airport Way	City of Manteca	C / 30	D / 51	C / 33	E / 56	C / 32	D / 50

Notes:

- For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for all approaches. For side-street stop controlled intersections, the delay and LOS for the most-delayed individual movement is shown in parentheses next to the average intersection delay and LOS. All results are rounded to the nearest second.
- SSSC = Side-Street-Stop Controlled intersection; AWS = All-Way Stop Controlled intersection
- Level of Service based on Highway Capacity Manual (Transportation Research Board, ~~2000~~2010).
- Bold and underlined text indicates unacceptable operations. Shaded cells indicate a significant impact.
- Refer to previous page(s) for description of mitigations.

Source: Fehr & Peers, 2013

Roadway Segments Analysis

Table 3.14-13 compares the change in AM and PM peak hour traffic volumes on key roadway and freeway segments under existing and existing plus project conditions. This data shows the following:

- The project adds the largest amount of traffic to Yosemite Avenue north of SR 120. This represents a 7 percent (AM Peak Hour) to 28 percent (PM Peak Hour) increase in traffic over the existing volume.
- The project adds the largest amount of traffic to WB SR 120 east of Yosemite Avenue (about 456 peak hour trips) in the AM peak hour, and on EB SR 120 east of Yosemite Avenue about 530 peak hour trips) in the PM peak hour.

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Impact 3.14-4: Under Existing Plus Project Conditions, project implementation would result in a significant impact to freeway facilities (Significant and Unavoidable).

As shown in Table 3.14-15, the addition of project traffic would exacerbate unacceptable operations (LOS E or F) on the following freeway facilities. This is a **significant impact**.

- 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
- Westbound SR 120 diverge at the I-5 NB on-ramp

MITIGATION MEASURES

Mitigation Measure 3.14-43: *The following mitigation measures would potentially improve SR 120 operations to an acceptable level of service:*

- *The project applicant shall 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.*

SIGNIFICANCE AFTER MITIGATION

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, the impact would remain **significant and unavoidable** because 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.

Impact 3.14-5: The proposed project provides pedestrian and bicycle facilities. (Less than Significant)

The Plan Area roadways will provide wide sidewalks to serve as multi-use facilities for pedestrian and bicycle circulation. In addition, pedestrian access to the San Joaquin River Trail will be provided through the industrial land use along the power line corridor. The project will not disrupt or conflict with any existing or planned bicycle or pedestrian facility. Therefore, this impact is considered **less than significant**.

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at an unacceptable level of service. 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**.

Impact 3.14-8: The proposed project could cause potentially significant impacts to at-grade rail crossings. (Less than Significant)

Yosemite Avenue features an at-grade crossing of a UP railroad track between McKinley Avenue and Airport Way. The project would result in the volume of traffic crossing this track to increase from 7,900 to 8,830 vehicles per day. This crossing has advanced warning signs, railroad crossing pavement markings, stop lines, crossing gates, flashing lights, a concrete crossing, and warning bells. The project would not cause an increase in delay during train crossings that would correspond to LOS D or worse conditions. Furthermore, the project would not add traffic to an at-grade crossing with a known safety problem. Therefore, this impact is considered less than significant.

MITIGATION MEASURES

No mitigation required.

Impact 3.14-9: The proposed project could result in inadequate emergency vehicle access. (Significant and Unavoidable)

As proposed, 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, auto accident), emergency responders could not reach the project site nor could the site be evacuated. This is considered a **significant impact**.

MITIGATION MEASURES

Mitigation Measure 3.14-65: The project applicant has evaluated the ability to provide a secondary access point and has determined that the feasibility and cost are prohibitive. As part of Mitigation Measure 3.14-1, the PSR/PDS will also include *Intelligent Transportation System (ITS) alternatives that will provide emergency vehicle access in the event of an emergency or natural disaster. Alternatives may include either infra-red / GPS enabled traffic signal pre-emption and/or emergency vehicle access via locked gates.*

SIGNIFICANCE AFTER MITIGATION

The SR 120 / Yosemite Avenue interchange is within the jurisdiction of Caltrans and beyond the control of the City of Lathrop. Therefore, this impact is considered to be **significant and unavoidable**.

CUMULATIVE (2030) CONDITIONS TRAFFIC IMPACT ANALYSIS

A Cumulative Conditions analysis was performed to identify potential impacts in year 2030. Roadway assumptions and associated traffic forecasts plus the results of the intersection and

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- Louise Avenue/McKinley Avenue operates at LOS E in the AM peak hour and LOS F in the PM peak hour
- Airport Way/Daniels Street operates at LOS F in the AM and PM peak hours
- SR 120 WB Ramps/Airport Way operates at LOS F in the AM and PM peak hours
- SR 120 EB Ramps/Airport Way operates at LOS F in the AM and PM peak hours

Under Cumulative Plus Project conditions, the intersection of SR 120 WB Ramps/Yosemite Avenue would operate unacceptably in addition to the six intersections mentioned above. This intersection would operate at a LOS F during the AM and PM peak hours.

Intersection	Jurisdiction	Traffic Control	LOS / Delay			
			No Project		Plus Project	
			AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
1. SR 120 EB Ramps / Yosemite Avenue	Caltrans	Side-Street Stop	<u>E (F) / 43 (54)</u>	<u>E (F) / 38 (81)</u>	F (F) / 95 (>180)	F (F) / >180 (>180)
2. SR 120 WB Ramps / Yosemite Avenue	Caltrans	Side-Street Stop	A (C) / 5 (18)	A (B) / 4 (16)	F (F) / 118 (>180)	F (F) / 168 (>180)
3. Yosemite Avenue / D'Arcy Parkway	City of Lathrop	Signal	A / 7	A / 8	A / 6	A / 8
4. Yosemite Avenue / McKinley Avenue	City of Manteca	Signal	D / 48	D / 36	D / 46	D / 39
5. Yosemite Avenue / Airport Way	City of Manteca	Signal	C / 21	C / 33	C / 22	C / 35
6. Lathrop Road / McKinley Avenue	City of Lathrop	Side-Street Stop	<u>A (D) / 2 (31)</u>	<u>A (E) / 7 (96)</u>	<u>A (D) / 2 (32)</u>	<u>A (E) / 10 (119)</u>
7. Louise Avenue / McKinley Avenue	City of Lathrop	Signal	<u>D / 54</u>	F / >180	<u>E / 58</u>	F / >180
8. Airport Way / Daniels Street	City of Manteca	Signal	<u>F / 124</u>	F / >180	<u>F / 131</u>	F / >180
9. SR 120 WB Ramps / Airport Way	Caltrans	Signal	<u>F / 142</u>	<u>F / 174</u>	<u>F / 143</u>	<u>F / 177</u>
10. SR 120 EB Ramps / Airport Way	Caltrans	Signal	<u>F / 75</u>	F / >180	<u>F / 174</u>	F / >180
11. SR 120 WB Ramps / McKinley Avenue	Caltrans	Signal	B / 13	B / 13	B / 15	B / 13
12. SR 120 EB Ramps / McKinley Avenue	Caltrans	Signal	B / 13	B / 14	B / 14	B / 15

Notes:

1. For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for all approaches. For side-street stop controlled intersections, the delay and LOS for the most-delayed individual movement is shown in parentheses next to the average intersection delay and LOS. All results are rounded to the nearest second.
2. Level of Service based on Highway Capacity Manual (Transportation Research Board, 2000/2010).
3. Bold and underlined text indicates unacceptable operations. Shaded cells indicate a significant impact.

Source: Fehr & Peers, 2013

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Peak Hour Traffic Signal Warrant Analysis

The three unsignalized study intersections were re-evaluated under cumulative conditions to determine if they would satisfy the Peak Hour warrant for consideration of a traffic signal. As shown in Table 3.14-18, all unsignalized intersections satisfy the warrant during one or both peak hours under cumulative no project and plus project conditions.

Intersection	Traffic Control ¹	No Project	Plus Project
		Peak Hour Warrant Met?	Peak Hour Warrant Met?
1. SR 120 EB Ramps / Yosemite Avenue	SSSC	YES	YES
2. SR 120 WB Ramps / Yosemite Avenue	SSSC	YES	YES
6. SR 120 EB Ramps / Yosemite Avenue	SSSC	YES	YES

Note:
1. SSSC = side-street stop-controlled intersection, AWSC = all-way stop-controlled intersection
Source: Fehr & Peers, 2013

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) (Significant and Unavoidable).

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. This is a **significant impact**.

MITIGATION MEASURES

Mitigation Measure 3.14-76: At the SR 120 / Yosemite Avenue interchange, the City of Lathrop in coordination with Caltrans will prepare a Project Study Report – Project Development Support (PSR-PDS) document. The project applicant shall pay its fair share toward improvements to the SR 120/Yosemite Avenue Interchange to the City of Lathrop, who will be the lead agency for the interchange improvement project. The project's fair share traffic contribution to these improvements is estimated to be 28 percent¹. The following mitigation measures as shown in

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:

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Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:

1. 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.
2. Widen the eastbound and westbound off-ramps to accommodate one left-turn lane, one shared through/left-turn lane and a separate right-turn lane.
3. Widen the eastbound and westbound diagonal on-ramps to ~~provide two receiving lane that transition to one entrance lane at SR 120~~ provide three receiving lanes (2 mixed-flow and 1 HOV) and ramp metering.
4. Widen Yosemite Avenue (south of SR 120) to four lanes to provide two through and one right turn lane on the northbound approach.
5. Widen the SR 120 undercrossing to accommodate six lanes including two through lanes in each direction, two left-turn lanes on the northbound approach to the westbound ramp-terminal intersection and on the southbound approach to the eastbound ramp-terminal intersection. Tieback walls will be necessary to accommodate widening under SR 120.

Relocate the westbound ramp-terminal intersection approximately 550 feet north of its current location to create an L-7 interchange configuration with a northbound Yosemite Avenue to westbound SR 120 loop on-ramp. The two lane loop on-ramp would ~~replace the slip on-ramp~~ be metered and would increase the westbound SR 120 weave distance between the Yosemite Avenue and the I-5 northbound and southbound ramps.

The City of Lathrop will participate with SJCOG, the City of Manteca, and San Joaquin County in the preparation of a Corridor System Management Plan for SR 120 between Mossdale junction I-5 to south junction SR 99 as part of the Tier 1 SR 120 Widening Project from four to six lanes

The study intersections are under Caltrans jurisdiction. The City of Lathrop would be responsible for the intersection improvement, acquisition of right-of-way, and the construction. However, Caltrans would need to approve the design and construction of the proposed improvements.

SIGNIFICANCE AFTER MITIGATION

Implementation of the improvements outlined above (Mitigation Measure 3.14-7), would reduce the impact to a less than significant level. As shown on Table 3.14-19, the SR 120 Eastbound Ramps/Yosemite Avenue intersection would operate at LOS B with 12 seconds of delay in the AM

Fair Share Percentage = [Project Only Total Volume / (Cumulative Plus Project Total Volume – Existing County Volume)]

Fair Share Percentage = [1,923 / (8,490 – 1,672)] = 28 %

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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**.

Impact 3.14-11: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service at the Lathrop Road/McKinley Avenue intersection (~~Significant and Unavoidable~~Less than Significant)

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. This is a **significant impact**. Improvements to the Lathrop Road/McKinley Avenue intersection are currently under contract. The proposed project would be responsible for its fair share of the improvements. Implementation of the following mitigation measure would ensure that this impact is reduced to a less than significant level.

MITIGATION MEASURES

Mitigation Measure 3.14-8: *The project applicant shall pay its fair share toward improvements to the City of Lathrop for the Lathrop Road/McKinley Avenue intersection, which is currently under contract construction and will be signalized by December 2014. The project's fair share traffic contribution to these improvements is estimated to be 0.8%. The following mitigation measure as shown in Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:*

² 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:

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

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

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- ~~Install traffic signal control; and~~
- ~~Provide for protected eastbound to southbound left-turn signal phasing.~~
- ~~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.~~

SIGNIFICANCE AFTER MITIGATION

If the City of Lathrop constructs the proposed improvements described above (Mitigation Measure 3.14-8) and full funding is secured, the intersection would 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, as shown in Table 3.14-21. ~~However, the impact is considered significant and unavoidable because funding the remaining share of the cost of this improvement has not secured.~~

Impact 3.14-12: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service at the Louise Avenue/McKinley Avenue intersection (Significant and Unavoidable)

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. This is a **significant impact**.

MITIGATION MEASURES

Mitigation Measure 3.14-9: *The project applicant shall pay its fair share toward improvements to the Louise Avenue/McKinley Avenue intersection. The project's fair share traffic contribution to this intersection is estimated to be 2.1 %³. The following mitigation measures as shown in Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:*

- *Widen the eastbound approach to add one EB left-turn lane and one EB right-turn lane. Restripe the shared left/through lane and shared through/right lane to two eastbound through lanes.*
- *Widen the westbound approach to add one WB left-turn lane and one WB right-turn lane. Restripe the shared left/through lane and shared through/right lane to two westbound through lanes.*

³ 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:

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

$$\text{Fair Share Percentage} = [66 / (6,020 - 2,803)] = 2.1 \%$$

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- *Optimize signals with protected left-turns signal phasing.*

SIGNIFICANCE AFTER MITIGATION

If the City of Lathrop constructs the proposed improvements described above (Mitigation Measure 3.14-9) and full funding is secured, the intersection operations would improve to acceptable service levels. Table 3.14-21 shows that the Louise Avenue/McKinley Avenue intersection would 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 is considered **significant and unavoidable** because funding the remaining share of the cost of this improvement has not secured.

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. (Significant and Unavoidable)

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. This is considered a **significant impact**.

MITIGATION MEASURES

Mitigation Measure 3.14-109: *The project applicant shall pay its fair share toward improvements to the SR 120/Airport Way interchange and Airport Way/Daniels Street intersection. The project's fair share traffic contribution to these intersections is estimated to be 1.6 % and 1.1 %⁴, respectively. The following mitigation measures as shown in Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:*

SR 120/Airport Way Interchange

- *Relocate the westbound ramp-terminal intersection approximately 180 feet south of its current location to create a tight interchange configuration, which will increase the spacing to the Airport Way/Daniels Street intersection.*
- *Construct loop on-ramps.*
- *Widen overcrossing to include two northbound and three southbound lanes.*
- *Widen SR 120 eastbound and westbound off-ramps to include two left-turn*

⁴ 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:

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

$$\text{Fair Share Percentage} = [134 / (14,770 - 6,452)] = 1.6 \%, \text{ Fair Share Percentage} = [44 / (7,980 - 4,022)] = 1.1 \%$$

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**Table 3.14-19
Cumulative Plus project with Mitigations – Intersection Operations**

Intersection	Jurisdiction	LOS / Delay ¹					
		Cumulative No Project		Cumulative Plus Project		Cumulative Plus Project with Mitigation	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
6. Lathrop Road / McKinley Avenue	City of Lathrop	A (D) / 2 (31)	A (E) / 7 (96)	A (D) / 2 (32)	A (E) / 9 (113)	A / 10	B / 12
7. Louise Avenue / McKinley Avenue	City of Lathrop	D / 54	F / >180	E / 66	F / >180	C / 23	D / 54
8. Airport Way / Daniels Street	City of Manteca	F / 122	F / >180	F / 133	F / >180	C / 31	D / 53
9. SR 120 WB Ramps / Airport Way	Caltrans	F / 142	F / 178	F / 147	F / 170	B / 13	D / 36
10. SR 120 EB Ramps / Airport Way	Caltrans	F / >180	F / >180	F / >180	F / >180	B / 12	D / 42

Notes:

- For signalized and all-way stop controlled intersections, average intersection delay is reported in seconds per vehicle for all approaches. For side-street stop controlled intersections, the delay and LOS for the most-delayed individual movement is shown in parentheses next to the average intersection delay and LOS. All results are rounded to the nearest second.
- SSSC = Side-Street-Stop Controlled intersection; AWS = All-Way Stop Controlled intersection
- Level of Service based on Highway Capacity Manual (Transportation Research Board, 2000/2010).
- Bold and underlined text indicates unacceptable operations. Shaded cells indicate a significant impact.
- Refer to previous page(s) for description of mitigations.

Source: Fehr & Peers, 2013

Roadway Analysis

The Cumulative No Project and Cumulative Plus Project analysis of the roadway facilities assumed that the two roadway segments on Yosemite Avenue would be widened to six lanes. As shown in Table 3.14-20, both segments are projected to operate under capacity at an acceptable LOS A.

**Table 3.14-20
Cumulative (2030) Conditions – Roadway Segment Analysis**

Segment	Roadway Classification	Cumulative No Project		Cumulative Plus Project	
		Average Daily Traffic (ADT) ¹	LOS	Average Daily Traffic (ADT) ¹	LOS
Yosemite Avenue between SR 120 and D'Arcy Parkway	6 Lanes Divided	9,900	A	12,040	A
Yosemite Avenue between D'Arcy Parkway and Airport Way	6 Lanes Divided	14,900	A	16,180	A

Note:

- Volumes represent both directions of travel and are rounded to the nearest 100.

Source: Fehr & Peers, 2013

Freeway Analysis

Cumulative No Project and Cumulative Plus Project freeway operations were evaluated for the AM and PM peak hours. SR 120 is planned to be widened to six lanes, I-5 (north of SR 120) is planned to

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Westbound SR 120 diverge at Yosemite Avenue would operate at an unacceptable LOS E during both AM and PM peak hours.

Impact 3.14-14: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service on SR 120 and I-5. (Significant and Unavoidable)

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. This is considered a **significant impact**.

MITIGATION MEASURES

Mitigation Measure 3.14-1410: *The project applicant shall 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 helps 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 implementation of Mitigation Measure like 3.14-1. 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.*

SECTION 3.15 UTILITIES

This section was revised to include new and revised information to the EIR based on comments noted by the City of Lathrop. The revisions include corrections, clarification, and modifications, all of which are incorporated into the EIR. The changes to the EIR occur in Section 3.15 Utilities on Page 3.15-1 through 3.15-4, 3.15-7 through 3.15-11, 3.15-13 through 3.15-17, 3.15-39, 3.15-46, 3.15-54, 3.15-65, 3.15-67, 3.15-68. The changes are identified with revision marks (underline for new text, ~~strike-out~~ for deleted text).

This section describes the regulatory setting, impacts associated with wastewater services, water services, storm drainage, and solid waste disposal that are likely to result from project implementation, and measures to reduce potential impacts to wastewater, water supplies, storm drainage, and solid waste facilities.

This section is based in part on the following documents, reports and studies: *California's Groundwater*, *CalRecycle Solid Waste Information System*, *CalRecycle Jurisdiction Diversion/Disposal Rate Summary*, *Municipal Services Review and Sphere of Influence Plan* (City of Lathrop. 2009), *Manteca Municipal Services Review* (Manteca 2008), *City of Lathrop 2005 Urban Water Management Plan* (Nolte Associates 2009), the *San Joaquin Groundwater Basin Groundwater Management Plan*, *City of Lathrop Water Supply Study* (RBF 2009), *South County Surface Water Supply Project EIR* (SSJID 1999), *Employment Density Study Summary Report* (SCAG 2001), *Water Supply Assessment for South Lathrop Specific Plan EIR* (WYA 20130), and discussions with Gregory Gibson, Senior Engineer for the City of Lathrop.

Comments were received during the public review period for the Notice of Preparation regarding storm water from the Central Valley Regional Water Quality Control Board and from the San Joaquin County Environmental Health Department regarding the existing septic systems and their proposed removal.

3.15.1 WASTEWATER SERVICES

EXISTING SETTING

Currently, there is not a public sewer system within the Plan Area. Existing developments dispose of their wastewater through private septic systems and/or leach fields. The City of Lathrop provides wastewater collection to areas within the city limits.

Wastewater Conveyance

The existing wastewater collection system is owned and operated by the City of Lathrop. The current collection system is comprised of sewer pipes, manholes, sewer mains, sewer pump stations, and/or other conveyance system elements and directs the raw sewage to the treatment facilities.

The wastewater collection system for historic Lathrop includes gravity sewers, lift stations, and a regional pump station. Lift stations are located at Easy Court and J Street. The Easy Court lift station contains two 5-horsepower (hp) pumps and has a capacity of 350 gallons per minute (gpm). The J Street lift station has a capacity of 550 gpm with two 5-hp pumps. The regional facility contains two 47-hp pumps and one 20-hp pump located on O Street west of Halmar Lane. The regional pump station conveys wastewater to a 12-inch force main, which discharges to the Manteca-Lathrop Wastewater Quality Control Facility (WQCF).

The wastewater collection system for Mossdale Landing includes a sewer pumping station designed for a peak wet weather flow rate of 3.4 mgd. This pump station conveys wastewater to [the Lathrop Consolidated Treatment Facility, formerly known as WRP-1-MBR](#), via 8-inch and 12-

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inch diameter force mains located within the right-of-way of existing or planned roadways and under I-5.

The wastewater collection system for the Central Lathrop Specific Plan area will include a sewer pumping station designed for a peak wet weather flow rate of 7.8 mgd. This pump station will convey wastewater to second treatment plant at the Lathrop Consolidated Treatment Facility, formerly known as WRP-2, which has not been built, via 16-inch and 12-inch diameter force mains located within the right-of-way of existing or planned roadways and under I-5.

The wastewater collection system for River Islands will include a sewer pump station designed for a peak wet weather flow rate of 4.9 mgd. This pump station will convey wastewater to the Lathrop Consolidated Treatment Facility WRP-1 MBR via a 12-inch diameter force main located within the right-of-way of existing or planned roadways and under I-5.

The wastewater collection system for the Crossroads Publicly Owned Treatment Works (POTW) includes a network of pipes and a pump station within the Crossroad Commerce Business Park area. The pump station conveys wastewater to the Crossroads POTW.

Wastewater Treatment

Wastewater from the City is currently treated at the Lathrop Consolidated Treatment Facility~~City's Water Recycling Plant (WRP-1 MBR)^{*}~~, the Crossroads Publicly Owned Treatment Works (POTW), and the Manteca-Lathrop Wastewater Quality Control Facility (WQCF). The City owns the Lathrop Consolidated Treatment Facility WRP-1 MBR and the Crossroads POTW, and 14.7 percent of the WQCF by contract. The City's Wastewater Collection Master Plan and Wastewater Treatment and Disposal Master Plan (prepared in 2000 and updated in 2004) and the 2006 Lathrop 5-year Plan are the primary documents that outline the City's long term strategy for meeting future discharge and capacity requirements for a planning horizon that extends to build-out.

CROSSROADS POTW

The City's original treatment facility (Crossroads POTW) was constructed in 1996 and is limited by the land application area to a capacity 0.20 MGD. The City's treatment plant was constructed by the developers of the Crossroads Commerce Center.

~~THE LATHROP CONSOLIDATED TREATMENT FACILITY LATHROP WRP-1 MBR~~

The existing the Lathrop Consolidated Treatment Facility WRP-1 MBR has a current capacity of 0.75 MGD. The City has plans to increase the treatment capacity, upgrade the treatment technology, and improve operational flexibility of the Lathrop Consolidated Treatment Facility WRP-1 MBR and increase the treatment capacity to 3.12 MGD. The Waste Discharge Requirements (WDRs) Order No. R5-2006-0094 allows the Lathrop Consolidated Treatment Facility WRP-1 to expand capacity up

^{*}~~MBR = Membrane Bioreactor~~

to 3.12 mgd. [The Lathrop Consolidated Treatment Facility WRP-1](#) serves portions of River Islands, Mossdale Landing, West Central Lathrop, and Stewart Tract developments.

MANTECA-LATHROP WQCF

The City conveys most of its wastewater to a regional plant in Manteca for treatment and disposal. The City has a contractual relationship with Manteca whereby 14.7 percent of the Manteca-Lathrop WQCF capacity is allocated for Lathrop flows. The Waste Discharge Requirements (WDRs) Order No. R5-2009-0095 NPDES NO. CA0081558 allows the Manteca-Lathrop WQCF to expand capacity up to 17.5 mgd.

WASTEWATER QUALITY

The [Lathrop Consolidated Treatment Facility WRP-1 MBR's](#) Waste Discharge Requirement (WDR) specifies that effluent from the [Lathrop Consolidated Treatment Facility WRP-1 MBR](#) must not exceed the limits presented in Table 3.15-1 (WDR Recycled Effluent Discharge Limitations). Recycled water from the [Lathrop Consolidated Treatment Facility WRP](#) is delivered to land application areas or storage ponds until it is used. The storage ponds are lined to minimize percolation.

TABLE 3.15-1: WDR RECYCLED EFFLUENT DISCHARGE LIMITATIONS

CONSTITUENT	UNITS	MONTHLY AVERAGE	DAILY MAXIMUM
BOD5	mg/L	10	20
TSS	mg/L	10	n/a
Total N	mg/L	10	<20
TDS	mg/L	600	n/a
Total Coliform	Median Concentration < 2.2 per 100 mL		
	Max once per month MPN > 23 per 100 mL		
	MPN < 240 per 100 mL at all times		
Turbidity	Not exceed 0.2 NTU > 5% time w/in 24 hr		
	Not exceed 0.5 NTU at any time		
pH	Average Daily: 6.5< pH < 10		

SOURCE: LATHROP 2009, PG 3-25

The Central Valley RWQCB regulates the [Lathrop Consolidated Treatment Facility WRP-1 MBR](#) and use of recycled water through Board Order Number R5-2006-0094. The order allows land application only to those areas subject to review in a final document adopted pursuant to the California Environmental Quality Act (CEQA) and prior to the date of adoption of the order. The board order limits the application of recycled water to lands where shallow groundwater TDS average concentrations exceed 1,000 mg/L to minimize groundwater quality degradation. Recycled water TDS is a function of the TDS in the source water supply and mineral pickup through daily use and wastewater treatment (Lathrop 2009, pg 3-25).

The WDR specifies that recycled water application from the [Lathrop Consolidated Treatment Facility WRP-1 MBR](#) must not cause groundwater to contain constituents in concentrations greater than presented in Table 3.15-2 (Interim WDR Groundwater Water Constituent Limits) or greater than the natural background concentrations, whichever is greater until a background groundwater quality report, which was completed in March 2009, is accepted by the Central Valley RWQCB.

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Recycled water application must not impart taste, odor, toxicity, or color that creates nuisance or impairs any of the beneficial uses of the groundwater basin identified by the Central Valley RWQCB.

TABLE 3.15-2: INTERIM WDR GROUNDWATER CONSTITUENT LIMITS

CONSTITUENT	UNITS	LIMITATION
Boron	mg/L	0.7
Chloride	mg/L	106
Iron	mg/L	0.3
Manganese	mg/L	0.05
Sodium	mg/	69
Total Coliform Organisms	MPN/100mL	<2.2
TDS	mg/L	450
Total Nitrogen mg/L	mg/L	10
Nitrite (as N) mg/L 1	mg/L	1
Nitrate (as N) mg/L 10	mg/L	10
Ammonia (as NH ₄) mg/L 1.5	mg/L	1.5
Bromoform ug/L 4	ug/L	4
Bromodichloromethane ug/L 0.27	ug/L	0.27
Chloroform ug/L 1.1	ug/L	1.1
Dibromochloromethane ug/L 0.37	ug/L	0.37
pH must be 6.5 or greater and 8.4 or less		

SOURCE: LATHROP 2009, PG 3-25

Future Demand

The Wastewater Treatment and Disposal Master Plan 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 [Lathrop Consolidated Treatment Facility WRP-1 MBR](#) to increase the treatment capacity, upgrade the treatment technology, and improve operational flexibility of the plant. With these improvements the [Lathrop Consolidated Treatment Facility WRP-1 MBR](#) would have a treatment capacity of 3.12 mgd. The City also plans to construct a second water recycling plant, [formerly known as \(WRP-2\), at the Lathrop Consolidated Treatment Facility. The second plant would have a ~~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 [Lathrop Consolidated Treatment Facility WRP-1 MBR, WRP-2](#), WQCF and Crossroads 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 RWQCB limits the treatment capacity of the City to 6.24 mgd. The City's wastewater planning documents have been continually updated to identify the collection and treatment requirements anticipated at buildout within the City and SOI.

The Wastewater Treatment and Disposal Master Plan projects new developments will increase the total wastewater flow to an average dry weather flow of approximately 11.9 mgd at buildout (City of Lathrop 2009, pg. 3-26). These projected wastewater flows were based on land use designations for the various development areas in 2004. The projected flows have not been updated to current land use assumptions. All wastewater flows will be treated at the [Lathrop Consolidated Treatment Facility WRP-1 MBR, WRP-2](#), Crossroads POTW, or Lathrop-Manteca WQCF, however it is not

reuse of the effluent for the irrigation of residential, commercial, and public uses; schools; public parks; and recreation and open space areas. The Water, Wastewater and Recycled Water Master Plan anticipated that some treated wastewater would be discharged to land under a Regional Water Quality Control Board Waste Discharge Requirement, with the balance disposed of as seasonal discharge of treated effluent to the San Joaquin River. In this way, the treated effluent would be used as a resource to reduce the amount of potable water needed to serve new development. It is noted here, that the City does not currently have a permit to discharge into the San Joaquin River, nor do they have an active plan to apply for such a permit.

COLLECTION, TREATMENT AND DISPOSAL CONCEPTS

A First Stage System to Serve the Three Sub-Plan Areas: One of the alternatives in the approved Master Plan allows for separate sewerage systems to be developed to manage wastewater generated by urban expansion east and west of the San Joaquin River. However, the Master Plan also allows an expansion of the City's existing treatment facility located within the Crossroads Industrial Park to serve residential and commercial expansion in the southern portion of S-P Area #2 and in S-P Area #3. For Area #3, this approach would satisfy demand unless and until a point when a separate treatment plant on the Stewart Tract becomes justified or desirable. If a separate treatment plant is constructed on the Stewart Tract that serves the entire Stewart Tract, the capacity in the treatment plant east of the San Joaquin River that had been funded by Stewart Tract development could be purchased by development east of the San Joaquin River.

Since the City incorporated, the Manteca Water Quality Control Facility has been expanded. By contract, the City of Lathrop continues to be provided some capacity of all expansions of this facility, so long as Lathrop pays its share of these expansion costs.

Recycling and Reuse: The recycling of treated wastewater occurs after treatment and filtration is complete and beneficial reuse is possible. Reuse of treated wastewater for recreation area irrigation (e.g., golf courses, parks, open space corridors and ornamental ponds or lakes), urban development area irrigation (e.g., variable density residential front and rear yards, multi-family common landscape areas, and commercial and public uses common, buffering, and screening areas), for wash down of commercial areas, and to enhance wildlife habitat is a major policy of the General Plan both from the standpoint of water conservation, and as a means to achieve a net reduction in the total amount of water needed for urban use as compared to continued agricultural use.

For reuse as public contact irrigation water, the effluent will have to meet local, regional, state and federal requirements of water quality, including filtration, maintenance of specified levels of suspended solids, and disinfection. The effluent could be applied by above ground or below ground irrigation systems. Areas of application may in some cases require fencing. Another type of reuse could occur through the application of partially treated effluent. Settled effluent would be applied to fenced areas that are away from the general public and which produce commercial animal feed crops (e.g., alfalfa, native hay, milo, corn), or to productive open space managed as wildlife habitat.

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A third alternative would involve seasonal discharge of effluent to the San Joaquin River under permit authorization of the Environmental Protection Agency and Regional Water Quality Control Board. This method would help eliminate the need for large-scale water storage during the wet season. It was the conclusion of the Master Plan and EIR that year round discharge of tertiary treated effluent to the San Joaquin River would not constitute a significant impact upon the river. It is therefore safe to conclude that seasonal discharge (when the river flows are higher) would have even less impact upon the environment and is a reasonable path to pursue. It is to be noted that full seasonal storage will be required for the amount of effluent generated at any given time in the development process until such time that a permit for seasonal discharge is obtained. As previously noted, the City does not currently have a permit to discharge into the San Joaquin River, nor do they have an active plan to apply for such a permit.

Industrial Pre-treatment of Liquid Waste: As a general principal, the pretreatment of industrial waste streams will be required for any industries that could otherwise contribute excessive levels of BOD or contaminants to the sewage treatment and disposal process. Policies governing pre-treatment were developed during preparation of the Master Plan.

Utility Master Plans

The City of Lathrop maintains a variety of Master Plan documents that guide the design, development, and maintenance of the utilities within the city limits. These include: Wastewater Collection Master Plan Amendments (2004), Recycled Water Master Plan Amendment (2004), Urban Water Management Plan (2006), Water Supply Study (2008), Draft Historic Lathrop Storm Drainage Maser Plan (2006), and Storm Water Management Plan (2003).

THRESHOLDS OF SIGNIFICANCE - WASTEWATER

Consistent with Appendix G of the CEQA Guidelines, the proposed project will have a significant impact on the environment associated with Utilities if it will:

1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
2. Require or result in the construction of new wastewater treatment and/or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
3. 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.

 IMPACTS AND MITIGATION MEASURES

Impact 3.15-1: The proposed project has the potential to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. (less than significant)

WASTE DISCHARGE REQUIREMENTS (WDRs) ORDER NO. R5-2006-0094

The City of Lathrop owns and operates a wastewater treatment system including [the Lathrop Consolidated Treatment Facility WRP-1](#), a wastewater collection/conveyance system, recycled water basins/disposal fields, and a recycled water conveyance/irrigation system. The wastewater treatment system treats domestic wastewater from residential and commercial sources. After treatment, wastewater is recycled as irrigation water for land application areas.

Waste Discharge Requirements (WDRs) Order No. R5-2006-0094 is Master Reclamation Permit that allows treatment and application of up to 0.75 mgd, and would allow, but does not guarantee, the City of Lathrop to increase the flow limit based on the treatment equipment, storage capacity, and land application area expansions. [A second treatment plant located at the Lathrop Consolidated Treatment Facility WRP-2](#) is a planned future treatment plant that has not yet been constructed, but is permitted under this Order.

The wastewater system consists of the collection system, mechanical treatment equipment, recycled water distribution piping, six HDPE-lined wastewater storage ponds providing a storage capacity of 150.7 Mgal, and 182.9 acres of land application areas. Approximately 102.2 acres of the total land application acreage described in the Order are owned by private corporations that are developing the land served by the wastewater system. The treatment system produces disinfected tertiary recycled water that is consistent with the definition in Title 22.

The Order was prepared to allow flexibility in changing the size and use of land areas for recycled water storage or land application. Changes to the approved configuration will be requested by the City of Lathrop through Recycled Water Expansion Reports (RWERs) that will be approved, as appropriate, by the Executive Officer of the RWQCB Central Valley Region. The ultimate flow rate available under the Order is 6.24 MGD but the Order does not guarantee any flow rate increase over the presently permitted 0.75 MGD.

The City of Lathrop expects land use to change with continuing development, and that may result in land that is presently used for land application or wastewater storage to be developed for other uses later. The Order would allow such changes as long as adequate treatment, wastewater storage, and land application areas are maintained.

On February 14, 2006 the City of Lathrop submitted a Report of Waste Discharge (RWD) and a Title 22 Engineering Report for a wastewater treatment facility to treat and dispose of domestic wastewater generated in existing and planned residential and commercial developments within the City of Lathrop. The City provided additional information to the RWQCB on May 10, 2006. These Waste Discharge Requirements (WDRs) provided in the Waste Discharge Requirements

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(WDRs) Order No. R5-2006-0094 were prepared by the RWQCB as part of a Master Reclamation Permit described by California Water Code Section 13523.1(b)(1).

The Waste Discharge Requirements (WDRs) Order No. R5-2006-0094 includes: Discharge Prohibitions, Discharge Specifications, Effluent Limitations, General Solids Disposal Specifications, Water Recycling Specifications, Groundwater Limitations, and Provisions. This Order was approved on September 22, 2006. Also approved with the Order was a Monitoring and Reporting Program No R5-2006-0094, which includes monitoring and reporting for: Influent, Effluent, Effluent Storage Ponds, Recycled Water Land Application Areas, Groundwater, Sludge, and Water Supply.

The City of Lathrop's wastewater treatment system is currently in compliance with the WDR requirements of Order No. R5-2006-0094. The SLSP wastewater treatment system options covered under this Order include: [Lathrop Consolidated Treatment Facility WRP-1](#) (including an expansion up to 1.62 mgd), the existing collection system, the existing and expanded basin/disposal fields, the recycling conveyance and irrigation system, and [the second wastewater treatment plant located at the Lathrop Consolidated Treatment Facility WRP-2](#). Implementation of SLSP under any of these permitted options would not exceed the wastewater discharge requirements in this Order. Implementation of SLSP would have a *less than significant* impact relative to this topic. The allocation of wastewater service capacity is discussed in the following impact topic.

WASTE DISCHARGE REQUIREMENTS (WDRs) ORDER NO. R5-2009-0095 NPDES NO. CA0081558

The City of Manteca owns and operates a wastewater collection, treatment, and disposal system, and provides sewerage service to the City of Manteca and the City of Lathrop. On October 8, 2009, the RWQCB adopted Waste Discharge Requirements Order No. R5-2009-0095 NPDES NO. CA0081558, prescribing waste discharge requirements for the City of Manteca Wastewater Quality Control Facility (WQCF) and allowing expansion of the plant up to up to 17.5 mgd.

The City of Manteca owns and operates a Publicly-Owned Domestic Wastewater Treatment Works, which serves a portion of the City of Lathrop. The Facility is divided into two parallel treatment systems, the north and south treatment systems. Primary treatment, which is identical in both systems, consists of mechanical screening, aerated grit removal, and primary sedimentation. At the north plant, the primary effluent undergoes additional treatment through two biotowers with high-rate plastic media. The secondary treatment systems for both treatment systems are the same, which consists of conventional activated sludge, including nitrification-denitrification, followed by secondary sedimentation.

Grit and screenings are hauled offsite to a landfill for disposal. Sludge removed from primary and secondary sedimentation is thickened by dissolved air floatation, and then pumped to anaerobic digesters. After digestion, the treated sludge is dewatered by centrifuge, and then removed offsite for disposal in a privately-owned solid waste landfill.

Undisinfected secondary effluent is mixed with food processing waste and applied to approximately 190 acres of the Discharger-owned agricultural fields and 70 acres of Dutra Farms

Inc. owned agricultural fields. Dutra Farms Inc. is named as a discharger in this Order and is responsible for the proper application and management of the wastewater on its land, APN 241-320-47. All the agricultural fields grow fodder and feed crops for dairy feed. Both Dischargers are jointly responsible for maintaining the pipeline from the Facility to the Dutra Farms property.

Excess secondary effluent undergoes tertiary treatment through coagulation and flocculation, cloth media filtration, and ultraviolet light pathogen deactivation (UV Disinfection). Disinfected tertiary level treated effluent is discharged from Discharge Point No. 001 (see table on cover page) to the San Joaquin River. The San Joaquin River is a water of the United States, within the Sacramento-San Joaquin Delta. The Discharger also provides disinfected tertiary-level treated effluent for reuse for construction purposes (e.g. dust control).

The Waste Discharge Requirements (WDRs) Order No. R5-2009-0095 NPDES NO. CA0081558 includes: Discharge Prohibitions, Effluent Limitations and Discharge Specifications, Receiving Water Limitations, Provisions, Compliance Determination, and Monitoring Requirements. This Order was approved on October 8, 2009.

The City of Manteca's wastewater treatment system is currently in compliance with the WDR requirements of Order No. R5-2009-0095 NPDES NO. CA0081558. The SLSP wastewater treatment system options covered under this Order include: City of Manteca Wastewater Quality Control Facility (WQCF) including the collection system, basin/disposal fields, discharge to the San Joaquin River, and recycling conveyance and irrigation system. Implementation of SLSP under this permitted option would not exceed the wastewater discharge requirements in this Order. Implementation of SLSP would have a *less than significant* impact relative to this topic. The allocation of wastewater service capacity is discussed in the following impact topic.

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 it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (less than significant with mitigation)

The SLSP would require wastewater collection and treatment services. The provision of the wastewater collection services would be provided by the City of Lathrop wastewater system which currently includes [Lathrop Consolidated Treatment Facility WRP-1 MBR](#), the Crossroads POTW, and the Manteca-Lathrop WQCF. Current capacity at [the Lathrop Consolidated Treatment Facility WRP-1](#) is 750,000 gpd. The [Lathrop Consolidated Treatment Facility WRP-1](#) has a projected wastewater flow of 5.53 mgd at buildout of development projects west of I-5. The Waste Discharge Requirements (WDRs) Order No. R5-2009-0095 NPDES NO. CA0081558 allows the Manteca-Lathrop WQCF to have a capacity of 17.5 mgd of which 14.7% is allocated for the City of Lathrop.

Project Wastewater Generation

The estimated wastewater generation from the SLSP at buildout is approximately 211,800 gallons per day average dry weather flow (ADWF). Table 3.15-4 summarizes the estimated wastewater generation by phase.

preliminary estimate indicates that the minimum overall off-site basin area to serve full build-out of the SISP is approximately 14.0 acres, assuming an average basin depth of 14 feet with an additional two feet of freeboard (berms 12 feet above ground and basin bottom four feet below ground) and assuming 61.0 acres of off-site irrigated disposal fields. See Figure 3.15-2.

An existing recycled water pipeline located in Yosemite Avenue was constructed with the Mossdale Landing project. A new pipeline will be constructed in Yosemite / Guthmiller Avenue, which will connect the Plan Area to the existing pipe. The recycled water pipes will enable public landscaping to be irrigated with recycled water. The internal roadways within the Plan Area will not contain public landscaping and therefore recycled water pipes are not required in these streets.

TABLE 3.15-5: IRRIGATED AREA

LAND USE DESCRIPTION	ASSUMED LANDSCAPE FACTOR	TOTAL ACRES	ESTIMATED LANDSCAPE AREA
Major Road Landscape	90%	1.1	1.0
Open Space	70%	21.0	14.7
Total		22.1	15.7

SOURCE: SOUTH LATHROP SPECIFIC PLAN

Recycled Water Off-site Improvements

Basins and disposal fields located in the North Lathrop area were approved with previous CEQA documents, the City’s “5-year plan for wastewater capacity,” and ultimately by the RWQCB in the City’s Report of Waste Discharge (RWD) and Waste Discharge Requirements (WDR’s). An annual water balance analysis will be prepared to determine the actual recycled water storage volume and irrigation area required. The water balance will be prepared with future planning efforts such as during tentative map processing. Verification that the disposal sites are available for the SISP will be included with the water balance analysis. In addition, it will be determined what is needed to “perfect” the disposal sites as required by the City discharge permit and in the Waste Discharge Requirements (i.e. groundwater monitoring work plan, design plans, etc.).

As wastewater is treated off-site, it must be returned to the Plan Area or sent to the off-site disposal areas. Figures 3.15-2 and 3.15-3 include the potential routing of offsite recycled water pipelines that would either return the water to the Plan Area or deliver it to the off-site disposal areas.

Two separate recycled water systems have been constructed in the City of Lathrop that may potentially be utilized to deliver recycled water to the North Lathrop disposal fields and basins. The first system was constructed with the Mossdale Landing project and is connected to the existing Lathrop Consolidated Treatment Facility WRP #1 treatment plant. The second system was partially constructed with the Central Lathrop Specific Plan project and was intended to be connected to the future WRP #2 treatment plant at the Lathrop Consolidated Treatment Facility. Some of the pipelines to the North Lathrop disposal fields were previously approved and partially designed and constructed with the Central Lathrop Specific Plan project. The two systems may need to be connected to provide for the most flexible, efficient and economical system. Three potential interconnection points are shown on Figure 3.15-3. A recycled water model will be prepared with

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future planning efforts such as during tentative map processing. Sites that are under consideration to be used for basins and/or disposal fields are listed in Table 3.15-6 and are shown on Figure 3.15-3.

TABLE 3.15-6: POSSIBLE RECYCLED WATER BASINS AND DISPOSAL FIELD SITES

APN	OWNER	(ACRES)	APPROVED IN RWD	RWD AREA I.D.
191-28-09	Rio Blanco Ranch	49.5	Yes	A1
191-28-10	Rio Blanco Ranch	101.2	Yes	A2
191-27-24	Roseville Investments	58.6	Yes	A3
191-27-31	Roseville Investments	85.0	Yes	A9

SOURCE: SOUTH LATHROP SPECIFIC PLAN

Conclusion

The SLSP would increase the amount of wastewater requiring treatment. The wastewater would be treated at the Manteca-Lathrop WQCF, [Lathrop Consolidated Treatment Facility WRP-1](#), and or Crossroads POTW facilities. It is also possible that [the second treatment plant at the Lathrop Consolidated Treatment Facility WRP-2](#) could become an option in the future if constructed. As shown in Table 3.15-4, the SLSP would generate an average flow of approximately 211,800 gpd or approximately 0.21 mgd at buildout.

The City currently has 1.85 mgd of available wastewater capacity, of which it currently uses 0.9 mgd ADWF. The City's Wastewater Collection Master Plan, Wastewater Treatment and Disposal Master Plan (prepared in 2000 and updated in 2004) and the 2006 Lathrop 5-Year Plan have identified the requirements anticipated to be necessary for the conveyance and treatment of wastewater.

At the time this document was prepared; all wastewater flows in the City of Lathrop at buildout of the General Plan would be treated at [Lathrop Consolidated Treatment Facility WRP-1, WRP-2 \(once constructed\)](#), or the Lathrop-Manteca WQCF. However, it is not clearly defined how much wastewater would be allocated to each treatment plant. The City's Wastewater Treatment and Disposal Master Plan outlines a phased plan to provide treatment capacity for the anticipated buildout condition of the City of Lathrop, whenever it may occur.

Although several disposal options exist, the timing of improvements associated with these facilities is unknown at this time. Construction of [WRP-2 second treatment plant at the Lathrop Consolidated Treatment Facility](#), which was analyzed under the Central Lathrop Specific Plan EIR, would provide sufficient wastewater treatment capacity to serve the SLSP. However, [WRP-2 the second treatment plant at the Lathrop Consolidated Treatment Facility](#) does not currently exist, and it cannot be assured that treatment capacity at [WRP-2 this second treatment plant](#) would be brought into service concurrently with demand generated by the SLSP. The City of Lathrop currently has adequate capacity at the existing Manteca-Lathrop WQCF, [Lathrop Consolidated Treatment Facility WRP-1](#), and Crossroads POTW to service their existing commitments; however, an allocation for wastewater treatment from the existing capacity has not been provided to the SLSP. While there are a variety of options available to secure wastewater treatment sufficient wastewater treatment capacity has not been allocated to support the SLSP. This impact is

considered potentially significant. Occupancy of any buildings within the Plan Area would be prohibited without sewer allocation. An issuance of sewer allocation from the City's available capacity would ensure that there would not be a determination by the wastewater treatment and/or collection provider that there is inadequate capacity to serve the SLSP's projected demand in addition to the provider's existing commitments. Additionally, any planned expansion to the Manteca-Lathrop WQCF, [Lathrop Consolidated Treatment Facility](#)~~WRP-1~~, and/or Crossroads POTW with a subsequent allocation of capacity to the SLSP would ensure that there would not be a determination by the wastewater treatment and/or collection provider that there is inadequate capacity to serve the SLSP's projected demand in addition to the provider's existing commitments. Implementation of Mitigation Measure 3.15-1 would reduce this potential impact to a *less than significant* level.

MITIGATION MEASURE

Mitigation Measure 3.15-1: *Prior to occupancy of ~~the~~ any building that would require wastewater treatment services, the project proponent shall secure adequate wastewater treatment capacity. The wastewater treatment capacity may come from a variety of existing facilities including the [Lathrop Consolidated Treatment Facility](#)~~WRP-1~~, 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 ~~WRP-2~~ [wastewater treatment plant at the Lathrop Consolidated Treatment Facility](#), or a capacity expansion at [Lathrop Consolidated Treatment Facility](#)~~WRP-1~~, Crossroads POTW, and or Lathrop-Manteca WQCF. The ~~WRP-2~~ [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 (Note: the expansion of [Lathrop Consolidated Treatment Facility](#)~~WRP-1~~ to 1.56 mgd is permitted by the State under the existing waste discharge permit). Additionally, the project proponent would be required to install/connect the necessary collection/transmission infrastructure to ensure the appropriate treatment of all wastewater.*

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 (significant and unavoidable)

With development of the Plan Area, new and/or expanded wastewater system improvements will be constructed to meet these needs.

Planned Wastewater System

Wastewater Collection and Conveyance: The collection and conveyance system will consist of gravity pipes, a pump station and a force main. The pump station will be sized for the build-out condition of the SLSP and will be located within the Plan Area. The forcemain will connect the pump station to one of the selected treatment plants options. Figure 3.15-1 illustrates the wastewater collection and conveyance system.

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Wastewater Treatment: Wastewater generated by the SLSP may be treated through a variety of options including existing facilities, new facilities, or expansion of existing facilities. Full buildout of the SLSP would require either a new facility or an expansion of an existing facility. The available options include: existing (Manteca-Lathrop WQCF, [the Lathrop Consolidated Treatment Facility WRP-1](#), and/or Crossroads POTW), [a second wastewater treatment plant at the Lathrop Consolidated Treatment Facility new \(WRP-2\)](#), and expansion (Manteca-Lathrop WQCF, [Lathrop Consolidated Treatment Facility WRP-1](#), and/or Crossroads POTW). The existing facilities have undergone environmental review and have waste discharge permits from the State. The ~~future~~ [WRP-2 second wastewater treatment plant at the Lathrop Consolidated Treatment](#) facility has undergone environmental review in association with the Central Lathrop Specific Plan EIR and is permitted under the City's waste discharge permit from the State. An expansion to Manteca-Lathrop WQCF, [Lathrop Consolidated Treatment Facility WRP-1](#), and/or Crossroads POTW would require environmental review and an amendment to the City's waste discharge permit from the State.

Recycled Water Storage Basins and Disposal: Recycled water not utilized for on-site irrigation will be piped off-site to be held in storage basins and/or used for land application disposal. Storage basins are required to provide both daily and seasonal storage of the recycled water. If treatment occurs at [the Lathrop Consolidated Treatment Facility WRP-1](#), disposal land will be required. Disposal land consists of lined seasonal storage basins and irrigated land application areas. Potential sites exist within the Plan Area and within the northern area of the City of Lathrop. The disposal sites will be subject to approval from the State. Disposal land would not be required if treatment occurs at the Manteca-Lathrop WQCF. Figure 3.15-2 and 3.15-3 illustrates the possible locations for these facilities.

It is anticipated that the storage basins will be constructed partially below and partially above the elevation of the existing ground. The portion above grade is likely to be constructed with earthen berms not to exceed 15 feet high. It is expected that the storage basins will include a synthetic liner in order to prevent seepage into the ground to the maximum extent possible to avoid adverse impacts to groundwater. The required area of the basin is dependent on the depth as well as the amount of recycled water to be stored. The storage volume depends in turn on the amount of recycled water that can be disposed of through irrigation.

It is estimated that approximately 15.7 acres of land may be irrigated with recycled water within the developed portion of the Plan Area, if approved by the RWQCB. A preliminary estimate indicates that the minimum overall off-site basin area to serve full build-out of the SLSP is approximately 14.0 acres, assuming an average basin depth of 14 feet with an additional two feet of freeboard (berms 12 feet above ground and basin bottom four feet below ground) and assuming 61.0 acres of off-site irrigated disposal fields.

Basins and disposal fields located in the North Lathrop area were approved with previous CEQA documents, the City's "5-year plan for wastewater capacity" and ultimately by the RWQCB in the City's Report of Waste Discharge (RWD) and Waste Discharge Requirements (WDR's). An annual water balance analysis will be prepared during tentative map approval to determine the actual recycled water storage volume and irrigation area required. In addition, it will be determined what

is needed to “perfect” the disposal sites as required by the City discharge permit and in the Waste Discharge Requirements (i.e. groundwater monitoring work plan, design plans, etc.).

Recycled Water Conveyance: As wastewater is treated off-site, it must be returned to the Plan Area or sent to the off-site disposal areas. Figures 3.15-3 include the potential routing of offsite recycled water pipelines that would either return the water to the Plan Area or deliver it to the off-site basin and disposal areas.

Two separate recycled water systems have been constructed in the City of Lathrop that may potentially be utilized to deliver recycled water to the North Lathrop disposal fields and basins. The first system was constructed with the Mossdale Landing project and is connected to the existing ~~Lathrop Consolidated Treatment Facility~~~~WRP-1 treatment plant~~. The second system was partially constructed with the Central Lathrop Specific Plan project and was intended to be connected to the ~~second wastewater treatment plant at the Lathrop Consolidated Treatment Facility~~~~future WRP-2 treatment plant~~, which has not yet been constructed. Some of the pipelines to the North Lathrop disposal fields were previously approved and partially designed and constructed with the Central Lathrop Specific Plan project. The two systems may need to be connected to provide for the most flexible, efficient and economical system. Three potential interconnection points are shown on Figure 3.15-3. All offsite improvements described above are anticipated to occur within the public rights-of-way and are not expected to result in a significant adverse impact.

Potential Impacts to Agricultural Resources

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.

Potential Impacts to Special Status Birds

The construction of the wastewater system would require the removal of foraging and nesting habitat for a variety of special status colonial nesters, nesting raptors, and nesting songbirds. Construction activities would create temporary sources of noise and light that could affect special status birds if they located adjacent to the Plan Area or Offsite Infrastructure in the future. These special status birds are covered by the SJMSCP, which serves as a special-purpose permit for the incidental take of species that are protected under the MBTA. Coverage 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. Coverage under the SJMSCP would fully mitigate all habitat impacts on these special status birds. Incidental take avoidance and minimization measures are

Recycled Water

The SLSP will maximize reuse opportunities for recycled water. The term “recycled water” refers to wastewater that has been treated and disinfected to tertiary levels. Water treated to this level has been determined by governmental regulations to be acceptable for human contact without cause for concern and is commonly used for irrigation. The use of recycled water is regulated by the RWQCB and the Department of Health Services, which apply stringent water quality, treatment and disinfection standards.

The use of recycled water for irrigation serves to conserve potable water for other uses. In addition, in the event the potable water supply is limited at any time, such as a “dry year” situation, the use of recycled water ensures a supply for landscaped areas and reduces the likelihood that potable water would be needed for this purpose. The SLSP proposes to make recycled water available for public irrigation uses. This includes irrigation of landscaped areas within street rights-of-way and open space. In addition, there may be potential for the use of recycled water for private irrigation uses as well, such as common open space areas and landscaping around buildings. Criteria for management of the recycled water system and public education about it will be established in future reports (or other documents) and will be subject to City approval. It should be noted that the City of Lathrop does not currently use recycled water for irrigation purposes, although there has been significant infrastructure installed on previous projects that would enable the use of recycled water in the future.

Conclusion

General Plan Community Development Element Policy 1 requires that development within the City’s three sub-plan areas is to be served by the City under development agreements between the City and project developers. The SLSP is subject to this policy and agreements between the City and developers must be formulated. Policy 2 requires that urban development outside the existing city limits shall not be allowed to occur until reasonable certainty is established that additional firm supplies of potable water will be available to meet the needs of urban expansion into perpetuity. The SLSP is planned to be consistent with the City Master Utility Plan by funding its share of SSJID surface water, groundwater wells, treatment facilities and storage/pressure facilities.

According to the WSA completed for the SLSP, 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 installing infrastructure to enable the future ~~the~~ use of recycled water to provide irrigation for landscaped areas in order to reduce the demand for potable water.

As identified above, the SLSP would not result in insufficient water supplies available to serve the project from existing entitlements and resources. Therefore, the SLSP would result in a **less than significant** impact to water supplies.

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of various waters including the San Joaquin River, and other waters in the Lathrop Planning Area. In the Lathrop Planning Area the RWQCB is responsible for protecting surface and groundwater from both point and non-point sources of pollution. Water quality objectives for all of the water bodies within the Lathrop Planning Area were established by the RWQCB and are listed in its Basin Plan.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

National Pollutant Discharge Elimination System (NPDES) permits are required for discharges of pollutants to navigable waters of the United States, which includes any discharge to surface waters, including lakes, rivers, streams, bays, the ocean, dry stream beds, wetlands, and storm sewers that are tributary to any surface water body. NPDES permits are issued under the Federal Clean Water Act, Title IV, Permits and Licenses, Section 402 (33 USC 466 et seq.)

The RWQCB issues these permits in lieu of direct issuance by the Environmental Protection Agency, subject to review and approval by the Environmental Protection Agency Regional Administrator. The terms of these NPDES permits implement pertinent provisions of the Federal Clean Water Act and the Act's implementing regulations, including pre-treatment, sludge management, effluent limitations for specific industries, and anti-degradation. In general, the discharge of pollutants is to be eliminated or reduced as much as practicable so as to achieve the Clean Water Act's goal of "fishable and swimmable" navigable (surface) waters. Technically, all NPDES permits issued by the RWQCB are also Waste Discharge Requirements issued under the authority of the CWA.

These NPDES permits regulate discharges from publicly owned treatment works, industrial discharges, stormwater runoff, dewatering operations, and groundwater cleanup discharges. NPDES permits are issued for five years or less, and are therefore to be updated regularly. The rapid and dramatic population and urban growth in the Central Valley Region has caused a significant increase in NPDES permit applications for new waste discharges. To expedite the permit issuance process, the SWRCB has adopted several general NPDES permits, each of which regulates numerous discharges of similar types of wastes. The SWRCB has issued general permits for stormwater runoff from industrial and construction sites statewide. Stormwater discharges from industrial and construction activities in the Central Valley Region can be covered under these general permits, which are administered jointly by the SWRCB and RWQCB.

[A new Phase II Small Municipal Separate Storm Sewer \(MS4\) General Permit was adopted by the State Water Resources Control Board on February 5, 2013 became effective July 1, 2013. The Permit has numerous new components and the City is required to implement these components in stages over the five year period of the Permit. The first year requirements must be implemented by July 1, 2014.](#)

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

San Joaquin County is a participant in the National Flood Insurance Program (NFIP), a Federal program administered by FEMA. Participants in the NFIP must satisfy certain mandated floodplain

3.15 UTILITIES

IMPACTS AND MITIGATION MEASURES- STORM WATER

Impact 3.15-56: 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 (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.

Planned Storm Collection System

The Plan Area is lower than the top of the San Joaquin River levee. Therefore, runoff must be pumped over/through the levee. To avoid adverse impacts to the levee system near the Plan Area, peak discharge rates from development projects in the City of Lathrop have been limited to a maximum of 30 percent of the 100-year flow rate. Runoff from the Plan Area is anticipated to discharge to the river through a new proposed outfall located near the southwest corner of the Plan Area. The outfall is a 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. As shown on Figure 3.15-5, the SLSP will consist of a system having the following three integrated components.

- Gravity lines that collect and deliver surface runoff;
- "Watershed" detention facilities that hold the runoff; and
- A pump station and force main that conveys water to a proposed San Joaquin River outfall structure.

The entire Plan Area consists of one major drainage shed with a detention basin to reduce the peak discharge from the Plan Area to the San Joaquin River. The basin size and location as illustrated on Figure 3.15-5 is conceptual and subject to change based on future planning and engineering efforts. The SLSP does not include details regarding alternative basin scenarios (i.e. alternative locations, sizes, etc.); however, the analysis of the physical impacts relative to the storm drainage system assumes that the detention basin location could be changed to alternative locations within the Plan Area, and such changes would not affect this analysis of the storm drainage system because the footprint of the Plan Area would not change. Additionally, the physical impacts relative to the basin size would not affect this analysis because the footprint of the Plan Area would not change.

The proposed storm water collection system functions by discharging all runoff directly into the river up to the point where the runoff rate exceeds the capacity of the pump station. When the rate of runoff exceeds the pump station capacity, water "backs up" into the detention basin until the runoff rate declines and once again equals the capacity of the pump station. The water level in

3.15.4 SOLID WASTE

EXISTING SETTING

~~Lathrop Environmental Services is the franchise waste hauler for residential and commercial uses in the City. San Joaquin County provides solid waste disposal facilities, including transfer stations and landfills. The City utilizes designated containers for the storage and collection of garbage; green (yard) waste; and paper, plastic, aluminum, and glass recycling. Both residential and nonresidential waste are hauled to the County's Lovelace Transfer Station, approximately one mile northeast of the City, and then to the County's Class III Foothill Sanitary Landfill in Linden.~~

Allied Waste of San Joaquin County (Allied Waste), dba Republic Services Company is the franchise waste hauler for residential and commercial uses in the City. Solid waste is hauled to the Forward Landfill. The Forward Landfill is permitted to accept up to 8,668 tons of waste per day and has a permitted capacity of 51.04 million cubic yards. The remaining estimated capacity of the landfill is 40.03 million cubic yards (as of 1/31/2012). The cease operation date for the facility is January 1, 2020 (CalRecycle, 2013).

While not currently used by the City of Lathrop, the Foothill Landfill located in Linden is permitted to accept up to 1,500 tons of waste per day and has a permitted capacity of ~~138-51~~ million cubic yards and a remaining estimated capacity of 125 million cubic yards (as of 6/10/2010). The cease operation date for the facility is December 31, 2082 (CalRecycle, 2013). This cease operation date provides an option for the City of Lathrop solid waste disposal once the Forward Landfill is at capacity. The average daily volume for the landfill is 620 tons. In 2011, 218,190 tons of solid wastes were delivered to the landfill. The landfill diverted 3,392 tons of material from disposal in 2011.

The City of Lathrop disposed of 18,656 tons of household solid waste and 14,617 tons of business solid waste in 2011, for a total of approximately 33,273 tons. The City achieved a diversion rate of 80 percent in 2004, exceeding the State-mandated requirement of 50 percent. The latest information available from Cal Recycle shows that the City of Lathrop has a solid waste disposal rate of 9.8 pounds per resident per day for household waste and 29.8 pounds per employee for business waste in 2011 (CalRecycle 2011).

The Foothill Sanitary Landfill is permitted to accept commercial and household solid waste, agricultural waste, construction and demolition materials, white good, tires camper shells, campers and camper trailers. The landfill is not permitted to accept hazardous wastes, including friable asbestos, are not accepted at the Foothill Sanitary Landfill, and must be transported to a Class I landfill permitted to receive untreated hazardous waste, septic tank waste, toxic waste, large dead animals, infectious waste, liquid waste, cannery waste large load of soil or gravel, mobile homes and burned waste.

Policy 7: Environmental assessments for the development projects proposed consistent with the General Plan shall provide all of the information required under the “Waste Plan Format for Development Projects” that is employed by the San Joaquin County Department of Public Works.

CITY OF LATHROP MUNICIPAL CODE, CHAPTER 8.16

Chapter 8.16 of the Municipal Code regulates the management of garbage, recyclables, and other wastes. Chapter 8.16 sets forth solid waste collection, disposal, and diversion requirements for residential, commercial, industrial, and other uses and addresses yard waste, hazardous materials, recyclables, and other forms of solid waste.

THRESHOLDS OF SIGNIFICANCE- SOLID WASTE

Consistent with Appendix G of the CEQA Guidelines, the proposed project will have a significant impact on the environment associated with Utilities if it will:

1. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs.
2. Comply with federal, State, and local statutes and regulations related to solid waste.

IMPACTS AND MITIGATION MEASURES

Impact 3.15-7: The proposed project has the potential to be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs and comply with federal, State, and local statutes and regulations related to solid waste (less than significant)

As previously described, permitted maximum disposal at the ~~Foothill Sanitary~~Forward Landfill is ~~1,5008,668~~ tons per day. The total permitted capacity of the landfill is ~~138-51.04~~ million cubic yards, which is expected to accommodate an operational life until ~~December 31, 2082~~January 1, 2020. ~~The remaining capacity is 23,700,000 cubic yards.~~ The addition of the volume of solid waste associated with the SLSP to the landfill would not exceed the landfill’s remaining capacity. Based on the *Employment Density Study Summary Report* provided by the Southern California Association of Governments (SCAG), an estimate of the number of future employees for the SLSP can be determined based on projected square footage. According to this report the average square footage per employee for low rise office is 415 SF. Light industrial equates to approximately 2,230 SF/employee². Shown in Table 3.15-20 is the estimated potential solid waste generated by the businesses in the Plan Area at buildout.

TABLE 3.15-20 SOLID WASTE PROJECTION

² The study included six counties in the SCAG area. Imperial County statistics were used as this county most resembled San Joaquin County of the six counties.

3.15 UTILITIES

LAND USE	SQUARE FOOTAGE	MEDIAN EMPLOYEE/SF*	TOTAL EMPLOYEES	SOLID WASTE/EMPLOYEE (LBS/DAY)	TOTAL SOLID WASTE/DAY (TONS/DAY)	TONS/YR
Low Rise Office	130,680	1 emp/415 sf	1,315	29.8	4.7	1,713
Light Industrial	4,158,238	1 emp/2230 sf	1,865	29.8	27.8	10,141
TOTAL			2,180	29.8	32.5	11,854

NOTE: EMPLOYEES PER SQUARE FOOT IS BASED ON INFORMATION PROVIDED IN EMPLOYMENT DENSITY STUDY SUMMARY REPORT, TABLE 13 (SCAG 2001).

SOURCE: CALRECYCLE 2011 AND SCAG 2001

The SLSP would be required to comply with applicable state and local requirements including those pertaining to solid waste, construction waste diversion, and recycling.

As previously described, solid waste generated in the City is disposed at the ~~Foothill-Forward~~ Landfill. This landfill is projected to close in the year ~~2082~~2020. At that time the City can utilize the Foothill Landfill as a location for solid waste disposal. The City's solid waste generation has decreased since 2007 due to the waste diversion efforts of the City. The permitted maximum disposal at the ~~Foothill-Forward~~ Landfill is ~~1,500-8,668~~ tons per day. Currently, the average daily disposal is 620 tons per day. The total permitted capacity of the landfill is ~~138-51.04~~ million cubic yards. The addition of the volume of solid waste associated with the SLSP, approximately 32.5 tons per day at total buildout, to the ~~Foothill-Forward~~ Landfill would not exceed the landfill's remaining capacity. This is a **less than significant** impact.

SECTION 4.0 OTHER CEQA-REQUIRED TOPICS

This section was revised to include new and revised information to the EIR. The revisions include amplification to the existing information which is incorporated into the EIR. The changes to the EIR occur in Section 4.0 Other CEQA-Required Topics on Pages 4.0-26. The changes are identified with revision marks (underline for new text).

4.0 OTHER CEQA-REQUIRED TOPICS

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 water services, this fee does not remove the potential environmental impact caused by the construction and operation of new storm water facilities. Therefore, this would result in a **cumulatively considerable contribution** and a **significant and unavoidable** impact.

Impact 4.25: Cumulative Impact on Solid Waste Facilities (Less than Significant and Less than Cumulatively Considerable)

Solid waste generated in the City is disposed at the ~~Foothill-Forward~~ Landfill. This landfill is projected to close in the year ~~2008~~2020. At that time the City can utilize the Foothill Landfill as a location for solid waste disposal. The City's solid waste generation has decreased since 2007 due to the waste diversion efforts of the City. The permitted maximum disposal at the ~~Foothill-Forward~~ Landfill is ~~1,5008,668~~ tons per day. Currently, the average daily disposal is 620 tons per day. The total permitted capacity of the landfill is ~~138-51.04~~ million cubic yards. The additional volume of solid waste generated by the SLSP is approximately 32.5 tons per day at total buildout. This total, which would be disposed of at the ~~Foothill-Forward~~ Landfill, would not exceed the landfill's remaining capacity. Implementation of the proposed project would have a **less than significant** cumulative impact relative to this environmental topic. As such, impacts related to solid waste facilities would be a **less than cumulatively considerable contribution**.

4.2 SIGNIFICANT IRREVERSIBLE EFFECTS

LEGAL CONSIDERATIONS

4.0-26 Draft Environmental Impact Report – South Lathrop Specific Plan

SECTION 5.0 ALTERNATIVES

This section was revised to include new and revised information to the EIR based on comments noted by the Thomas Terpstra. The revisions include amplification to the existing information which are incorporated into the EIR. The changes to the EIR occur in Section 5.0 Alternatives on Pages 5.0-2. The changes are identified with revision marks (underline for new text).

5.0 ALTERNATIVES TO THE PROPOSED PROJECT

- **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.

ALTERNATIVES NOT SELECTED FOR FURTHER ANALYSIS

A Notice of Preparation 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 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.

5.2 ALTERNATIVES CONSIDERED IN THIS EIR

Four alternatives to the SLSP were developed based on input from City staff, the public during the NOP review period, and the technical analysis performed to identify the environmental effects of the SLSP. The alternatives analyzed in this EIR include the following four alternatives in addition to the SLSP.

- **No Build Alternative:** Under this alternative, development of the Plan Area would not occur, and the Plan Area would remain in its current condition.

This document is the Mitigation Monitoring and Reporting Program (MMRP) for South Lathrop Specific Plan (proposed project). This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” An MMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR.

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in the EIR.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the EIR in the same order that they appear in the EIR.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring took place.

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TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Agricultural Resources</p> <p>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, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses</p>	<p>Mitigation Measure 3.2-1: Prior to the conversion of important farmland in the Plan Area, the project proponents shall 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 important farmland. Fees paid toward the City of Lathrop's program shall include half of the mitigation (\$1,000/acre) to be paid to the Central Valley Farm Trust (CVFT). The CVFT shall 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. 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/acre). 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.</p> <p>Mitigation Measure 3.2-2: Prior to the close of real property transactions within the SLSP, the project proponent shall provide Right-to-Farm disclosures to the purchaser. This provision is required for all properties within the Plan Area which may be impacted or affected by on-going farming operations.</p>	<p>City of Lathrop</p>	<p>Prior to the conversion of important farmland in the Plan Area</p>	
<p>Air Quality</p> <p>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</p>	<p>Mitigation Measure 3.3-1: Prior to final discretionary approval, the project proponent shall submit an Air Impact Assessment (AIA) application to the San Joaquin Valley Air Pollution Control District for District Rule 9510 Indirect Source Review (ISR) to obtain AIA approval from the District. Prior to the issuance of a building permit, the project proponent shall incorporate</p>	<p>City of Lathrop and SJVAPCD</p>	<p>Prior to the close of real property transactions</p>	

4.0 MMRP

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>projected air quality violation</p>	<p>mitigation measures into the SISP and demonstrate compliance with District Rule 9510 including payment of all fees.</p> <p>Mitigation Measure 3.3-2: Prior to the approval of improvement plans, the project proponent shall incorporate the following features into project plans and specifications, consistent with adopted City of Lathrop Design and Construction Standards (2007):</p> <ul style="list-style-type: none"> • 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. • Require low-VOC cleaning supplies to be used by businesses and cleaning services within the Plan Area. <p>Mitigation Measure 3.3-3: Prior to the approval of improvement plans, the project proponent shall prepare and implement a transportation demand management (TDM) plan that includes, but is not limited to, the following measures subject to the review and approval of the City of Lathrop:</p> <ul style="list-style-type: none"> • Provide secure bicycle parking in conjunction with commercial and office development. • Provide designated vanpool parking spaces close to the 	<p>City of Lathrop</p>	<p>Prior to the approval of improvement plans</p>	

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>employment center entry locations.</p> <ul style="list-style-type: none"> • 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 information to employees regarding carpooling, ride sharing and other available programs. • Coordinate SJCOG's Commute Connection Program <p>Mitigation Measure 3.3-4: Prior to the approval of a Building Permit, the project proponent shall 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 and other mitigation measures required for the SLSP. The City shall 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.</p>	City of Lathrop	Prior to the approval of the Specific Plan	
Impact 3.3-2: Project construction has the potential	Mitigation Measure 3.3-5: Prior to the commencement of construction activities, the project proponent shall prepare and submit a Dust Control	City of Lathrop	Prior to	to

4.0 MMRP

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation</p>	<p>Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3, for the review and approval of the APCD Air Pollution Control Officer.</p> <p>Mitigation Measure 3-3-6: During all construction activities, the project proponent shall implement dust control measures, as required by APCD Rules 8011-8081, to limit Visible Dust Emissions to 20% opacity or less. Dust control measures shall include application of water or chemical dust suppressants to unpaved roads and graded areas, covering or stabilization of transported bulk materials, prevention of carryout or trackout of soil materials to public roads, limiting the area subject to soil disturbance, construction of wind barriers, access restrictions to inactive sites as required by the applicable rules.</p> <p>Mitigation Measure 3-3-7: During all construction activities, the project proponent shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (San Joaquin Valley APCD, 2002):</p> <ol style="list-style-type: none"> All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained. 	<p>City of Lathrop and the SJVAPCD</p> <p>City of Lathrop and the SJVAPCD</p>	<p>construction</p> <p>During Construction</p> <p>During Construction</p>	

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.</p> <p>f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</p> <p>g. Limit traffic speeds on unpaved roads to 15 mph; and h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</p> <p>Mitigation Measure 3.3-8: Architectural coatings applied to all structures in the Plan Area shall meet or exceed volatile organic compound (VOC) standards set in APCD Rule 4601. The ODS shall submit to the APCD a list of architectural coatings to be used and shall indicate how the coatings meet or exceed VOC standards. If the APCD determines that any architectural coatings do not meet VOC standards, the ODS shall replace the identified coatings with those that meet standards.</p> <p>Mitigation Measure 3.3-9: To reduce impacts from construction related exhaust emissions, the project proponent shall utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.</p> <p>Mitigation Measure 3.3-10: Asphalt paving shall be applied in accordance with APCD Rule 4641. This rule applies to the manufacture and use of</p>	<p>City of Lathrop and the SJVAPCD</p> <p>City of Lathrop and the SJVAPCD</p> <p>City of Lathrop</p>	<p>During Construction</p> <p>During Construction</p> <p>During</p>	

4.0 MMRP

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.3-4: The proposed project has the potential for public exposure to toxic air contaminants</p>	<p>cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.</p> <p>Mitigation Measure 3.3-11: Prior to the construction and/or operation of any industrial or commercial building that would emit toxic air contaminants, the project proponent shall, at a minimum, perform prioritization screening in accordance with the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990) and the Air Toxics "Hot Spots" Information and Assessment Act. The prioritization screening shall be performed in coordination with the San Joaquin Valley Air Pollution Control District, whom will be responsible for determining which facilities based on their prioritization screening score, must perform a health risk assessment. In determining the need to prepare a health risk assessment, the San Joaquin Valley Air Pollution Control District should consider the potency, toxicity, quantity, and volume of hazardous materials released from the facility, the proximity of the facility to potential receptors, and any other factors specific to the facility that indicate that it may pose a significant health risk.</p> <p>If a health risk assessment is warranted for a facility based on its prioritization score, the project applicant shall assess the facilities for the potential to expose the public to toxic air contaminants in excess of the following thresholds:</p> <ul style="list-style-type: none"> • Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million. • Ground-level concentrations of non-carcinogenic toxic air contaminants would result in a Hazard Index greater than 1 for the MEI. <p>Facilities that exceed the above thresholds have the potential to expose the public to toxic air contaminants levels that would be considered significant. Mitigation is required for such facilities to ensure that the toxic air</p>	<p>and the SJVAPCD</p> <p>City of Lathrop and the SJVAPCD</p>	<p>Construction</p> <p>Prior to construction of any industrial or commercial building that would emit toxic</p>	

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<i>contaminants are reduced to levels below the threshold.</i>				
Biological Resources				
<p><i>Impact 3.4-1: The proposed project has the potential to have a direct or indirect effect on special-status invertebrate species</i></p>	<p>Mitigation Measure 3.4-1: Prior to commencement of any grading activities, the project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Coverage 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.</p>	<p>City of Lathrop and SJCOG, Inc.</p>	<p>Prior to grading</p>	
<p><i>Impact 3.4-3: The proposed project has the potential to have direct or indirect effects on special-status bird species</i></p>	<p>Mitigation Measure 3.4-2: If construction activities occur during the avian breeding season (March 1 – August 31) then the project proponent shall conduct pre-construction surveys to prevent impacts to nesting birds. No more than 15 days prior to the start of construction a bird survey shall be conducted by a qualified biologist to identify any active nests within the Plan Area or Offsite Infrastructure Corridor. If construction stops for a period of 15 days or more during the avian breeding season than an additional bird</p>	<p>City of Lathrop</p>	<p>15 days prior to construction activities</p>	

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IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.4-6: Effects on Protected Wetlands and Jurisdictional Waters</p>	<p>survey shall be conducted. The biologist will conduct a survey in the Plan Area or Offsite Infrastructure Corridor, including the San Joaquin River, for all special-status birds protected by the federal and state ESA, MBTA and CFGC, including but not limited to those that are documented within a ten-mile radius of the Plan Area and are known to nest in the region. The biologist shall map all nests that are within, and visible from, the Plan Area or Offsite Infrastructure Corridor. If nests are identified, the biologist shall develop buffer zones around active nests as deemed appropriate in coordination with the CDFW. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored at least twice per week and a report submitted to the City and CDFW monthly.</p> <p>Mitigation Measure 3.4-3: Prior to any construction activities that would disturb protected wetlands in the Plan Area and/or jurisdictional areas of the San Joaquin River associated with the storm drainage outfall, the appropriate state and federal authorizations (Streambed Alteration Agreement, Section 404 permit, Section 401 water quality certification) shall be obtained. All requirements of these authorizations shall be adhered to throughout the construction phase.</p> <p>Mitigation Measure 3.4-4: The project applicant shall compensate for any authorized disturbance to protected wetlands and/or jurisdictional areas to ensure no net loss of habitat functions and values. Compensation ratios shall be based on site-specific information and determined through coordination with state, federal, and local agencies as part of the permitting process for the project. Unless determined otherwise by the regulatory/permitting agency, the compensation shall be at a minimum ratio of 1 acre restored, created, and/or preserved for every 1 acre of wetland disturbed. It is anticipated that the total compensation will be 0.306 acres mitigated. Compensation may comprise onsite restoration/creation, off-site restoration, preservation, or mitigation credits (or a combination of these elements).</p>	<p>City of Lathrop, USACE, CDFW</p>	<p>Prior to construction</p>	
		<p>City of Lathrop, USACE, and CDFW</p>	<p>Prior to construction</p>	

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.4-7: Adverse Effects on Riparian Habitat or Sensitive Natural Community</p>	<p>Mitigation Measure 3.4-5: The storm drainage outfall shall 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).</p> <p>Mitigation Measure 3.4-6: Prior to installation of the storm drainage outfall, compensate/replace for any disturbance to riparian habitat along the San Joaquin River in association with the storm drainage outfall. Compensation/replacement ratios shall be at a minimum ratio of 1 acre restored, created, and/or preserved for every 1 acre of riparian disturbed. The acreage impacted shall be calculated based on the final design of the storm drainage outfall. Compensation may comprise onsite restoration/creation, off-site restoration, preservation, or mitigation credits (or a combination of these elements).</p>	<p>City of Lathrop</p> <p>City of Lathrop</p>	<p>Prior to design approval of the outfall</p> <p>Prior to design approval of the outfall</p>	
<p>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</p>	<p>Mitigation Measure 3.4-7: The project applicant shall implement the following nonstructural BMPs that focus on preventing pollutants from entering stormwater:</p> <ul style="list-style-type: none"> • Pollution Prevention/Good Housekeeping <ul style="list-style-type: none"> ○ A spill response and prevention plan shall be developed as a component of (1) SWPPPs prepared for construction activities, (2) SWPPPs for facilities subject to the NPDES general Industrial Stormwater Permit, and (3) spill prevention control and countermeasure plans for qualifying facilities. ○ Streets and parking lots shall be swept at least once every two weeks. • Operation and Maintenance (O&M) of Treatment Controls <ul style="list-style-type: none"> ○ An Operation and Maintenance (O&M) Plan shall be developed for the storm drainage facilities to ensure long- 	<p>City of Lathrop</p>	<p>During Construction</p>	

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IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>term performance. The O&M plan shall incorporate the manufacturers' recommended maintenance procedures and include (1) provisions for debris removal, (2) guidance for addressing public health or safety issues, and (3) methods and criteria for assessing the efficacy of the storm drainage system. An annual report shall be submitted to the City certifying that maintenance of the facilities was conducted according to the O&M plan.</p> <p>Mitigation Measure 3.4-8: The project applicant shall implement the following structural BMPs that focus on preventing pollutants from entering stormwater, or alternative BMPs approved by the City of Lathrop:</p> <ul style="list-style-type: none"> Extended Detention Facilities: Extended detention refers to the facilities proposed for the Plan Area that would detain and temporarily store stormwater runoff to reduce the peak rates of discharge to the San Joaquin River. Detention of stormwater allows particles and other pollutants to settle and thereby potentially reduce concentrations and mass loading of contaminants in the discharge. Grassed Swales: A swale is a vegetated, open channel management practice designed to treat and attenuate stormwater runoff for a specified water quality volume. Stormwater runoff flowing through these channels is treated by being filtered through vegetation in the channel, through a subsoil matrix, and/or through infiltration into the underlying soils. Swales can be used throughout the SLSLP area where feasible in the landscape design to treat parking lot runoff. <p>Proprietary Devices: There are a variety of commercially available stormwater treatment devices designed to remove contaminants from drainage once flows enter the conveyance systems. StormFilter™ units, or</p>	City of Lathrop	During Construction	

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>equivalent filtration-type systems, are recommended within the commercial and industrial areas as the main structural BMP for these areas. Bioswales are also recommended for streets and parking areas. Drop inlet filters should also be used to control drainage runoff water quality.</p> <p>Mitigation Measure 3.4-9: The project applicant shall coordinate with state, federal, and local agencies prior to the 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. Avoidance measures should include species specific work windows to avoid spawning periods.</p>	City of Lathrop	Prior to Construction of Outfall	
CULTURAL RESOURCES				
<p>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</p>	<p>Mitigation Measure 3.5-1: If any cultural resources, including prehistoric or historic artifact, submerged resources or artifacts, or other indications of archaeological resources are found during grading and construction activities, all work shall be halted immediately within a 200-foot radius of the discovery until the an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the find(s).</p> <p>Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR; or 3) not a significant Public Trust Resource.</p> <p>If a potentially-eligible resource or a significant Public Trust Resource is encountered, then the archaeologist, lead agency, trustee agency, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. If a significant Public Trust Resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange coordinate with the trustee agency for the appropriate course of action given the facts and circumstances of the find. The determination</p>	City of Lathrop	During construction	

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IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>shall be formally documented in writing and submitted to the lead agency and trustee agency, if applicable, as verification that the provisions in CEQA for managing unanticipated discoveries have been met.</p> <p>If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Applicant's expense.</p>			
<p>Impact 3.5-3: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource</p>	<p>Mitigation Measure 3.5-2: If paleontological resources are discovered during the course of construction, work shall be halted immediately within 50 meters (165 feet) of the discovery, the City of Lathrop shall be notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it should be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where they could be curated and displayed for public education purposes.</p>	<p>City of Lathrop</p>	<p>During construction</p>	
<p>Impact 3.5-4: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries</p>	<p>Mitigation Measure 3.5-3: If human remains are discovered during the course of construction, work shall be halted at the site and any nearby area reasonably suspected to overlie adjacent human remains until the San Joaquin County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:</p> <ul style="list-style-type: none"> The coroner will contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner will make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains. 	<p>City of Lathrop and SJ County Coroner</p>	<p>During construction</p>	

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> • The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs: <ul style="list-style-type: none"> ○ The Native American Heritage Commission is unable to identify a descendant. ○ The descendant identified fails to make a recommendation. <p>The City of Lathrop or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p>			
GEOLOGY AND SOILS				
<p>Impact 3.6-2: Implementation of the proposed project may result in substantial soil erosion or the loss of topsoil</p>	<p>Mitigation Measure 3.6-1: Prior to clearing, grading, and disturbances to the ground such as stockpiling, or excavation, the Project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ). The SWPPP shall be designed with Best Management Practices (BMPs) that the RWQCB has deemed as effective at reducing erosion, controlling sediment, and managing runoff. These include: covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Sediment control BMPs, installing silt fences or placing straw wattles below slopes, installing berms and other temporary run-on and runoff diversions. These BMPs are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. Final selection of BMPs will be subject to</p>	<p>City of Lathrop and RWQCB</p>	<p>During construction</p>	

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IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.6-4: Potential for expansive soils to create substantial risks to life or property</p>	<p>approval by City of Lathrop and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.</p> <p>Mitigation Measure 3.6-2: Prior to earthmoving activities, a certified geotechnical engineer, or equivalent, shall be retained to perform a final geotechnical evaluation of the soils at a design-level as required by the recommendations contained in the Preliminary Geotechnical Report (Engco 2004) and the requirements of the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 related to expansive soils and other soil conditions. The evaluation shall be prepared in accordance with the standards and requirements outlined in 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 shall 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 shall be designed in accordance with the recommendations provided in the final geotechnical evaluation.</p>	<p>City of Lathrop</p>	<p>Prior to construction</p>	
<p>GREENHOUSE GASES AND CLIMATE CHANGE</p>				
<p>Impact 3-1: 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</p>	<p>Mitigation Measure 3.7-1: To reduce Greenhouse Gas Emissions and Energy Consumption, the project applicant shall institute measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, and maintenance/landscaping. As the individual projects are designed and undergo Design Review by the City of Lathrop, there should be an explanation as to why certain measures were incorporated in the individual projects and why other measures were dismissed.</p> <ul style="list-style-type: none"> • Increase transit accessibility in the Plan Area by ensuring a minimum distance of 0.2 miles to transit stops • Ensure that the pedestrian network within the Plan Area connects to offsite pedestrian networks 	<p>City of Lathrop</p>	<p>Throughout the project</p>	

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> • Provide traffic calming measures on all street segments and intersections • Implement a voluntary trip reduction program for all employees • Encourage telecommuting and alternative work schedules. Ensure that 10% of employees have a 9/80, 4/40, or telecommute 1.5 days/wk. • Provide a Ride Sharing Program for all employees • Exceed Title 24 by 15% • Install high efficiency lighting and appliance within all buildings • Apply a water conservation strategy to achieve a 15% reduction in indoor and outdoor water usage • Utilize the City's reclaimed water system to irrigate outdoor landscaping, including medians once available (i.e. installation recycled water infrastructure to the Plan Area) • Install low faucets, toilets, and showers as applicable • Use water-efficient irrigation systems throughout the Plan Area • Institute Recycling and Composting Services to achieve a 50% reduction in waste disposal • Plant 100 hardwood tree species within the overall landscaping for the Plan Area 			
HAZARDS AND HAZARDOUS MATERIALS				
<p>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</p>	<p>Mitigation Measure 3.8-1: A Soils Management Plan (SMP) shall be submitted and approved by the San Joaquin County Department of Environmental Health prior to the issuance of a grading permit. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. If surface staining is found to extend to a depth of more than six inches in soil, a hazardous waste specialist (Phase 2) shall be engaged to further assess the stained area. The approved SMP shall be posted and maintained onsite during construction activities and all construction personnel shall</p>	City of Lathrop and SJ County Environmental Health	Prior to bringing hazardous materials onsite	

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IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>acknowledge that they have reviewed and understand the plan.</p> <p>Mitigation Measure 3.8-2: Prior to the removal of or issuance of demolition permits for buildings built prior to 1980, the applicant shall hire a qualified consultant to perform a Phase 2 ESA to: 1) sample the soils for residual agrichemicals, 3) sample any areas that appear stained, and 32) investigate whether any of the buildings or facilities contain asbestos-containing materials and lead that could become friable or mobile during demolition activities. If toxic levels of residual agrichemicals are found, the contaminated soil shall be excavated from the site and disposed of at an off-site disposal facility designed to accept such waste. If any stained soils are found, the contaminated soil shall be excavated from the site and disposed of at an off-site disposal facility designed to accept such waste. If asbestos-containing materials and/or lead are found in the buildings, a Cal-OSHA certified ACBM and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. The ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility.</p> <p>Mitigation Measure 3.8-3: Prior to the issuance of grading permits or demolition permits, the project proponent shall perform a Phase 2 assessment in accordance with the recommendations provided in the Phase 1 ESAs. San Joaquin County Department of Environmental Health shall be notified by the project applicant if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during the Phase 2 assessment. Any contaminated areas shall be remediated by the project applicant in accordance with recommendations made by San Joaquin County Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control, or other appropriate federal, state, or local</p>	<p>City of Lathrop</p> <p>City of Lathrop and SJ County Environmental Health</p>	<p>Prior to demolition of buildings</p> <p>Prior to issuance of a grading permit</p>	

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>regulatory agencies.</p> <p>Mitigation Measure 3.8-4: Prior to the issuance of grading permits the septic tank and domestic water supply wells shall be upgraded or destructed under permit from the San Joaquin County Department of Environmental Health. Any destruction of these facilities shall be in accordance with the San Joaquin County Well Standards (San Joaquin County Ordinance Code Section 9-1115.6). The project applicant shall provide the City of Lathrop with a copy of the permit and a report or other information documenting the appropriate destruction of these facilities.</p> <p>Mitigation Measure 3.8-5: Prior to the commencement of a business operation that involves the transport, storage, use, or disposal of a significant quantity hazardous material within the Plan Area, the business owner shall submit a Hazardous Materials Business Plan (HMBP) for review and approval by the San Joaquin County Department of Environmental Health. The HMBP shall establish management practices for handling, storing, and disposal of hazardous materials, including fuels, paints, cleaners, solvents, pesticides, fertilizers, etc., during operations to reduce the potential for spills and to direct the safe handling of these materials if encountered. The HMBP shall also identify the appropriate area for mixing/loading pesticides and fertilizers and for fuel dispensing, which shall be separated to ensure safety. The areas shall be designed with spillage catchments such that any accidental spillage is prevented from entering waterways. The business owner shall also consult with the San Joaquin County Department of Environmental Health to ensure that the particular business operations are compliant with all local, state, and federal regulations relative to their operations (i.e. proper permits for the installation and use of an underground storage of hazardous substances (USTs)). The approved HMBP and any other permit deemed to be required in order to commence the specific business operations shall be maintained onsite and all personnel shall acknowledge that they have reviewed and understand the HMBP and any other permit requirements.</p>	<p>City of Lathrop and SJ County Environmental Health</p> <p>City of Lathrop and SJ County Environmental Health</p>	<p>Prior to issuance of a grading permit</p> <p>Prior to commencement of business operations that involve hazardous materials</p>	
HYDROLOGY AND WATER QUALITY				

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IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.9-5 The proposed project has the potential to otherwise substantially degrade water quality</p>	<p>Mitigation Measure 3.9-1: Prior to any activities that would require in-water construction activities in the San Joaquin River; the project applicant shall obtain a lease agreement from the California Lands Commission. The lease agreement shall 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 should 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.</p>	<p>City of Lathrop and California State Lands Commission</p>	<p>Prior to construction of the outfall</p>	
NOISE				
<p>Impact 3.12-5: The proposed project has the potential to increase stationary noise at sensitive receptors</p>	<p>Mitigation Measure 3.12-1: Proposed industrial uses which include extensive noise generating uses such as heavy trucking, outdoor manufacturing, or large ventilation systems (exhaust, dust collection, etc. other than HVAC systems) shall be reviewed by the City of Lathrop to ensure that exterior noise levels would not exceed the applicable San Joaquin County and City of Lathrop noise standards. The City shall prohibit the approval of a use that would cause an exceedance of the noise standards at a sensitive receptor. The specific development proposals within the Plan Area shall 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.</p>	<p>City of Lathrop</p>	<p>On-going</p>	
TRANSPORTATION AND CIRCULATION				
<p>Impact 3.14-1: Under Existing Plus Project Conditions, project implementation would result in a significant impact</p>	<p>Mitigation Measure 3.14-1: At the SR 120 / Yosemite Avenue interchange, the City of Lathrop in coordination with Caltrans will prepare a Project Study Report – Project Development Support (PSR-PDS) document. Implementation of the following mitigation measures would improve</p>			

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>at the SR 120/Yosemite Avenue unsignalized ramp-terminal intersections (#1 & 2)</p>	<p>operations at the SR 120/Yosemite Avenue Interchange ramp-terminal intersections to an acceptable level of service.</p> <p><u>Improvements needed to accommodate 50% Build-out of South Lathrop Specific Plan</u></p> <ol style="list-style-type: none"> 1. 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. 2. Widen the eastbound and westbound off-ramps to accommodate one shared through/left-turn lane and a separate right-turn lane. 3. Widen Guthmiller Road (south of SR 120) to four lanes to provide one through and one right turn lane on the northbound approach. 4. Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes (2 mixed-flow and 1 HOV) and ramp metering. <p><u>Improvements needed to accommodate 100% Build-out of South Lathrop Specific Plan are presented on Figure 3.14, and include the following.</u></p> <ol style="list-style-type: none"> 1. Widen the SR 120 undercrossing to four lanes with two through lanes and one left-turn lane on the northbound approach to the westbound ramp-terminal intersection and on the southbound approach to the eastbound ramp-terminal intersection. Tieback walls will be necessary to accommodate widening under SR 120 and will be identified as part of a PSR/PDS. 2. Install traffic signal control at both ramp-terminal intersections and provide coordinated signal operation. An evaluation of all 	<p>City of Lathrop and Caltrans</p>	<p>Prior to 50% Build-out</p>	
		<p>City of Lathrop and Caltrans</p>	<p>Prior to 100% Build-out</p>	

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IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.14-2: Under Existing Project Conditions, project implementation would add traffic to the Yosemite Avenue/Airport Way intersection and result in</p>	<p>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.</p> <ol style="list-style-type: none"> 3. Widen the eastbound and westbound off-ramps to accommodate one shared through/left-turn lane and a separate right-turn lane. 4. Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes (2 mixed-flow and 1 HOV) and ramp metering. <p>The City of Lathrop will participate with SIOG, the City of Manteca, and San Joaquin County in the preparation of a Corridor System Management Plan for SR 120 between Mossdale junction I-5 to south junction SR 99 as part of the Tier 1 SR 120 Widening Project from four to six lanes.</p> <p>In addition to the improvements identified above, the PSR/PDS will also include Intelligent Transportation System (ITS) alternatives that will provide emergency vehicle access in the event of an emergency or natural disaster. Alternatives may include either infra-red / GPS enabled traffic signal pre-emption and/or emergency vehicle access via locked gates.</p> <p>These two study intersections are under Caltrans jurisdiction. The City of Lathrop would be responsible for the intersection improvement, acquisition of right-of-way, and construction. However, Caltrans would serve as the approval agency for the design and construction of proposed interchange / intersection improvements.</p> <p>Mitigation Measure 3.14-2: The following mitigation measure would be required with completion and occupancy of 25% (1,072,000 square feet) of the proposed project's total development to improve operations at the Yosemite Avenue/Airport Way intersection to an acceptable level of service:</p>	<p>City of Lathrop</p>	<p>Prior to Buildout to 25%</p>	

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>unacceptable levels of service in the PM peak hour</p>	<ul style="list-style-type: none"> Add an eastbound right turn lane with a storage pocket of 200 feet. <p>This study intersection is in the City of Manteca. The City of Lathrop would be responsible for the intersection improvement, acquisition of right-of-way, and the construction of proposed intersection improvements.</p>			
<p>Impact 3.14-4: Under Existing Plus Project Conditions, project implementation would result in a significant impact to freeway facilities</p>	<p>Mitigation Measure 3.14-3: The following mitigation measures would potentially improve SR 120 operations to an acceptable level of service:</p> <ul style="list-style-type: none"> The project applicant shall 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 payment into the RTIF program does not guarantee that the lead agency will necessarily spend these developer fees on a specific improvement that mitigates a project impact. 	<p>City of Lathrop and Caltrans</p>	<p>Prior to occupancy</p>	
<p>Impact 3.14-6: The proposed project does not identify specific transit facilities (such as sheltered transit stops or pullouts)</p>	<p>Mitigation Measure 3.14-4: The project applicant shall incorporate bus turnouts and shelters into the preparation of the South Lathrop Specific Plan as required by the City's General Plan.</p>	<p>City of Lathrop</p>	<p>Prior to occupancy</p>	
<p>Impact 3.14-9: The proposed project could result in inadequate emergency vehicle access</p>	<p>Mitigation Measure 3.14-5: The project applicant has evaluated the ability to provide a secondary access point and has determined that the feasibility and cost are prohibitive. As part of Mitigation Measure 3.14-1, the PSR/PDS will also include Intelligent Transportation System (ITS) alternatives that will provide emergency vehicle access in the event of an emergency or natural disaster. Alternatives may include either infra-red / GPS enabled traffic signal pre-emption and/or emergency vehicle access via locked gates.</p>	<p>City of Lathrop and Caltrans</p>	<p>Initiate PSR-PDS process immediately following Specific Plan approval</p>	
<p>Impact 3.14-10: Under cumulative conditions, project implementation would</p>	<p>Mitigation Measure 3.14-6: At the SR 120 / Yosemite Avenue interchange, the City of Lathrop in coordination with Caltrans will prepare a Project Study Report – Project Development Support (PSR-PDS) document. The project</p>	<p>City of Lathrop and Caltrans</p>	<p>Initiate PSR-PDS process immediately</p>	

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IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>exacerbate levels of service at the SR 120/Yosemite Avenue ramp-terminal intersections (Intersections 1&2)</p>	<p>applicant shall pay its fair share toward improvements to the SR 120/Yosemite Avenue Interchange to the City of Lathrop, who will be the lead agency for the interchange improvement project. The project's fair share traffic contribution to these improvements is estimated to be 28 percent¹. The following mitigation measures as shown in Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:</p> <ol style="list-style-type: none"> 1. 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. 2. Widen the eastbound and westbound off-ramps to accommodate one left-turn lane, one shared through/left-turn lane and a separate right-turn lane. 3. Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes (2 mixed-flow and 1 HOV) and ramp metering. 4. Widen Yosemite Avenue (south of SR 120) to four lanes to provide two through and one right turn lane on the northbound approach. 5. Widen the SR 120 undercrossing to accommodate six lanes including two through lanes in each direction, two left-turn lanes on the northbound approach to the westbound ramp-terminal intersection and on the southbound approach to the eastbound ramp-terminal intersection. Tieback walls will be necessary to accommodate widening under SR 120. 		<p>following Specific approval Plan</p>	

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:
Fair Share Percentage = [Project Only Total Volume / (Cumulative Plus Project Total Volume – Existing County Volume)]
Fair Share Percentage = [1,923 / (8,490 – 1,672)] = 28 %

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.14-11: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service at the Lathrop Road/McKinley Avenue intersection</p>	<p>Relocate the westbound ramp-terminal intersection approximately 550 feet north of its current location to create an L-7 interchange configuration with a northbound Yosemite Avenue to westbound SR 120 loop on-ramp. The two lane loop on-ramp would be metered and would increase the westbound SR 120 weave distance between the Yosemite Avenue and the I-5 northbound and southbound ramps.</p> <p>The City of Lathrop will participate with SJCOG, the City of Manteca, and San Joaquin County in the preparation of a Corridor System Management Plan for SR 120 between Mossdale junction I-5 to south junction SR 99 as part of the Tier 1 SR 120 Widening Project from four to six lanes</p> <p>Mitigation Measure 3.14-7: The project applicant shall pay its fair share toward improvements to the City of Lathrop for the Lathrop Road/McKinley Avenue intersection, which is currently under construction and will be signalized by December 2014. The project's fair share traffic contribution to these improvements is estimated to be 0.8%. The following mitigation measure as shown in Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:</p> <ul style="list-style-type: none"> • Install traffic signal control; and • Provide for protected eastbound to southbound left-turn signal phasing. 	City of Lathrop and Caltrans	Prior occupancy to	
<p>Impact 3.14-12: Under cumulative conditions, project implementation would</p>	<p>Mitigation Measure 3.14-8: The project applicant shall pay its fair share toward improvements to the Louise Avenue/McKinley Avenue intersection. The project's fair share traffic contribution to this intersection is estimated to be 2.1 %³. The following mitigation measures as shown in Figure 3.14-13</p>	City of Lathrop	Prior occupancy to	

² 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:
Fair Share Percentage = [Project Only Total Volume / (Cumulative Plus Project Total Volume – Existing Count Volume)]

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

³ 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:

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IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>exacerbate cumulatively unacceptable levels of service at the Louise Avenue/McKinley Avenue intersection</p>	<p>would be necessary to provide acceptable operations under cumulative conditions:</p> <ul style="list-style-type: none"> • Widen the eastbound approach to add one EB left-turn lane and one EB right-turn lane. Restripe the shared left/through lane and shared through/right lane to two eastbound through lanes. • Widen the westbound approach to add one WB left-turn lane and one WB right-turn lane. Restripe the shared left/through lane and shared through/right lane to two westbound through lanes. • Widen the northbound approach to add an additional NB left-turn lane. <p>Optimize signals with protected left-turns signal phasing.</p>			
<p>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</p>	<p>Mitigation Measure 3.14-9: The project applicant shall pay its fair share toward improvements to the SR 120/Airport Way interchange and Airport Way/Daniels Street intersection. The project's fair share traffic contribution to these intersections is estimated to be 1.6 % and 1.1 %⁴, respectively. The following mitigation measures as shown in Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:</p> <p><u>SR 120/Airport Way Interchange</u></p> <ul style="list-style-type: none"> • Relocate the westbound ramp-terminal intersection approximately 180 feet south of its current location to create a tight interchange configuration, which will increase the spacing to the Airport Way/Daniels 	<p>City of Lathrop and Caltrans</p>	<p>Prior to occupancy</p>	

Fair Share Percentage = [Project Only Total Volume / (Cumulative Plus Project Total Volume – Existing Count Volume)]

Fair Share Percentage = [66 / (6,020 – 2,803)] = 2.1 %

⁴ 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:

Fair Share Percentage = [Project Only Total Volume / (Cumulative Plus Project Total Volume – Existing Count Volume)]

Fair Share Percentage = [134 / (14,770 – 6,452)] = 1.6 %, Fair Share Percentage = [44 / (7,980 – 4,022)] = 1.1 %

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.14-14: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service on SR 120 and I-5</p>	<p>Street intersection.</p> <ul style="list-style-type: none"> • Construct loop on-ramps. • Widen overcrossing to include two northbound and three southbound lanes. • Widen SR 120 eastbound and westbound off-ramps to include two left-turn lanes and two right-turn lanes. <p><u>Airport Way/Daniels Street</u></p> <ul style="list-style-type: none"> • Restripe the southbound approach to add a third through lane and restripe the northbound approach to add an exclusive right-turn lane. • Restripe the eastbound Daniels Street approach to include one left-turn, one shared left/through lane, and two right-turn lanes with right-turn overlap phasing. <p>The SR 120/Airport Way ramp-terminal intersections are under Caltrans jurisdiction and the Airport Way/Daniels Street intersection is under City of Manteca jurisdiction.</p>	City of Lathrop	Prior occupancy to	
<p>Impact 3.14-14: Under cumulative conditions, project implementation would exacerbate cumulatively unacceptable levels of service on SR 120 and I-5</p>	<p>Mitigation Measure 3.14-10: The project applicant shall 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 payment into the RTIF program does not guarantee that the lead agency will necessarily spend these developer fees on a specific improvement that mitigates a project impact.</p> <p>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</p>	City of Lathrop	Prior occupancy to	

4.0 MMRP

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>generate additional revenues through the Measure K sales, which helps fund SR 120 improvements.</p> <p>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 implementation of Mitigation Measure like 3.14-1. 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.</p>			
UTILITIES				
<p>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.</p>	<p>Mitigation Measure 3.15-1: Prior to occupancy of any building that would require wastewater treatment services, the project proponent shall secure adequate wastewater treatment capacity. 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, and 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 (Note: the expansion of</p>	City of Lathrop	Prior occupancy to	

IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<i>Lathrop Consolidated Treatment Facility to 1.56 mgd is permitted by the State under the existing waste discharge permit). Additionally, the project proponent would be required to install/connect the necessary collection/transmission infrastructure to ensure the appropriate treatment of all wastewater.</i>			

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