Final Environmental Impact Report

for the

Central Lathrop Specific Plan

SCH# 2003072132

Prepared for

City of Lathrop

Prepared by

EDAW

October 2004

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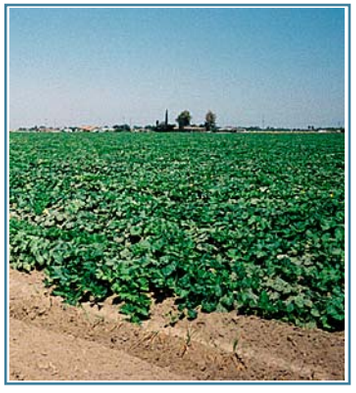

SCH# 2003072132

Prepared for

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916/414-5800

October 2004

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1 INTRODUCTION

1.1 OVERVIEW

On July 30, 2004, the City of Lathrop (City) distributed to public agencies and the general public a draft environmental impact report (DEIR) under the California Environmental Quality Act (CEQA) for the Central Lathrop Specific Plan (CLSP) project. The project applicant, Richland Planned Communities (Richland), is requesting approval of various discretionary entitlements in support of a mixed use residential/commercial development on approximately 1,521 acres immediately west and north of the existing corporate limits of the City of Lathrop. The CLSP area is bounded by I-5 on the east, the San Joaquin River on the west, the West Lathrop Specific Plan (WLSP) area and the current city limit line on the south, and the point where Squires Road would continue westward if it crossed I-5 on the north.

The area encompassed by the CLSP was originally planned for urban development as part of Sub-Plan Area #2 in the City of Lathrop General Plan (City General Plan) in 1991. The CLSP area is within the planning sphere of influence of the City of Lathrop but not within the existing city limits, and project approval would require the San Joaquin County Local Agency Formation Commission (San Joaquin LAFCO) to approve annexation of the specific plan area into the City in order for the project to be implemented.

In accordance with §15105 of the State CEQA Guidelines, a 45-day public review period was provided on the DEIR that ended on September 13, 2004. Thirteen letters were received providing comments on the document, several following the official close of the review period. In addition, consistent with the City's internal CEQA guidelines and as allowed by §15202 of the State CEQA Guidelines, a public meeting was held by the City of Lathrop Planning Commission on August 24, 2004, during which time the Planning Commissioners and the public were given the opportunity to provide oral comments on the DEIR.

This document responds to the written and oral comments received on the DEIR and has been prepared in accordance with §15089 and §15132 of the State CEQA Guidelines. It is divided into three chapters:

- Chapter 1, Introduction, provides an overview of the environmental review process and presents a summary of the proposed project and alternatives.
- Chapter 2, Comments and Responses to Comments on the DEIR, reproduces public comments received on the DEIR, including a transcript of the August 24, 2004 public meeting, and presents responses to those comments.
- Chapter 3, Revisions to the DEIR, identifies changes made to the DEIR in response to the comments.

This document and the DEIR together comprise the final EIR (FEIR).

1.2 SUMMARY DESCRIPTION OF THE PROPOSED PROJECT

The DEIR evaluated the proposed project as summarized below and as described in detail in Chapter 3 of the DEIR.

The proposed CLSP project includes 6,790 residential units at various densities, up to approximately 5 million square feet of office/commercial uses, a Main Street District, neighborhood and community parks, schools, and open space areas. Several off-site project elements could be located on land north or south of the 1,521-acre CLSP area. These off-site elements relate to possible construction of a second City of

Lathrop water recycling plant (WRP #2) and identification of land to be used for storage and disposal (via agricultural irrigation) of treated recycled water and to the siting of various utility lines. The project is divided into two phases: Phase 1, which encompasses approximately the southern two-thirds of the CLSP area, is estimated to be completed in 2010, and Phase 2, covering approximately the northern one-third of the plan area, is anticipated to reach buildout in 2020.

The land use plan proposed under the CLSP is a mixed-use development consisting of residential, commercial, public/civic, park, and open-space features. Most of the plan area is identified for residential development, with 6,790 housing units proposed in high-density (28.3 acres), variable-density (703.1 acres), and residential/mixed use (45.2 acres) designations. The variable-density (VR) designation generally encompasses the range of low and medium densities from the City General Plan (1–15 dwelling units per acre [du/ac]); with VR densities of 3–16 du/ac and an anticipated average density of 7.27 du/ac.

A central civic area at the Lathrop Road/Golden Valley Parkway intersection is designed to serve as a Main Street District, with public and civic uses, a Main Street–type commercial/mixed-use area, a neighborhood commercial area, and residential/mixed use areas that could accommodate shops at street level with high-density residential dwellings above. Land located between I-5 and Golden Valley Parkway would be designated for up to approximately 4.01 million square feet of office and commercial uses. Combined office and commercial space for all land uses would total up to approximately 4.99 million square feet. The northeast corner of the CLSP area has multiple designations (OC/VR/WWTP), allowing for office/commercial uses, residential units, and/or a wastewater treatment plant (i.e., a WRP); the final determination of the land use for this property would depend on development conditions and decisions made regarding wastewater treatment service.

The land use plan includes designations for a high school and three K–8 schools in the plan area. Various neighborhood parks are included in the land use plan, and a large community park area is proposed adjacent to the proposed high school location. A meandering greenbelt consisting of a community park, a trail, and open space areas would be created along the entire north-south extent of the San Joaquin River. Additional greenbelts, including trails, would follow along the west side of Golden Valley Parkway and a portion of the south side of Lathrop Road. These roadway greenbelts may also contain linear stormwater detention basins, and several of the neighborhood parks are identified as sites for potential multi-use stormwater detention basins. The multi-use basins would be managed in such a way as to serve as both park amenities and stormwater detention facilities.

Six WRP options were described in the DEIR as possible scenarios to serve development associated with the CLSP. As described in Chapter 2 of this FEIR and indicated in revisions to the text in Chapter 3, the six originally proposed options have been narrowed to the following three:

(1) WRP #2 North: a stand-alone WRP designed to provide an average 3 million gallons per day (mgd) of treatment capacity at the same site previously identified by the Riverwalk project for a WRP;

(2) WRP #2 On-site: a stand-alone WRP designed to provide an average 3 mgd of treatment capacity in the northeast portion of the CLSP area in the parcel identified as OC/VR/WWTP, the same location identified in the Lathrop Water, Wastewater, and Recycled Water Master Plan (referred to in this FEIR as the Water Master Plan) for WRP #2; and

(3) WRP #2 South: a stand-alone WRP designed to provide an average 3 mgd of treatment capacity on a parcel currently serving as spray fields for disposal of recycled water generated by WRP #1.

If the project is approved, one of these three WRP options would eventually be selected for implementation by the City. That decision is not part of the project approval process; however, and would not take place before the City Council determines whether to approve the project.

Under the proposed project, the entire CLSP area would be annexed into the City, thus becoming part of the City of Lathrop. Most of this area is owned by or under contract to Richland. Lands owned by or under contract to Richland are also included in the project development proposal. Other lands in the CLSP area would also be annexed into the City and would be subject to proposed City zoning, but are not necessarily subject to the current development proposal.

1.3 ENTITLEMENTS

The following list identifies the entitlements requested from the City for the CLSP project; unless otherwise specified, the entitlements pertain to the project in its entirety:

- adoption and implementation of the CLSP;
- amendments to the City of Lathrop General Plan;
- amendments to the Lathrop Water, Wastewater, and Recycled Water Master Plan;
- annexation of the CLSP area to the City (in conjunction with the San Joaquin LAFCO);
- annexation of off-site recycled water storage and disposal sites to the City (in conjunction with the San Joaquin LAFCO);
- annexation of an off-site WRP location if the WRP #2 North option is selected (in conjunction with the San Joaquin LAFCO);
- cancellation of Williamson Act contracts;
- adoption of the Lathrop Center Plan;
- amendment to the Bicycle Transportation Master Plan;
- Large Lot Tentative Map;
- amendment of the City's Municipal Code; and
- approval of a development agreement between the City and the applicant.

The applicant (Richland) is requesting these approvals to accommodate proposed development on lands it controls (i.e., lands owned or under contract). However, some approvals would apply to all lands in the CLSP area (e.g., adoption of the CLSP, amendments to the City of Lathrop General Plan). It is anticipated that the City will also rely on this EIR without further environmental review, to the degree appropriate and permissible under CEQA, for approval of other future discretionary entitlements and permits (e.g., small lot tentative subdivision maps, design review approvals, use permits).

1.4 PERMITS AND APPROVALS

The following permit and other approval actions are likely to be required before implementation of individual elements of the proposed project.

1.4.1 FEDERAL ACTIONS/PERMITS

- National Oceanic and Atmospheric Administration, National Marine Fisheries Service: federal Endangered Species Act consultation and issuance of take authorization
- U.S. Army Corps of Engineers (USACE): Section 404 Clean Water Act permit for discharge or fill of waters of the United States
- U.S. Fish and Wildlife Service: federal Endangered Species Act consultation and issuance of take authorization

1.4.2 STATE ACTIONS/PERMITS

- California Department of Education: approval of new school sites for which state funding is sought
- California Department of Fish and Game: potential California Endangered Species Act consultation and issuance of take authorization (Fish and Game Code §2081), streambed alteration agreement (Fish and Game Code §1602)
- California Department of Health Services: permit for land application of recycled water
- California Department of Transportation—District 10: encroachment permit for construction of facilities that could affect a state highway or right of way
- California Department of Water Resources (State Reclamation Board): encroachment permit to work on or adjacent to levees
- California State Lands Commission: lease agreement/permit for proposed stormwater outfall in the San Joaquin River
- California Public Utilities Commission: approval for overhead transmission line
- Regional Water Quality Control Board—Central Valley Region 5: National Pollutant Discharge Elimination System construction stormwater permit (Notice of Intent to proceed under General Construction Permit), discharge permit for stormwater, potential discharge permit for wastewater, general order for dewatering, Section 401 Clean Water Act certification or waste discharge requirements, recycled water permit, review of recycled water storage pond design

1.4.3 REGIONAL/LOCAL ACTIONS/PERMITS

- Reclamation District No. 17: encroachment permit to work on or adjacent to levees
- San Joaquin County: roadway encroachment permit
- San Joaquin County Environmental Health Department: building, grading, and demolition permits for existing water wells and septic tanks

- San Joaquin LAFCO: annexation of CLSP area to the City of Lathrop, annexation of various recycled water storage and disposal sites to the City of Lathrop, potential annexation of a WRP site to the City of Lathrop, annexation of the project site into various service districts

- San Joaquin Valley Unified Air Pollution Control District: authority to construct, permit to operate, health risk assessment (all for individual development projects in the CLSP area triggering review and permit requirements).

1.5 PROJECT ALTERNATIVES

The DEIR evaluated three alternatives to the proposed project as listed below and as described in their entirety in Chapter 8 of the DEIR:

- No Project Alternative,
- Reduced Development (Phase 1 Only) Alternative, and
- Reduced Development/Environmentally Constrained Alternative.

2 COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR

2.1 LIST OF COMMENTERS

Thirteen letters were received on the draft environmental impact report (DEIR) during and within 2 weeks after the public comment period, and members of the public and the planning commissioners provided oral comments on the DEIR during the August 24, 2004 Planning Commission meeting. The list of commenters on the DEIR, along with the topic of each comment, is presented in Table 2-1. Each letter and comment has been assigned a letter/number designation for cross-referencing purposes (for example, the first state agency letter is Letter S1). The comment letters and public meeting transcript and the responses to the substantive environmental issues raised in those letters and the transcript are presented in Section 2.2.

Table 2-1
Comments Received on the DEIR

Letter/ Meeting	Commenter	Date Received	Comment Number	Comment Topic(s)
LETTER COMMENTS				
FEDERAL AGENCIES				
F1	U.S. Fish and Wildlife Service Chris Nagano, Deputy Assistant Field Supervisor, Endangered Species Program	August 31, 2004	F1-1	Riparian brush rabbit – alternatives
			F1-2	Riparian brush rabbit – take
			F1-3	San Joaquin Multispecies Habitat Conservation and Open Space Plan
			F1-4	Endangered species consultation
STATE AGENCIES				
S1	California Department of Transportation Tom Dumas, Chief, Office of Intermodal Planning	September 13, 2004	S1-1	Traffic impact assumptions
			S1-2	Anomalies in CLSP traffic growth
			S1-3	Golden Valley Parkway
			S1-4	Project growth estimates
			S1-5	Collection of traffic impact fees
			S1-6	Roth Road/ I-5 northbound ramp
			S1-7	Buildout year
			S1-8	Roth Road/I-5 intersection mitigation
			S1-9	Roth Road/I-5 intersection mitigation
			S1-10	Louise Avenue/I-5 intersection mitigation
			S1-11	Louise Avenue/I-5 ramp configuration
			S1-12	Roth Road/I-5 intersection configuration

Table 2-1 Comments Received on the DEIR				
Letter/ Meeting	**Commenter**	**Date Received**	**Comment Number**	**Comment Topic(s)**
			S1-13	Roth Road/I-5 intersection configuration
			S1-14	Roth Road/I-5 intersection configuration
			S1-15	Roth Road/I-5 intersection configuration
			S1-16	Louise Avenue/I-5 intersection configuration
			S1-17	Louise Avenue/I-5 intersection configuration
			S1-18	Louise Avenue/I-5 intersection configuration
			S1-19	Project Study Report (PSR) for Roth Road, Lathrop Road, and Louise Avenue
			S1-20	PSR for project impacts
			S1-21	Traffic impact fees
			S1-22	Impacts and mitigation addressed
			S1-23	Park and Ride facilities
			S1-24	Bus service and routes
			S1-25	Bicycle map
			S1-26	Bicycle Master Plan
S2	State Clearinghouse Terry Roberts, Director	September 14, 2004	S2-1	Transmittal letter at close of comment period
S3	California Department of Conservation, Division of Land Resource Protection Dennis J. O'Bryant, Acting Assistant Director	September 16, 2004	S3-1	Discrepancy in acreage under contract
			S3-2	Open space acreage may require termination
			S3-3	Notification of cancellation
			S3-4	Termination of Williamson Act contract
			S3-5	Annexation
			S3-6	Land remaining under contract
			S3-7	Mitigation measures
S4	Delta Protection Commission Margit Aramburu, Executive Director	September 20, 2004	S4-1	Land use mapping, Secondary Zone areas
			S4-2	Housing needs
			S4-3	Levee stability
			S4-4	Flood protection
			S4-5	Park and recreation facilities
			S4-6	Ag land annexation

Table 2-1 Comments Received on the DEIR				
Letter/ Meeting	**Commenter**	**Date Received**	**Comment Number**	**Comment Topic(s)**
			S4-7	Identify uses of lands to the west, impacts
			S4-8	Natural gas sources
			S4-9	Identify ag land buffers
			S4-10	Storm and wastewater facilities
			S4-11	Aquatic habitat and recreational impacts
			S4-12	Additional recreational facilities
			S4-13	Identify funding sources for new recreation facilities
			S4-14	Current levee information
LOCAL AGENCIES				
L1	San Joaquin County Environmental Health Department Al Olsen, Program Manager	September 13, 2004	L1-1	Wastewater treatment plants adjacent to San Joaquin River
			L1-2	Required permits
			L1-3	Terminology
L2	San Joaquin Valley Air Pollution Control District Cynthia Echavarria, Central Region	September 14, 2004	L2-1	Nonattainment area for ozone and PM10
			L2-2	Regulation VIII (Fugitive PM10 Prohibitions)
			L2-3	Permit to Operate, Authority to Construct
			L2-4	Additional measures to reduce construction emissions
			L2-5	Diesel particulate emissions
			L2-6	Additional measures to reduce air quality impacts
			L2-7	Agricultural burning
			L2-8	Odors (Rule 4102, Nuisance)
			L2-9	Rule 4002 for demolition of asbestos-containing building materials
L3	Stanislaus County Environmental Review Committee W. Richard Jantz, Senior Management Consultant	September 24, 2004	L3-1	Inadequate mitigation for traffic
			L3-2	Growth-inducing impacts/traffic
			L3-3	SR 132 increased traffic
L4	Manteca Unified School District	September 22, 2004	L4-1	Receipt of CLSP

Table 2-1 Comments Received on the DEIR				
Letter/ Meeting	**Commenter**	**Date Received**	**Comment Number**	**Comment Topic(s)**
ORGANIZATIONS				
O1	Sierra Club, Mother Lode Chapter Eric Parfrey, Chair	September 13, 2004	O1-1	Failure to mitigate for loss of agricultural land and cancellation of Williamson Act contracts
			O1-2	Poor record of SJCOG in acquiring easements
			O1-3	Central Valley Farmland Trust
			O1-4	Cancellation findings
O2	Pacific Gas and Electric Company Michael Gunby, Land Project Analyst	September 13, 2004	O2-1	Need for substation in project area
			O2-2	Impacts of substation less than significant
O3	River Islands at Lathrop Susan E. M. Dell 'Osso, Project Director	September 20, 2004	O3-1	WRP #2 options
INDIVIDUALS				
I1	Jeffrey C. Reedy Dorinda Reedy	September 1, 2004	I1-1	General
			I1-2	Treatment of recycled wastewater
			I1-3	Health hazard, odor from air
			I1-4	Well contamination
			I1-5	Monitoring of well
			I1-6	Recourse
			I1-7	Effects on property value
			I1-8	Approval of subdivision
			I1-9	Duration of water recycling
			I1-10	Wastewater treatment plant location
COMMENTS MADE AT AUGUST 24, 2004 PUBLIC MEETING				
PM	Transcript of public meeting on the draft EIR	August 24, 2004	PM-1	EIR not adhered to
			PM-2	Limit number of houses
			PM-3	WWTP
			PM-4	Additional water treatment
			PM-5	Water cost
			PM-6	Price of mitigation
			PM-7	How many schools
			PM-8	Who pays for new schools/land
			PM-9	Stick to EIR
			PM-10	Sewage plant location
			PM-11	Well contamination

Table 2-1 Comments Received on the DEIR				
Letter/ Meeting	**Commenter**	**Date Received**	**Comment Number**	**Comment Topic(s)**
			PM-12	Lack of public awareness of upcoming development
			PM-13	Wastewater
			PM-14	Wastewater
			PM-15	Tax increases
			PM-16	Slower development
			PM-17	Anti-development
			PM-18	Northern WWTP oversight
			PM-19	WWTP location
			PM-20	Insufficient public services
			PM-21	New high school
			PM-22	Affordable housing
			PM-23	Property for schools
			PM-24	Water storage ponds
			PM-25	1997 flood levee failure
			PM-26	Name of fire district

Several comment letters were received from 1–2 weeks after the close of the 45-day public comment period on September 13, 2004. CEQA does not require that letters received after the close of the comment period be addressed in the FEIR. However, because the City wishes to be responsive to the concerns of agencies and the public relating to the DEIR, the City is including these letters and voluntarily providing responses to comments on any significant environmental issues they contain.

2.2 WRITTEN AND ORAL COMMENTS AND RESPONSES

The written and oral comments received on the DEIR and the responses to those comments are provided in this section. All comment letters and the public meeting transcript are reproduced in their entirety, and each is followed by responses to comments on substantive environmental issues.

F1

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In reply refer to:
1-1-04-TA-2409

Mr. Bruce Coleman
Community Development Director
Community Development/Planning Department
City of Lathrop
16775 Howland Road
Lathrop, CA 95330

Subject: Draft Environmental Impact Report (State Clearinghouse #2003072132) for the Central Lathrop Specific Plan, San Joaquin County, California

Dear Mr. Coleman:

This is in response to your request to the U.S. Fish and Wildlife Service (Service) to review and provide comments on the above referenced draft Environmental Impact Report (DEIR). Your letter was received by this Field Office on August 3, 2004. We are concerned about the potential adverse effects of this project on the endangered riparian brush rabbit (*Syvilagus bachmani riparius*) and other listed species. Our comments and recommendations are made under the authority of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*).

It is our understanding the proposed project is located on approximately 1,521 acres adjacent to the corporate limits of the City of Lathrop, and encompasses land to the west of Interstate 5, east of the San Joaquin River, north of the City of Lathrop's West Lathrop Specific Plan, and south of Squires Road. The proposed mixed-use development will consist of residential, commercial, public/civic, park, and open-space features.

Our specific concerns relate to the potential impacts of the project on the endangered riparian brush rabbit. This species is critically endangered, represented by only three natural populations, two of which occur throughout remnant riparian habitat on private lands near and within the proposed project site. The DEIR stated rabbits were captured within the Central Lathrop Specific Plan area. The South Delta population is the source population for an ongoing captive breeding program, which is a critical component of recovery efforts for this animal by several agencies and organizations. With increasing development in the Lathrop area, riparian brush rabbit habitat will become further fragmented and the species will be exposed to indirect threats from local population growth, such as predation from dogs, cats, and black rats, changes in hydrological patterns, and increased risk of fire due to greater human access to riparian areas. The Service recommends the adoption of Alternative 8.3.3, Reduced Development/Environmentally

F1-1

Constrained Alternative because it will most likely minimize the potential for take of the rabbit, relative to the other alternatives. This alternative likely offers greater protection to the riparian brush rabbit through the reduction of access by humans, cats, dogs, and other domestic pets to the habitat of this listed animal, and through the creation of a large, naturally-vegetated habitat corridor, while maintaining the goals and objectives of the proposed project.

F1-1 Cont.

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct) of listed species of fish or wildlife without a special exemption. Harass is defined as an intentional or negligent act that creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Harm is defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering.

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of this project, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required if it is determined that the proposed project may affect a federally-listed species. Such consultation would result in a biological opinion that addresses anticipated effects of the project to listed and proposed species and may authorize a limited level of incidental take. If a Federal agency is not involved with the project, and federally-listed species may be taken as part of the project, then an "incidental take" permit pursuant to section 10 of the Act should be obtained. The Service may issue such a permit upon completion by the permit applicant of a satisfactory conservation plan for the listed species that would be affected by the project.

F1-2

The San Joaquin Multiple Species Conservation Plan addresses mitigation and minimization measures for 44 covered species and a maximum of 109,302 acres of their habitats converted by activities covered under this incidental take permit. The endangered riparian brush rabbit is not a covered species under the San Joaquin Multiple Species Conservation Plan. Take of the threatened giant garter snake (*Thamnophis gigas*) likely will result from the proposed Central Lathrop Specific Plan; this reptile is not a covered species where the animal has been trapped. We also are concerned about the potential adverse effects on the threatened delta smelt (*Hypomesus transpacificus*) and the threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). The DEIR lacks the level of information that is necessary for an adequate review by the Service.

F1-3

We recommend the City of Lathrop and/or the applicant contact us regarding the potential adverse effects of this proposed project on the endangered riparian brush rabbit, threatened giant garter snake, threatened delta smelt, and the threatened valley elderberry longhorn beetle, and the appropriate conservation measures that should be implemented to obtain authorization for incidental take for these federally listed animals.

F1-4

If you have any questions regarding this response, please contact Amy Welsh or Susan Jones of this Field Office at the letterhead address or at telephone 916/414-6630. Please refer to File Number 1-1-04-TA-2409 in any future correspondence.

Sincerely,

Chris Nagano
Deputy Assistant Field Supervisor
Endangered Species Program

cc:
Michael Finans ,U.S. Army Corps of Engineers, Sacramento, California
Dan Gifford, California Department of Fish and Game, Lodi, California
Patrick Kelly, Endangered Species Recovery Program, Turlock, California
Sean Bechta, EDAW, Sacramento, California

Letter
F1
Response

U.S. Fish and Wildlife Service
Chris Nagano, Deputy Assistant Field Supervisor, Endangered Species Program
September 7, 2004

F1-1 The commenter expresses specific concerns regarding potential impacts to riparian brush rabbit from the proposed project. The commenter recommends adoption of the Reduced Development/Environmentally Constrained Alternative because the alternative would likely minimize the potential for take, relative to the other alternatives, while maintaining many of the goals and objectives of the proposed project. This comment is noted and the recommendation will considered by the Lathrop City Council and Planning Commission during their evaluation of the EIR and consideration of the project. The Lathrop City Council will make the ultimate determination as to whether the Reduced Development/Environmentally Constrained Alternative is feasible within the meaning of CEQA. It should be noted that Mitigation Measure 4.14-q in the DEIR substantially lessens significant impacts to riparian brush rabbit under the proposed project.

F1-2 The commenter provides information regarding federal Endangered Species Act (ESA) regulations, including the definition of take and potential mechanisms for obtaining incidental take authorization. These regulations are considered in the DEIR and are described on page 4.14-1. Where impacts and mitigation measures in the DEIR relate to the potential take of species listed as threatened or endangered under the federal Endangered Species Act, the description of impacts and provision of mitigation measures are consistent with the requirements of the ESA.

F1-3 The commenter discusses the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and indicates that riparian brush rabbit is not covered by plan. The City assumes that, by this statement, the commenter means to emphasize that the SJMSCP does not provide any mitigation strategy for the riparian brush rabbit other than avoidance of impacts to its habitat. Mitigation Measure 4.14-q acknowledges that the SJMSCP requires full avoidance of known occupied riparian brush rabbit habitat. Because full avoidance of occupied riparian brush rabbit habitat consistent with the requirements of the SJMSCP is not likely to be feasible in the CLSP area, Mitigation Measure 4.14-q requires consultation with the USFWS consistent with the requirements of the federal ESA. The measure suggests a host of potential strategies for achieving adequate mitigation, including conducting preconstruction surveys, conducting daily surveys of construction areas, installing exclusion fencing to prevent brush rabbits from entering construction areas, and allowing trapping of riparian brush rabbits at the project site in support of the USFWS captive breeding program to establish new populations in appropriate habitat. These measures to minimize direct take in conjunction with compensation for adverse effects are anticipated to avoid a net reduction in the number of riparian brush rabbits. The City notes that the commenter is silent with respect to the efficacy of these proposed measures, and thus does not criticize them specifically.

The commenter also states that take of giant garter snake is likely to occur as a result of project implementation and that this species is not covered by the SJCMSC at locations where it has been trapped. No information is provided by the commenter to support the statement that take of giant garter snake is likely to occur. As discussed on page 4.14-23 of the DEIR, based on field studies and reviews of available literature conducted in support of the DEIR, it was concluded that giant garter snake is unlikely to occur on the project site; therefore, no direct take of this species is likely to occur. However, it is acknowledged that the project would result in loss of suitable (if unoccupied) habitat for giant garter snake. Because giant garter snake has not been documented

on the project site and is not expected to occur, removal of potential habitat for the species is anticipated to be covered under the SJMSCP in this circumstance. Avoidance and minimization measures included in the SJMSCP related to impacts on giant garter snake habitat are included in Mitigation Measure 4.14-d. These measures include the following means of avoiding and minimizing the potential for incidental take of giant garter snake:

(1) Construction within 200 feet of suitable aquatic habitat for giant garter snake shall occur during the active period for the snake, between May 1 and October 1. Between October 2 and April 30, the Joint Powers Authority, with the concurrence of the permitting agencies' representatives on the Technical Advisory Committee, shall determine whether additional measures (e.g., daily presence/absence surveys, exclusion fencing) are necessary to minimize and avoid take.

(2) Preconstruction surveys for the giant garter snake shall be conducted within 24 hours of ground disturbance.

(3) Vegetation clearing within 200 feet of the banks of potential giant garter snake aquatic habitat shall be limited to the minimal area necessary.

(4) The movement of heavy equipment within 200 feet of the banks of potential giant garter snake aquatic habitat shall be confined to existing roadways as much as practicable to minimize habitat disturbance.

(5) Before ground disturbance, all onsite construction personnel shall be given instruction regarding the presence of the giant garter snake and the importance of avoiding impacts on this species and its habitats.

(6) In areas where wetlands, irrigation ditches, or other potential giant garter snake habitats are being retained on the site and are within 200 feet of an active construction area:

    a. Temporary fencing or other obvious markers shall be installed around potential garter snake habitat;

    b. Working areas, spoils and equipment storage, and other project activities shall be restricted to areas outside of potential garter snake habitat; and

    c. Water quality shall be maintained and construction runoff into wetland areas shall be limited through the use of hay bales, filter fences, vegetative buffer strips, or other accepted equivalents.

Mitigation Measure 4.14-d further requires that other provisions of the USFWS Standard Avoidance and Minimization Measures during Construction Activities in Giant Garter Snake Habitat (USFWS 1997) be implemented (excluding programmatic mitigation ratios, which are superceded by the SJMSCP's mitigation ratios).

The commenter expresses concern regarding potential adverse effects to delta smelt and valley elderberry longhorn beetle. Potential adverse effects to these species are discussed on pages 4.15-20 to 4.15-22 (delta smelt) and 4.14-22 (valley elderberry longhorn beetle) of the DEIR. Mitigation measures for special-status fish species, including Delta smelt, are provided in Section 4.15, Fisheries. Specifically, Mitigation Measure 4.15-c addresses impacts that might result from "degradation of aquatic habitat from construction of the proposed stormwater outfall." The

measure would require the project applicant, possibly through a permitting process conducted by a federal agency (e.g., the U.S. Army Corps of Engineers [USACE]), to consult with NOAA Fisheries and USFWS regarding the design of the proposed outfall station. If required by NOAA Fisheries and/or USFWS, incidental take permits would be acquired before installation of the outfall station. Permits from the USACE related to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act would also be obtained as necessary and all permit requirements would be implemented. Project engineers would design the proposed outfall consistent with the NOAA Fisheries Guidelines for Salmonid Passage at Stream Crossings (2000). In addition, with implementation of Mitigation Measure 4.15-c, the following actions would have to be implemented:

- Remove the minimum amount of vegetation on the levee to accommodate the outfall facility.

- All trees and shrubs that are removed and that shade the San Joaquin River (SJR) shall be replaced. Conceivably, through careful siting of the outfall and various construction practices, most impacts to these canopy species could be avoided. However, any loss of canopy vegetation shall be compensated for by replacement plantings on the river side of the levee on the project site. Each tree or shrub impacted shall be replaced with three trees or shrubs of the same species, or a California native equivalent. Plantings shall have a temporary irrigation system that shall be maintained a minimum of three years or until the planted trees/shrubs are established. Trees/shrubs shall be planted in the fall, no later than one year after the outfall station is installed, but not before water and electricity is available for the temporary irrigation system.

- Flap gates, tide flux valves, or similar equipment shall be installed on each outfall pipe.

- Implement erosion control best management practices (BMPs) during construction. These measures include: (1) revegetation before the rainy season of all barren soils resulting from the outfall construction or any other construction-related activities if the barren areas could contribute silt runoff into the SJR; (2) keep silt and silt laden water from entering the SJR during the construction period (including isolating the outfall work area [i.e., dewatering the work area] from the SJR via construction of a sheet pile wall or similar barrier if needed), pumping silt-laden waters in the isolated work area to a desiltation basin on the land side of the levee; and (3) collection and disposing of silt and water collected in the desiltation basins to land (i.e., use as soil supplements, irrigation water, etc.).

- Restrict construction activity within the river side of the levee to periods when migrating anadromous fish would not be expected to be in the SJR near the project site based on consultation with NOAA Fisheries.

- Construct the outfall to follow the topographic contour of the existing levee so as to not reduce the original volume of the SJR.

- Remove all surplus material in the channel upon completion of the outfall.

- No curing concrete shall have contact with SJR waters. Allow any concrete material installed below the water line of the river to cure a minimum of 30 days without an appropriate sealer, or 7 days with an appropriate sealer, prior to coming in contact with SJR waters.

- Restrict all equipment refueling and maintenance to designated containment areas below the outside wall (non-river side) of the levee.

Valley elderberry longhorn beetle (VELB) is covered by the SJMSCP and avoidance and minimization measures for this species included in the SJMSCP are provided in Mitigation Measure 4.14-c. This measure summarizes and clarifies the SJMSCP incidental take avoidance and minimization measures for VELB as follows:

(1) Before project construction, a survey shall be conducted in areas where elderberry shrubs could occur within 50 feet of construction areas, including along the banks of the San Joaquin River and along the levee.

(2) For all shrubs that are to be retained on the project site, a setback of 20 feet from the dripline of each elderberry shrub found during the survey shall be established. Brightly colored flags or fencing shall be used to demarcate the 20-foot setback area and shall be maintained until project construction in the vicinity is complete. No construction activities shall occur within the setback area.

(3) For all shrubs without evidence of VELB exit holes that cannot be retained on the project site, all stems of 1 inch or greater in diameter at ground level shall be counted. Compensation for removal of these stems shall be provided in SJMSCP preserves as provided in SJMSCP Section 5.5.4(B). This is designed to avoid a net reduction in the number of VELB by requiring establishment of three new plants for each stem over 1 inch in diameter that would be removed.

(4) All shrubs with evidence of VELB exit holes or other evidence of VELB occupation that cannot be retained in the project area shall be transplanted to VELB mitigation sites during the dormant period for elderberry shrubs (November 1 to February 15). For elderberry shrubs displaying evidence of VELB occupation that cannot be transplanted, compensation for removal of shrubs shall be provided in accordance with SJMSCP Sections 5.5.4(B and C). This is designed to avoid a net reduction in the number of VELB by requiring establishment of six new plants for each stem over 1 inch that displays evidence of VELB occupation but cannot be transplanted.

The commenter states that the DEIR lacks the level of information necessary for an adequate review by the USFWS, but does not explain what issues are not sufficiently addressed. The City respectfully disagrees. The DEIR is intended to, and does, provide sufficient information to assess project impacts and identify mitigation measures and alternatives as required by CEQA. For species covered by the SJMSCP, the DEIR provides adequate information to determine whether the SJMSCP is applicable and whether use of the plan is appropriate as a mitigation measure. For species listed as threatened or endangered under the federal ESA that are not covered by the SJMSCP, the DEIR identifies that consultation with the USFWS would be required, consistent with the ESA, and proposes specific measures that can be adopted to substantially lessen or avoid significant impacts that might be required as a result of such consultation. Additional detail, beyond that already provided in the DEIR, can be provided to the USFWS as needed to meet any requirements of the federal ESA as part of the formal consultation process.

F1-4 The USFWS recommends that the City of Lathrop and/or the project applicant contact the USFWS regarding potential adverse effects to riparian brush rabbit, giant garter snake, delta smelt, and VELB and that appropriate measures be implemented to obtain incidental take authorization for these species. Although the City believes that it has adequately identified effects and proposed measures, the City of Lathrop and/or project applicant understand that they need to consult with the USFWS regarding riparian brush rabbit and delta smelt, as described in

Mitigation Measures 4.14-q and 4.15-c, respectively. Appropriate conservation measures will be determined during the consultation process and incidental take authorization for these two species will be obtained, if necessary. The City of Lathrop and/or project applicant will also discuss potential effects to giant garter snake and VELB with the commenter. However, these species are anticipated to be covered under the SJMSCP. Conservation measures for giant garter snake and VELB will be implemented, in accordance with the SJMSCP, and additional consultation and incidental take authorization for them is not anticipated to be required.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

S1

DEPARTMENT OF TRANSPORTATION
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September 13, 2004

10-SJ-I-5 PM R17.516
DEIR **SCH # 2003072132**
Central Lathrop Specific Plan

Bruce Coleman
City of Lathrop
16775 Howland Road, Suite 1
Lathrop, CA 95330

Dear Mr. Coleman:

Thank you for the opportunity to review the Central Lathrop Specific Plan Draft Environmental Impact Report (DEIR) for the City of Lathrop. The project is located within the City's Sphere-of-Influence, in the unincorporated area of San Joaquin County, north of the city limits, east of the San Joaquin River, and west of Interstate 5.

As part of the Intergovernmental Review process, we have routed this plan to our Functional Units for review:

Travel Forecasting

- The Travel Forecasting information, including the Trip Generation and Distribution assumptions used to study impacts from the DEIR for the Central Lathrop Specific Plan (CLSP) project appear reasonable. However there appears to be some inconsistency in the associated trip assignments, related impacts and proposed mitigation. Although the proposed mitigation appears to be appropriate to reduce impacts to be less than significant, they do not appear to correspond to the impacts from the CLSP. As an example, on pages 2-25 and 2-26/Table 2.1, proposed improvements include the addition of a westbound (WB) to southbound (SB) left turn lane and an eastbound (EB) to northbound (NB) right-turn lane. Although these are improvements, they appear to be unrelated to trips that would be logically distributed and assigned to or from the CLSP area. Please clarify or provide documentation that supports these inconsistencies. S1-1

- In the CLSP Volume II: Technical Appendices, the following example presents anomalies in the traffic growth from the CLSP. Please clarify or include some discussion on these traffic anomalies that may occur due to the proposed land uses. S1-2

Interstate 5 / Louise Avenue Interchange

Southbound Off-ramp Intersection #14 SB to WB	Northbound On-ramp Intersection #15 EB to NB	
0 (9)	4 (3)	Existing (Fig. 8)
10 (15)	6 (202)	Existing + Phase I (Fig. 15)
11 (14)	6 (218)	Existing + Project Build Out (Fig. 16)
(Note: No significant increase over Exist. + Phase I)		
180 (162)	101 (202)	2010 w/o Project (Fig. 17)
152 (136)	100 (208)	2010 w/ Phase I (Fig. 18)
(Note: No significant increase over 2010 w/o Project)		
1639 (908)	583 (1007)	2025 w/o Project (Fig. 19)
1624 (938)	601 (1373)	2025 w/ Project (Fig. 20)

S1-2 Cont.

- What are the assumptions on timing, completion, and the extent of the Golden Valley Parkway? What are the effects of a Golden Valley Parkway "No Build" scenario on this project.

S1-3

District 10 Planning staff will continue to monitor the information presented in the DEIR for the Central Lathrop Specific Plan, specifically the project growth estimates, in our cumulative development database and will include or reference the information in all future traffic impact analyses for Caltrans or other local development projects. Project impacts from this as well as other associated development projects will be re-evaluated at the time a site-specific Encroachment Permit Project Study Report (PSR) and approved Project Report – Environmental Document requires a complete traffic study.

S1-4

In the interim, your local jurisdiction should calculate and collect appropriate traffic impact fees to ensure adequate financing for any infrastructure improvements, that may be needed in the future as a result of this and other related development projects. Minimally, these fees should address impacts to State Highway System (SHS) Mainline and Interchange facilities in closest proximity to the project. Since the project also demonstrates ancillary impacts to other regional facilities, appropriate fees should be assessed to cover these radiated project impacts.

S1-5

Traffic Operations

1. There are inconsistencies and typo graphical errors in the "Transportation and Circulation" section of this DEIR that confuse and create difficulties for reviewers, such as the following:

   - Table 4.4-11 lists Roth Road/I-5 NB ramp intersection as having LOS E in AM peak under 2020 No Project, while page 4.4-28 states the Roth Road/I-5 SB ramp operates at deficiency LOS in AM peak. S1-6
   - The build-out year is switched between 2020 and 2025 in tables. S1-7
   - Description of mitigation in the text and on the figures for Roth Road/I-5 SB ramp under 2010 Plus Project are not matched. S1-8
   - Why do WB lanes at the Roth Road/I-5 NB intersection change from 2 thru & 1 right lanes back to 1 thru & 1 shared thru/right lanes under 2010 Plus Phase 1 before and after mitigation? There is no discussion in the text. Is this a mistake? S1-9
   - Similarly with WB direction at the Louise Avenue/I-5 SB intersection under 2010 Plus Phase 1 before and after mitigation, there is an additional WB lane without any discussion in the text. S1-10
   - The Louise Avenue/I-5 SB ramp intersection configuration is not correct under all figures of the 2020 scenarios (including lane configuration and volumes). They show traffic going onto the SB off ramp. It is not clear which volume is for which WB movements. S1-11

   Since this DEIR is a legal document, it is necessary to make sure the information in it is correct and valid. The correction of these types of mistakes would greatly help in the review and accurate evaluation of the project impact to the roadway facilities.

2. At Roth Road/I-5 interchange:

   - Under the Existing plus Project scenarios (Phase 1 and Build-out), Traffic Operations recommends dual lefts instead of single left for WB Roth Road at the SB ramp intersection due to volumes of more than 300 vehicles in peak hours. This would ensure enough storage and avoiding long queue backing up to the upstream intersection. S1-12

- Under the 2010 Plus Phase 1 Project, the large peak hour volume of 1150 vehicles at the NB off ramp would require dual right lanes instead of the proposed single shared thru/right lane in order to avoid backing up on the main line. S1-13

- As stated above, page 4.4-28, first line stated Roth Road/I-5 SB ramp intersection operates at deficiency LOS under 2020 No Project scenario, while Table 4.4-11 on page 4.4-92 shows the Roth Rd NB ramp intersection instead. This is not true. With the given volumes and geometric configurations presented in the DEIR, both ramp intersections operate at acceptable LOS (A or B) under 2020 No Project case. S1-14

- Figures 4.4-21a and 4.4-26a indicate some lane configuration modifications at the Roth Road ramp intersections for the 2020 Plus Build-out scenario, but no written discussion found in the text. Where do these improvements come from? Who is the responsible party for them? S1-15

3. At Lathrop Road/I-5 interchange:

   - Under Existing Plus Build-out scenarios, Traffic Operations recommend two left turn lanes for WB Lathrop Road at the SB ramp intersection due to volume of more than 300 and a long queue that back up to the upstream intersection. S1-16

   - Traffic Operations also recommend dual left turn lanes for WB Lathrop Road at Golden Valley Parkway intersection for both Existing Plus Phase 1/Build-out and 2010 Plus Phase 1 scenarios (peak volumes 530 and 600). This would provide storage for this left turn movement, thus avoid traffic queuing back to the adjacent ramp intersections. S1-17

4. At Louise Avenue/I-5 interchange, with huge left turn volumes onto the ramps, another type of interchange configuration with loops ramps should be considered instead of the analyzed tight diamond. S1-18

5. This development together with other pending and recently approved developments in this vicinity would significantly impact the I-5 interchanges at Roth Road, Lathrop Road, and Louise Avenue. A Project Study Report for the improvements at the Louise Ave interchange has been initiated last year. Therefore, to ensure that these freeway facilities could be improved by the time demand, Traffic Operations recommends that the Lead agency initiates a Project Study Report for Roth Road and Lathrop Road interchanges. S1-19

6. Project impacts from this development as well as other associated development projects will be re-evaluated at the time of interchange improvement's Project Study Report (PSR), Project Report/Environmental Document and Encroachment Permits. A completed revised Traffic Impact Study will be required. S1-20

7. Lead Agency should be responsible implementing and assessing the mitigation to address the potential traffic impacts. All mitigation fees should address impacts to State Highway System (SHS) mainline and interchange facilities in closest proximity to the project. Since the project also demonstrates ancillary impacts to other regional facilities, appropriate fees should be assessed to cover these radiated project impacts. S1-21

8. All immediate and near term (opening date) impacts shall be addressed, as well as mitigation/improvement needed to avoid or substantially reduce impacts that would not results in decreasing the operational efficiency and safety of the State and Local transportation systems. S1-22

9. Park and Ride facilities are mentioned passively in the draft EIR, page 4.4-24 "A park and ride facility is also proposed within the CLSP area, although the location has not been determined." As part of the impact mitigation of this development, Traffic Operations recommends that a six-acre parcel should be identified for Park and Ride facility near Louise Avenue or Lathrop Road Interchange. Park-and-Ride facility in the vicinity of this project would be an integral part of other Transportation Control Measures designed to reduce vehicle miles traveled, thereby reducing congestion and motor vehicle emissions. The Lead Agency is responsible to implement and assess the mitigation to address the potential traffic impacts to the State and Local transportation systems. S1-23

INTERMODAL PLANNING

The Bus Service section needs to reflect the current bus service that is operating in the area; for example: The San Joaquin Rapid Transit District (SJRTD) provides several routes that service the Lathrop area: Intercity Route 20, two General Public Dial a Ride Routes called Hoppers, Route 90 which serves northern Tracy into Lathrop, French Camp and Route 95, that serves the San Joaquin County Hospital through Lathrop. S1-24

Please provide a legible, detailed bicycle map. This map should clearly identify the existing and proposed streets as well as the existing and the proposed bicycle routes. The classification of the proposed bicycle lanes should also be identified as well as any pedestrian paths that exist and are proposed. S1-25

To provide for an easier review and reference, please provide a Bicycle Transportation Amendment Plan that denotes previous language along with the revised changes. S1-26

If you have any questions, or would like to discuss these comments in more detail, please contact Lynn O'Connor, at (209) 948-7575 (email: loconnor@dot.ca.gov).

Sincerely,

Lynn O'Connor for

Tom Dumas, Chief
Office of Intermodal Planning

c: Scott Morgan, State Clearinghouse

S1-1 The commenter notes that several of the proposed mitigation measures would improve the operation of intersection movements that do not appear to be adversely affected by the CLSP project. For example, a mitigation measure may call for an additional westbound-to-southbound left-turn lane at an intersection, although the CLSP may not contribute a significant number of vehicle trips to this particular left-turn movement. These types of instances occur because the traffic analysis used for the DEIR identified deficient intersections and then evaluated any potential improvements that could improve the operation of the intersection overall. In several cases, the most feasible or effective mitigation measure improves the overall level of service of an intersection by adding capacity to a movement that is not directly related to traffic for the CLSP. In the example above, adding a westbound to southbound left-turn lane would allow for a reallocation of green light time to other movements, including movements where the CLSP directly contributes additional trips, which then improves the overall performance of the intersection. Therefore, although the proposed mitigation action is not directly related to intersection movements where the CLSP contributes trips, the effect of the mitigation measure is to improve overall level of service at the intersection and to reduce project-related traffic impacts to less-than-significant levels.

S1-2 The commenter notes two "anomalies" in traffic growth from the CLSP for turning movements at the I-5/Louise Avenue interchange. The first occurs because, at this specific interchange, there is little difference in the volumes between the "Existing Plus Project Buildout" and the "Existing Plus Phase 1" scenarios. The second anomaly occurs because the "Without Project" volumes and "With Phase 1" volumes on these movements are similar in 2010. The primary reasons for the lack of increases between scenarios are project phasing, project access routes, and differences in roadway networks.

In the first instance, the apparent anomaly regarding the Existing Plus Phase 1 and the Existing Plus Buildout scenarios, the lack of increase can be attributed to project phasing. As shown in Exhibit 3-4 on page 3-11 of the DEIR, the majority of Phase 1 is located south of Lathrop Road, with Phase 2 of the project occurring north of Lathrop Road. The demarcation between Phase 1 and buildout occurs between Dos Reis Road and De Lima Road, which is north of Lathrop Road. Therefore, at the Louise Avenue interchange, which is at the southern plan area boundary, there is negligible difference in the anticipated traffic volumes between Phase 1 and buildout of the project. When a similar directional movement at the Lathrop Road interchange is compared (southbound to westbound right-turn lane on the southbound off-ramp), there is a 20% increase in the AM peak-hour volumes and a 40% increase in PM peak-hour volumes. This increase is expected because of the proximity of the Lathrop Road interchange to the Phase 2 area and the expectation that a portion of the trips associated with the Phase 2 development would use the Lathrop Road interchange. Therefore, although there is no increase for this movement at the Louise Avenue interchange, there is a significant increase at the Lathrop Road interchange. This pattern is consistent with the project phasing.

In the second instance, the apparent anomaly being related to the Without Project and With Phase 1 scenarios in 2010, the lack of increase can be attributed to the likely project access routes, particularly the orientation toward the Lathrop Road interchange. Vehicles traveling southbound

on I-5, to the portion of the project between Lathrop Road and Louise Avenue, are more likely to use the off-ramp at Lathrop Road to access the project because it provides a more direct access route into the project. It is therefore less likely that many vehicles accessing the project from I-5 to the north would bypass the Lathrop Road interchange, drive to the Louise Avenue interchange, and then travel north on Golden Valley Parkway to reach their destination within the CLSP. The assumed preference for these southbound vehicles to use the Lathrop Road interchange is supported through a comparison of the volumes for the same directional movements at the Lathrop Road and Louise Avenue interchanges. A review of the traffic volumes for the southbound to westbound right-turn movement from the southbound on-ramp at the Lathrop Road interchange indicates that there are 1,090 AM peak-hour trips and 575 PM peak-hour trips in the 2010 With Project Plus Phase 1 scenario. In the Without Project scenario, the volume for this movement is 0. Therefore, there is a substantial increase in traffic at the Lathrop Road interchange for vehicles accessing the project from the north using I-5, when comparing the Without Project and Plus Phase 1 scenarios in 2010.

Another factor that contributes to the apparent anomalies in 2010 is the differences in the roadway networks between the Without Project and Plus Phase 1 scenarios. The Plus Phase I scenario includes the replacement of Manthey Road by Golden Valley Parkway as a six-lane arterial west of I-5 between Louise Avenue and Dos Reis Road (north of Lathrop Road). Under the Without Project scenario, Manthey Road would be maintained as a two-lane unimproved roadway in this section. The inclusion of Golden Valley Parkway in the 2010 Plus Phase I also contributes to any variations in traffic volumes by allowing vehicles to divert from I-5 at the Lathrop Road interchange instead of the Louise Avenue interchange.

S1-3 The City of Lathrop Capital Facilities Fee (CFF) adopted in 2003 provides funding for Golden Valley Parkway. The main funding source for Golden Valley Parkway is therefore traffic impact fees from proposed developments in the City of Lathrop. The main contributors are the approved River Islands development and the CLSP. This facility is anticipated to extend from Paradise Road to the northern border of the CLSP as a four- and six-lane divided arterial. It is anticipated that this facility would be built in conjunction with adjacent development projects such as River Islands and CLSP. Although the precise timing of constructing this facility is not known at this time, it is likely that portions of Golden Valley Parkway north and south of Louise Avenue would be built by 2010 and that the facility would be complete by 2025.

An analysis of not building Golden Valley Parkway was not considered in the With Project (Phase I and Buildout) scenarios because such a scenario would occur only if one of the large development projects funding the facility were not to be built. In that case, the traffic volumes throughout the project study area would be substantially lower than the volumes documented in the DEIR traffic analysis and reconsideration of impacts and mitigation would be needed.

S1-4 The City and the project applicant are aware that Caltrans is preparing or will prepare a Project Study Report (PSR) and Project Report–Environmental Document (PR-ED) for each of the three interchanges in the project study area: I-5/Louise Avenue, I-5/Lathrop Road, and I-5/Roth Road.

S1-5 The City would collect traffic fees from this project under two existing fee programs administered by the City.

The first fee program is the West/Central Lathrop Capital Facilities Fee (CFF), which was adopted in 2003. The CFF provides $57 million to fund 31 roadway improvements, including:

- constructing Golden Valley Parkway, River Islands Parkway, Lathrop Road, Broad Street in the City of Lathrop;
- improving the Roth Road/I-5, Louise Avenue/I-5, and Lathrop Road/I-5 interchanges; and
- installing eight traffic signals on city streets.

The CLSP would contribute an estimated $16 million to the CFF program through the payment of traffic impact fees or the direct construction of CFF improvements.

The second fee program is the West Lathrop Regional Traffic Impact Fee (RTIF), which was established in 1997. Caltrans and the San Joaquin Council of Governments (SJCOG) developed the RTIF to allow participating jurisdictions to provide their respective fair shares of funding for regional roadway improvements required throughout San Joaquin County. Improvements supported by this fee include widening of I-5, SR-120, and I-205; arterial improvements in the City (e.g., Golden Valley Parkway); interchange improvements; and transit improvements. The City contributes to this fee program by collecting funds from development projects in Lathrop and allocating these funds to regional improvements in the City of Lathrop. It is anticipated that the CLSP project would pay approximately $24 million in RTIF fees (see pages 4.4-14 through 4.4-18 of the DEIR).

Table S1-1 documents traffic fees that would be collected from new development in the CLSP under both fee programs.

Table S1-1
Summary of Traffic Fees for CLSP Project

Land Use	Development Unit	West/Central Lathrop CFF	West Lathrop Regional Traffic Impact Fee (RTIF)	Combined Fee
Single Family Residential	per du	$1,413	$2,466	$3,879
Multi-Family Residential	per du	$868	$1,600	$3,468
Retail (Retail Commercial)	per 1,000 sf	$1,801	$2,083	$3,884
Office (Service Commercial)	per 1,000 sf	$1,316	$1,455	$2,771

du = dwelling unit sf = square feet
Source: City of Lathrop Capital Facilities Fee, 2003

S1-6 The table is correct; the text description on page 4.4-28 is incorrect. The text should read "Roth Road/I-5 NB Ramps (2020 No Project, AM Only". The first bullet item on page 4.4-28 has been revised (see Chapter 3, Revisions to the DEIR) to reflect this correction.

S1-7 The build-out year for the project is 2020. Based on a review of the tables included in Section 4.4, Transportation and Circulation, one incidence was found where 2025 was incorrectly indicated as the buildout year; this was in column titles for Table 4.4-11. Table 4.4-11 (beginning on page 4.4-92) has been revised (see Chapter 3, Revisions to the DEIR) to reflect this correction.

S1-8 The mitigation text referenced by the commenter is correct, while the corresponding graphics are incorrect. Based on a review of the exhibits included in Section 4.4, Transportation and

Circulation, minor inconsistencies were found in Exhibits 4.4-25a, 4.4-25b, and 4.4-26a. Corrected versions of these exhibits are provided in Chapter 3 of this FEIR.

S1-9 Lane configurations for the intersection referenced by the commenter are represented incorrectly in Exhibit 4.4-25a. As stated in the response to comment S1-8 above, a corrected version of the exhibit is provided in Chapter 3 of this FEIR.

S1-10 See response to comment SI-9.

S1-11 The City of Lathrop, through the development of the CFF in 2003, had previously identified the need for a loop on-ramp in the northwest quadrant of the Louise Ave./I-5 interchange. Therefore, the traffic analysis in the DEIR assumed this partial cloverleaf configuration with a loop on-ramp for westbound traffic on Louise Avenue to access I-5 southbound. However, based on a review of the exhibits in Chapter 4.4, Transportation and Circulation, it was found that Intersection 15. Louise Avenue/I-5 SB Ramp was not represented correctly in Exhibit 4.4-26a. As stated in the response to comment S1-8 above, a corrected version of the exhibit is provided in Chapter 3 of this FEIR.

S1-12 The commenter recommends that the proposed lane configuration at the I-5/Roth Road southbound on-ramp intersection be modified to provide westbound dual left-turn lanes in the Existing Plus Project scenario. The traffic analysis found that this intersection would operate acceptably with a single westbound left-turn lane. However, further detailed engineering and design studies will be performed in conjunction with Caltrans for the I-5/Roth Road interchange, at which time the number of turn lanes can again be evaluated. Based on existing information, the City believes that a single westbound left-turn lane will suffice. Proceeding with this assumption at present will not prevent the City and Caltrans from later changing this approach if necessary as refined engineering and design information becomes available.

S1-13 The commenter recommends that the proposed lane configuration at the I-5/Roth Road northbound intersection be modified to provide dual right-turn lanes in the 2010 Plus Phase 1 scenario. The traffic analysis found that this intersection would operate acceptably with a single right-turn lane. However, further detailed engineering and design studies will be performed in conjunction with Caltrans for the I-5/Roth Road interchange, at which time the number of turn lanes can again be evaluated. Nevertheless, based on the traffic analysis in the DEIR and supporting traffic modeling, the City believes that a single right-turn lane will suffice. Proceeding with this assumption at present will not prevent the City and Caltrans from later changing this approach if necessary as refined engineering and design information becomes available.

S1-14 See response to comment S1-6 above.

S1-15 The commenter notes inconsistencies between Exhibits 4.4-21a and 4.4-26a. Exhibit 4.4-21a correctly expresses the 2020 Plus Buildout scenario lane configurations. However, as identified above in response to comment S1-8, minor inconsistencies were found in Exhibit 4.4-26a. A corrected version of this exhibit is provided in Chapter 3 of this FEIR which removes any inconsistencies between Exhibit 4.4-21a and 4.4-26a. With this revision, there is no difference in lane configurations at the Roth Road interchange between the 2020 Plus Buildout scenario and the Mitigated 2020 Plus Buildout scenario. Because there are no differences between the two scenarios at this intersection, the commenter's questions regarding discussion of improvements (i.e., changes to the intersection) in the text, where the improvements come from, and parties responsible for the improvements, become moot.

S1-16 The responses to comments S1-12 and S1-13 above also apply to this comment from the Caltrans Traffic Operations division.

S1-17 The responses to comments S1-12 and S1-13 above also apply to this comment from the Caltrans Traffic Operations division.

S1-18 The comment indicates that a loop on-ramp system should be analyzed instead of a tight diamond configuration at the interchange. The analysis of traffic operations for this EIR analyzed this intersection as a partial cloverleaf with a loop on-ramp in the northwest quadrant of the interchange. This configuration is based on conclusions of several past studies, including the River Islands Subsequent EIR and the Capital Facilities Fee program, both of which were completed in 2003. A Project Study Report (PSR) is currently underway which will confirm the configuration of the Louise Avenue/I-5 interchange.

These previous studies, and the traffic analysis included in the DEIR, concluded that a partial cloverleaf configuration would be a suitable configuration to accommodate anticipated traffic volumes. The traffic analysis for this EIR assumed that a partial cloverleaf would be implemented by the time of the project buildout in 2020. With this improvement, the ramp termini intersections operate at an acceptable level of service.

The final configuration of the interchange will be confirmed through the PSR process, which will involve detailed design and engineering studies. Considerations that will impact the design of this interchange include existing and future traffic volumes, available right-of-way, the location of proximate buildings, anticipated queuing, safety, and other issues. However, the analysis included in the DEIR is the best available data at this time. Proceeding for the present on the assumption that a partial cloverleaf will be necessary will not prevent the City and Caltrans from later changing this approach if necessary as refined engineering and design information becomes available.

S1-19 The commenter is recommending that the City of Lathrop initiate a Project Study Report (PSR) for the I-5 interchanges with Roth Road and Lathrop Road. The City has contracted with a transportation consultant to conduct a study of near-term improvement needs, based on approved and planned developments within a 2- to 6-year window. This analysis, which is part of the City's Traffic Mitigation Monitoring Program (TMMP), will analyze the operation of City roadways and interchanges in the West Lathrop Specific Plan (WLSP) and CLSP areas. Through the TMMP, which will be updated annually, the City of Lathrop will identify needed traffic infrastructure improvements under both current and future conditions (i.e., within the 2-6 year analysis window), and prioritize those improvements so that the improvements needed most in the near term are built first (see pages 4.4-18 and 4.4-19 of the DEIR). The TMMP will provide additional information regarding the need to conduct improvements to the Lathrop Road and Roth Road interchanges, which should also inform the City on the timing for the PSRs for these interchanges. It should be noted that much of the initial development of the CLSP will occur around the Louise Avenue interchange, with later stages of the project occurring around the Lathrop Road interchange. Traffic resulting from development of the CLSP is not anticipated to affect the Roth Road interchange until after 2010, when the first phase of the project will be complete. The City therefore believes that it would be premature for the City to commit to initiating preparation of a PSR in the immediate future.

S1-20 See response to comment S1-4. The City is aware of future reports and studies needed in support of interchange improvements, and will participate in the preparation of these reports and studies as appropriate.

S1-21 As stated in the response to comment S1-5, the project would contribute to two traffic fee programs administered by the City of Lathrop. The CLSP project would contribute an estimated $16 million in traffic fees or improvements through the 2003 West Central Lathrop Facilities Fee. The City of Lathrop would also collect an estimated $24 million in traffic fees through the West Lathrop RTIF, a program developed by Caltrans and SJCOG.

S1-22 As stated in the response to comment S1-19, the City of Lathrop is initiating a study to analyze the near-term operations of intersections and roadways in the Western and Central Lathrop area. This study, which is part of the City's TMMP, will determine the need for near-term improvements based on the timing and location of approved and planned projects while also considering roadway improvements that are being constructed by private developers.

S1-23 A 6-acre park and ride facility, as recommended by the commenter, would contain parking spaces for approximately 900–1,000 vehicles. A facility of this size would be a regional facility serving not only the CLSP project but adjacent areas in the City of Lathrop and other locations in San Joaquin County. Although the CLSP includes plans for a Park and Ride facility, a facility of the size and scope suggested by the commenter is well beyond what would be needed to support project demand and will not be included as part of the project or as mitigation. There is not a sufficient nexus between the impacts of the proposed project and the commenter's suggestion to justify imposing such a facility on the project as CEQA mitigation.

It should be noted, moreover, that the traffic impact analysis for the project did not include any reduction to the project trips that might result from the use of park and ride services by residents and employees in CLSP area. Therefore, inclusion of a Park and Ride facility of any size would improve post project traffic conditions relative to those described in the DEIR.

Designation of the location for a park and ride facility is considered premature at this time because the precise location and character of developments within the CLSP area have not been finalized. For example, much of the CLSP area between Golden Valley Parkway and I-5 is designated for office/commercial use. It is likely, though not certain, that the development near the interchanges will be commercial in nature. If these locations develop as commercial facilities, it would be an efficient use of resources to designate an area in the parking lot as a park and ride facility. Large retail centers often function well as park and ride facilities because the highest parking demand for retail occurs on nights and weekends. However, if office facilities are the dominant land use in these areas it may be beneficial to consider other locations for park and ride facilities. It would also be most efficient to confirm the size of the facility when the precise land uses at the interchange are known.

The identification of a park and ride facility should also involve various stakeholders, such as the San Joaquin Regional Transit District (SJRTD), which provides commuter bus service to the existing park and ride lot in the City of Lathrop. As the project site develops, the City of Lathrop would coordinate transit stop and route locations with the SJRTD, and the park and ride facility location would be an element of these discussions.

S1-24 The text of the DEIR includes descriptions of several existing transit routes that serve the City of Lathrop, including Route 20, Route 90, and Route 95 (see page 4.4-10 of the DEIR). However, Exhibit 4.4-2 in the DEIR only includes Route 20, which is the only fixed-route service in the City of Lathrop, which currently does not extend into the CLSP area. In response to the comment, Exhibit 4.4-2 has been revised to show the location of Route 20, Route 90, and Route 95 and is provided in Chapter 3 of this FEIR.

S1-25 The proposed pedestrian/bicycle trail network included in the CLSP is show on Exhibit 3-4 in the DEIR. The proposed trail network is also described textually on pages 3-14 and 4.4-23 of the DEIR. Exhibit 3-4 and various exhibits in Section 4.4, Transportation and Circulation, show existing and proposed roadways in the CLSP area and vicinity. More detailed maps of the trail and roadway systems (including bicycle routes) are included in the proposed CLSP itself, which was provided to the commenting agency concurrently with the DEIR and other related documents.

S1-26 A revised City of Lathrop Bicycle Transportation Master Plan was provided to the commenting agency concurrently with the DEIR, the CLSP, and other related documents.

Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

S2

September 14, 2004

Bruce Coleman
City of Lathrop
16775 Howland Rd., Ste. One
Lathrop, CA 95330

Subject: Central Lathrop Specific Plan
SCH#: 2003072132

Dear Bruce Coleman:

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 September 13, 2004, 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,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2003072132
Project Title Central Lathrop Specific Plan
Lead Agency Lathrop, City of

Type EIR Draft EIR
Description Adoption of a Specific Plan and annexation of the project area to allow future development of a residential/commercial mixed use development on 1,521 acres of land. Project includes 6,790 dwelling units, approximately 4.95 million sf of commercial and office uses, civic uses, parks, three K-8 schools and one high school, open space and similar uses. Project includes new and expanded roads, water, sewer, storm drain facilities, and a proposed 3.0 mgd wastewater treatment plant / water recycle plant. Several offsite locations are also identified for recycled water storage ponds and disposal of recycled water through irrigation of agricultural lands.

Lead Agency Contact

Name Bruce Coleman
Agency City of Lathrop
Phone 209-858-2860 x258 **Fax**
email
Address 16775 Howland Rd., Ste. One
City Lathrop **State** CA **Zip** 95330

Project Location

County San Joaquin
City Lathrop
Region
Cross Streets I-5 / Lathrop Road
Parcel No. multiple
Township **Range** **Section** **Base**

Proximity to:

Highways I-5, SR 120
Airports
Railways UPRR
Waterways San Joaquin River
Schools Widmer and Lathrop Elementaries
Land Use General Plan Designation: Residential Low, Residential Medium, Residential High, Offices, Public, Resource Conservation/Open Space, Community Park, Neighborhood Park, Elementary School, Community Commercial, Freeway Commercial, and Village Center, Agricultural
Zoning: AU-20

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Other Issues; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Parks and Recreation; Native American Heritage Commission; Department of Housing and Community Development; Department of Health Services; Office of Emergency Services; Office of Historic Preservation; Department of Fish and Game, Region 2; Department of Water Resources; Delta Protection Commission; Department of Conservation; Caltrans, District 10; State Water Resources Control Board, Clean Water Program

Document Details Report
State Clearinghouse Data Base

Date Received 07/30/2004 ***Start of Review*** 07/30/2004 ***End of Review*** 09/13/2004

Letter	
S2	**State Clearinghouse** **Terry Roberts, Director**
Response	**September 14, 2004**

S2-1 This letter transmits the comment letters from state agencies at the close of the comment period. No response is required.

S3

DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

DIVISION OF
LAND RESOURCE
PROTECTION

801 K STREET
SACRAMENTO
CALIFORNIA
95814

PHONE
916/324-0850

FAX
916/327-3430

INTERNET
consrv.ca.gov

ARNOLD
SCHWARZENEGGER
GOVERNOR

September 16, 2004

VIA FACSIMILE (209) 858-5259
Mr. Bruce Coleman, Director
City of Manteca
Community Development Department
16775 Howland Road, Suite One
Lathrop, CA 95330

Subject: Central Lathrop Specific Plan Draft Environmental Impact Report (DEIR) - SCH#, San Joaquin County

Dear Mr. Coleman:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following recommendations with respect to the project's impacts on agricultural land and resources.

Project Description

The proposed project is a mixed-use development on approximately 1,521 acres outside the city limits of Lathrop (City) and within its Sphere of Influence in San Joaquin County (County). The project will result in conversion of 818 acres of Prime Farmland, 622 acres of Farmland of Statewide Importance and 96 acres of Farmland of Local Importance. It will also result in the cancellation of 1,244.3 acres of land enforceably restricted by Williamson Act contracts. Currently, all but one of the involved parcels is in contract nonrenewal, with expirations dates ranging from 2011 to 2014. It is anticipated that all contracted parcels will be cancelled prior to expiration of nonrenewal. There is no Farmland Security Zone land within the Specific Plan (SP) area. Surrounding lands are agricultural to the north and south, with Interstate 5 and the City to the east and the San Joaquin River and agricultural land to the west. The proposal includes annexation of the SP area to the City.

Impacts to agricultural resources are considered significant with respect to important farmland conversion, termination of Williamson Act contacts, urban-agricultural conflicts and cumulative impacts. In addition, the

project may have a growth-inducing impact on agricultural land adjacent to the project area. Mitigation fees will be paid under the San Joaquin Multi-species Conservation Plan (SJMSCP) to purchase conservation easements on habitat or agricultural land to lessen impacts to farmland, Williamson Act contracts and cumulative farmland conversion. Development will be phased to lessen impacts to existing agriculture, and fencing, walls, buffers and a Right-to-Farm ordinance will be utilized.

Williamson Act Lands

The DEIR states that 11 parcels totaling 1,139.3 acres under contract within the Specific Plan (SP) area. This total plus 105 acres for water storage ponds off-site equals the 1,244 acres of contracted land that will be converted. However, Table 4.13-3 lists 17 parcels totaling 1,626 acres under contract within the SP area. The Final EIR (FEIR) should clarify this apparent discrepancy. Some acreage in the SP area is planned for open space. Unless it conforms to definition in the Williamson Act for open space, such use on contracted land may require termination of the contract prior to expiration of nonrenewal, as is planned for other uses. S3-1 S3-2

- If cancellation is proposed, notification must be submitted to the Department prior to a board or council's consideration of a proposal for tentative cancellation (Government Code §51284.1). The board or council must consider the Department's comments prior to making a decision on the proposal. Notification must be submitted separately from the CEQA process and CEQA documentation. (The notice should be mailed to Darryl Young, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 13-71, Sacramento, CA 95814-3528.) S3-3
- Termination of a Williamson Act contract by public acquisition can only be accomplished by a public agency, having the power of eminent domain, for a public improvement. Such action may be contemplated for land within the SP area for the water storage ponds, schools and other public improvements. The FEIR should discuss whether public acquisition of contracted land is contemplated. The Department must be notified in advance of any proposed public acquisition, and specific findings must be made (Government Code §51290 - 51292). The acquiring agency must meet requirements of eminent domain law for acquisition by eminent domain or in lieu of eminent domain in order to void the contract (§51295). The agency must consider the Department's comments prior to taking action on the acquisition. Notification must be submitted separately from the CEQA process and CEQA documentation to the address noted above. S3-4
- If land within an agricultural preserve is annexed, the City must succeed to the rights, duties, and powers of the county in administering the preserve and contracts, unless conditions specified in Government Code §51243.5 apply. The DEIR should explain how the City intends to meet its requirement. S3-5
- If any part of the site is to continue under contract, or remain within an agricultural preserve, after project completion, the DEIR should discuss the proposed uses for S3-6

those lands. Uses of contracted and preserve land must meet compatibility standards identified in Government Code §§51238 - 51238.3. Otherwise, contract termination (see above) must occur prior to the initiation of the land use, or the preserve must be disestablished. S3-6 Cont.

Mitigation Measures

The Department supports the City's proposal to mitigate significant impacts on agricultural resources by requiring project proponents to pay specified fees under the SJMCP that will be used to purchase conservation easements. However, these easements would not be applied exclusively to agricultural land. The Department recommends that the mitigation ensure a 1:1 ratio of farmland lost to agricultural conservation easement land and that the easement land be of equal or greater quality as that converted. Some of the easement land may function to mitigate for identified species as well as converted farmland. If the same quality farmland is not available in the planned mitigation area, the ratio could be increased, or the mitigation area could be expanded. In this manner, the nexus between impact and mitigation would be maintained. S3-7

Information about agricultural conservation easements and the Williamson Act is available on the Department's website or by contacting the Division at the address and phone number listed below. The Department's website address is:

http://www.conservation.ca.gov/dlrp/index.htm

Thank you for the opportunity to comment on this DEIR. Pursuant to Public Resources Code §21092.5(a), the Department looks forward to receiving your response, including a copy of the FEIR. If you have questions on our comments or require technical assistance or information on agricultural land conservation, please contact Bob Blanford at 801 K Street, MS 13-71, Sacramento, California 95814; or, phone (916) 327-2145.

Sincerely,

Dennis J. O'Bryant
Acting Assistant Director

cc: State Clearinghouse

San Joaquin County Resource Conservation District
3422 West Hammer Lane, Suite A
Stockton, CA 95219

S3-1 The acreages in Table 4.13-1 reflect the combined total of the acreages within the CLSP area under Williamson Act contract (1,139.3 acres) and the acreages outside the CLSP area considered for recycled water storage and disposal under contract (486.8 acres). The text on page 4.13-10 of the DEIR, including Table 4.13-3, is revised (see Chapter 3, Revisions to the DEIR) to clarify the calculation.

S3-2 The DEIR assumes that all Williamson Act–contracted land affected by the CLSP, including land proposed for open space uses, would undergo contract termination. No credit is assumed for open space land in the CLSP area.

S3-3 Impact 4.13-b describes in detail the process required for a consideration of tentative cancellation. The City of Lathrop will notify the California Department of Conservation before it considers tentative cancellation of Williamson Act contracts, if the project is approved.

S3-4 Most of the land under Williamson Act contracts that would undergo cancellation is owned by private parties, and the cancellation process would take place as described in Section 4.13 of the DEIR and with the types of findings described on pages 4.13-14 through 4.13-16. Depending on the locations of WRP #2 and certain of the sprayfields and/or recycled water storage ponds (which are considered public improvements), cancellation of Williamson Act contracts on some land may take place by public acquisition for these public improvements. In this case, the City will follow the processes described by the commenter.

S3-5 All agricultural lands within the CLSP area that would be annexed to the City of Lathrop are planned for urban uses; none would be designated for protection within an agricultural preserve.

S3-6 No land under Williamson Act contract within the CLSP area would remain under contract at buildout of the specific plan. Contract termination would take place before the land would be converted to urban use.

S3-7 The City acknowledges that the proposed purchase of conservation easements through the SJMSCP would not be applied exclusively to agricultural land. Mitigation for conversion of Important Farmland and Williamson Act contract cancellation would be implemented under the SJMSCP at the ratios identified by SJCOG. City staff recognizes that the California Department of Conservation advocates a more aggressive program for obtaining conservation easements but will recommend to the City Council that compliance with the SJMSCP program constitutes an acceptable and feasible level of mitigation for the loss of agricultural land. The commenter states that fees associated with the SJMSCP are "for loss of habitat value." This is correct, in part. The SJMSCP is also intended to provide "compensation for some impacts to recreation, agriculture, scenic values and other beneficial Open Space uses" (see page 4-1 of the SJMSCP). Therefore, it is consistent with the goals and intent of the SJMSCP for it to provide mitigation for impacts on agricultural resources.

Given the enormous costs that applicants would have to bear if they were required to mitigate acre for acre not only for biological resources of various types but also for agricultural property,

staff believes that a requirement to mitigate agricultural property on an acre-for-acre basis would translate into increased costs for development and thus increased housing prices. The SJMSCP represents a huge effort among a large number of federal, state, and local entities and private stakeholders. City staff believes that, in permitting private participants to mitigate for lost agricultural land while also mitigating for the loss of certain biological resources, the economically efficient approach to agricultural mitigation found in the SJMSCP represents a reasonable and appropriate balance between competing economic, social, and environmental policy considerations. Staff therefore believes that the City Council would be acting reasonably and within its policy-making discretion in concluding, after considering the factors described above, that the California Department of Conservation's proposed approach is infeasible under the circumstances. In any event, the DEIR acknowledges (see discussion of Mitigation Measures 4.13-a and 4.13-b) that this mitigation would substantially lessen the impacts of conversion and cancellation, although it would not mitigate the impacts to a less-than-significant level. The same conclusions would apply even if the City were to adopt the California Department of Conservation's recommendation. In the final analysis, imposing conservation easements on existing farmland does not alter the fact that the project would convert farmland and would result in a net loss of farmland.

It should also be noted that the commenter does not provide any rationalization for why a 1:1 mitigation ratio is necessary. If an acre of agricultural land is put under conservation easement for each acre that is converted to urban development, there is still a net loss of agricultural land. No new agricultural land is produced. This outcome would occur regardless of what ratio of agricultural land is put into conservation easement and impacts related to the loss of Important Farmland would remain significant and unavoidable. The commenter provides no information supporting why a 1:1 ratio is needed, as opposed to a ½:1, 2:1, or other mitigation ratio.

S4

STATE OF CALIFORNIA—THE RESOURCES AGENCY
DELTA PROTECTION COMMISSION
14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
Phone (916) 776-2290
FAX (916) 776-2293
E-Mail: dpc@citlink.net Home Page: www.delta.ca.gov

Bruce Coleman
City of Lathrop
16775 Howland Road
Lathrop, CA 95330

Subject: Advisory Comments on Draft Environmental Impact Report for the Central Lathrop Specific Plan, July 2004

Dear Mr. Coleman:

I am writing regarding the Draft Environmental Impact Report for the Central Lathrop Specific Plan. I understand the City will amend its General Plan, zoning code, and various other documents when this area is added to the City of Lathrop.

Project Location and Existing Uses:
The DEIR describes a mixed-use residential/commercial development on approximately 1,521 acres immediately west and north of the existing incorporated limits of the City of Lathrop. The project site is within the City's Sphere of Influence. The site is bounded by I-5 on the east, the San Joaquin River on the west, the current city limit line on the south and a line where an extension of Squires Road would continue westward across I-5. The project site lies within Reclamation District 17.

The project location is currently in ag use; much of the land is currently under Williamson Act contracts. A new outfall for surface runoff is being constructed on the site to serve development east of I-5. Additional lands being considered for disposal of treated wastewater include lands between Frewert Road and Bowman Road, and lands east of I-5 and south of the project location.

The project site would surround the existing San Joaquin County Dos Reis Regional Park on the San Joaquin River. To the east are lands of the Primary Zone in agricultural use.

Proposed Project:
The proposed project would include 6,790 residential units, up to 5 million square feet of office/commercial use, a Main Street District, parks, schools, and open space areas. The DEIR states that several "offsite" elements could be located north or south of the project area, including a wastewater treatment plant and land for storage and disposal of treated wastewater, and utility lines. The DEIR estimates total project build out in 2020.

Discussion of Delta Protection Commission and Delta Primary Zone:
Chapter 4, page 4.2-10, includes a brief discussion of the Commission and its planning and regulatory responsibilities in the Primary Zone of the Delta; the proposed project is located in the Secondary Zone of the Delta. The discussion includes one policy and one recommendation from the Commission's regional land use plan.

Comment: ***This section should be expanded to describe and map the existing land uses on lands in the Primary Zone across the San Joaquin River from the project site, how the City's planning area overlaps with the Secondary Zone of the Delta, and the Commission's advisory recommendations for the Secondary Zone areas, as described in the Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta. This chapter should address any impacts from development of the project site on the resources of the Primary Zone of the Delta.*** S4-1

City's Need to Expand City Limits:
Section 4.3-04 addresses Population, Employment and Housing. The population estimates for the City vary dramatically (Table 4.3-1). Impact 4.3b indicates that the population increases exceed planned growth anticipated in the City and County General Plans.
Comment: This chapter should describe the predicted housing needs for City of Lathrop for the period of the updated General Plan including number of units and acreage, and should include a description and analysis of the existing and approved residential and commercial projects in the City limits. S4-2

Geology, Soils and Mineral Resources
Section 4.7 identifies possible issues associated with groundshaking, liquefaction and expansive soil/shrink-swell potential. While the section identifies possible slope stability problems along the levee separating much of the project site from the San Joaquin River (4.7-14), there is no engineering information regarding the ability of the levee to withstand lateral spreading associated with soils liquefaction associated with a seismic event. In addition, the report does not identify how much of the site or the location of the soils that may be subject to further, future analysis regarding suitability for construction.
Comment: The DEIR should include additional information and analysis regarding the stability of the levee on the San Joaquin River in light of the soils on the project site. Additional mapped and written information should describe the amount and location of soils subject to groundshaking, liquefaction and shrink-swell. S4-3

Hydrology and Water Quality:
Section 4.8 describes hydrology and water quality issues, including flooding. On page 4.8-12, the DEIR describes the past seepage issues and states the levee provides 100 year flood protection.
Comment: The DEIR should address the level of flood protection provided in other urban areas, and determine if the levee for this project meets those requirements. The DEIR should expand its discussion of construction in historic floodplain areas. The DEIR should describe any problems that could be anticipated on the project site and S4-4

probable remedies. The DEIR should clarify the different standards for levees, including agricultural levees versus urban levees, and identify any issues associated with land ownership and funding of construction and maintenance of flood control levees for this location. The DEIR should analyze the consistency of the proposed project with the requirements of RD 17 and should consider wider setbacks to address future levee maintenance.

S4-4 Cont.

Recreation:
The DEIR describes the Delta resources and notes that recreation in the Delta takes advantage of the unique Delta resources. Page 4.2-8 shows changes in the acreage proposed for parks and open space from the City's General Plan to the Central Lathrop Specific Plan. The project maps show a linear open space alignment along the levee. In addition, the project indicates new park lands will be added around the existing County Dos Reis Regional Park.
Comment: The DEIR should include additional maps and cross sections to illustrate the type of improvements to be included in the open space area along the levee, including the 60 foot setback from the toe of the levee required by RD 17. The maps and cross section should indicate which lands are the RD easement lands, and which lands belong to private parties. More information should be included regarding new park lands and facilities surrounding the existing County Regional Park. The DEIR should describe proposed reduction in park and open space lands and how the reductions were developed.

S4-5

Agricultural Resources:
The DEIR states the loss of ag land will be mitigated through fees paid to the SJMSCP. Those fees are for loss of habitat values. The DEIR states that fences and other minimal buffers would be provided between developing areas and active agriculture. The DEIR describes responses to the issues identified by Williamson Act.
Comment: The DEIR should discuss additional actions that can be taken to mitigate the loss of agricultural land values. The DEIR should provide fuller discussion of buffers between urban areas and active agriculture; the vague identification of future development of buffers as part of development approvals does not provide adequate information about buffers and their adequacy. The DEIR should describe the acres of vacant and developable land within the City limits, and describe why the annexation of lands under Williamson Act contracts is needed by the City of Lathrop. Any buffered areas developed as part of this comprehensive project should be located on the project site, not on adjoining ag properties.

S4-6

Aesthetic Resources:
Comment: The DEIR should identify any uses in the lands west of the site that might be impacted by the proposed development and provide appropriate mitigation to those uses.

S4-7

Comments Based on the Recommendations in the Commission's Land Use Plan:

Utilities and Infrastructure:
The Plan's recommendations support the extraction of natural gas, a key natural resource in the Delta region.
Comment: The DEIR should identify the sites actively producing natural gas, and should analyze if any proposed development in the vicinity would conflict with the on-going natural gas extraction. S4-8

Land Use:
The Plan recommends that "to the extent possible, any development in the Secondary Zone should include an appropriate buffer zone to prevent impacts of such development on the lands in the Primary Zone. Local governments should consider needs of agriculture in determining such a buffer".
Comment: The DEIR should describe agriculture in nearby areas of the Primary Zone and its needs. The General Plan should describe, evaluate, and identify appropriate buffering techniques, or physical buffer zones to be included in the future projects to prevent impacts of the future development on these sites on the Primary Zone. Any buffer areas should be located on a development project site, not on adjoining ag properties.

In the low lying areas of the project site in the Secondary Zone of the Delta (areas in the flood plain), the DEIR should evaluate land uses that would support City needs, yet would not create conflicts with Delta agriculture (dust, noise, application of pesticides and/or herbicides, lights, etc). Uses that could be evaluated include public or private recreation facilities (golf courses, parks, etc), mitigation areas for loss of agriculture or habitat, floodwater/runoff detention basins, low rise industrial uses with limited occupation, and others. These uses would suffer minimum damage if flooded. S4-9

Water:
The Plan recommends that water agencies work together to ensure that adequate Delta water quality standards are set and met and that beneficial uses of the State waters are protected.
Comment: The DEIR should describe in detail existing and proposed discharges from the City's stormwater and wastewater treatment facilities and should describe mitigation measures that will maintain the existing water quality of nearby waterways. S4-10

Recreation and Access:
The Commission's plan recommends that the carrying capacity of the Delta waterways be studied to ensure that recreation activities not degrade habitat values.
Comment: The DEIR should evaluate the carrying capacity of the Delta waterways surrounding the project location and how any proposed aquatic recreation activities, such as increased use of the launch ramp at Dos Reis Regional Park, would impact habitat values of the waterways and the existing recreational use of existing facilities. S4-11

The Commission's Plan recommends that new projects in the Secondary Zone, adjacent to the Primary Zone, include commercial and public recreation facilities that allow safe, supervised access to and along the Delta waterways (pedestrian and bike trails, launch ramps including small boat launch ramps, windsurfing access, overlooks, nature observation areas, interpretive information, picnic areas, etc.).
Comment: The DEIR does identify appropriate public recreation facilities that take advantage of the unique Delta location of any proposed, future projects. Possible additional public improvements could include small boat launch facilities (canoes, kayaks), overlooks, nature observation areas, interpretive areas, benches, picnic tables and other similar facilities. S4-12

The Commission's Plan supports development of funding sources to provide enforcement of laws to protect the health, safety and welfare of Delta recreational users.
Comment: The DEIR should identify funding sources that would be needed to supervise new recreation facilities. S4-13

Levees:
The Commission's Plan supports levee maintenance, rehabilitation, and upgrading of Delta levees. For the Delta region, the CALFED program recommends bringing all levees to the PL84-99 standard to increase levee stability.
Comment: The DEIR should describe the current levee in the planning area including height and cross section and the level of flood protection provided. If necessary, the project should include adequate setback areas that might be needed for enlarging the levee footprint, and lands for access for construction, maintenance, and inspection of the levee. S4-14

Thank you for the opportunity to review the DEIR for the Central Lathrop Specific Plan. Please feel free to call if you have questions about these comments, or the Commission's Plan.

Sincerely,

Margit Aramburu
Executive Director

CC State Clearinghouse
Delta Protection Commission

Letter S4 Response

Delta Protection Commission
Margit Aramburu, Executive Director
September 2004

S4-1 As described on page 4.2-10 of the DEIR, the proposed project is located in the Secondary Zone of the Delta. The San Joaquin River and associated levees provide approximately 500 feet of separation between the boundaries of the project area and the nearest lands in the Primary Zone (i.e., Upper Roberts Island). With this level of separation the CLSP project would not affect land uses or resources in the Primary Zone. Therefore, a description of the land uses in the Primary Zone across the San Joaquin River from the project site is not needed to analyze the impacts of the proposed project. Page 4.2-10 of the DEIR contains a description of the Primary and Secondary Zones, policy ramifications for the proposed project, and two Land Use Policies from the Delta Protection Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta that are relevant to the proposed project. Additional information requested by the commenter would not affect the impact conclusions or mitigation measures in the DEIR. No change to the EIR is necessary.

In any event, the City believes that the above-referenced 500-foot buffer provides adequate protection for lands in the Primary Zone, consistent with the Delta Protection Commission's own land use policies. For example, the commission's Policy P-3, though not binding on the City, provides as follows:

> P-3. New residential, recreational, commercial, or industrial development shall ensure that appropriate buffer areas are provided by those proposing new development to prevent conflicts between any proposed use and existing agricultural use. Buffers shall adequately protect integrity of land for existing and future agricultural uses. Buffers may include berms and vegetation, as well as setbacks of 500 to 1,000 feet.

Therefore, a 500-foot buffer/setback that consists of the river and levees would seem to meet the commission's own requirements for Primary Zone projects. This buffer should certainly be adequate, then, for a project located outside the Primary Zone. Furthermore, an additional buffering effect arises from the fact that, within the CLSP area itself, Open Space and Community Park designations are identified along the San Joaquin River levee.

S4-2 The DEIR contains this information requested by the commenter: Section 4.3, Population, Employment, and Housing, describes estimates of population growth, employment, and housing supply provided in the City General Plan, the Water Master Plan, the San Joaquin County General Plan, and estimates prepared by SJCOG. Information on existing and approved residential and commercial projects in the City of Lathrop is provided in Chapter 5, Cumulative Impacts. Housing needs and supply in the City of Lathrop are identified in Table 4.3-3.

S4-3 The preliminary geotechnical report for the CLSP area, prepared by ENGEO and used in preparation of the DEIR, provides more detailed information regarding soil stability in the project area, including the area of the levees (ENGEO 2004). As stated on page 4.7-1 of the DEIR, this document is available for review at the City of Lathrop Community Development Department, Planning Division, 16775 Howland Road, Suite One, Lathrop, California 95330 (209/858-2860, extension 327).

Soils on the project site, other than those directly underlying the levee, have little or no influence on the stability of the levee on the San Joaquin River. The stability of the levee is primarily dependent on the design of the levee, the methods of construction, and the materials used. The levee on the San Joaquin River adjacent to the CLSP project site is monitored and maintained by Reclamation District 17 (RD 17). This levee is also part of the U.S. Army Corps of Engineers (USACE) levee system and has been certified by the Federal Emergency Management Agency (FEMA) as providing 100-year minimum flood protection. Each of these three agencies has established various requirements regarding design, construction, and maintenance of the levee addressing issues such as freeboard height, embankment protection, embankment and foundation stability, settlement, and interior drainage. The stability of the levee adjacent to the CLSP project site is consistent with the criteria required by these agencies to provide 100-year minimum flood protection.

Exhibit 4.7-1 and Table 4.7-2 together provide information on the location and characteristics of soil types in the project area, including shrink swell potential. To specifically characterize a particular location's response to a seismic event, susceptibility to liquefaction, or extent of soil shrink swell activity, requires site specific soil sampling and analysis. It would be premature at this time to complete such sampling and analysis over the entire 1,521 acre CLSP area and associated offsite recycled water storage and disposal areas. The DEIR adequately identifies that seismic ground shaking, liquefaction, and shrink swell potential are possible concerns at the project site. As described in Impact 4.7-b and Mitigation Measures 4.7-b, all project structures will be designed following national and California Uniform Building Code (UBC) standards assuming a maximum horizontal ground surface acceleration of at least 0.3 gravity (g). A 0.3g surface acceleration is almost double the maximum ground surface acceleration previously recorded in the area of 0.16 g during the 1906 San Francisco earthquake. Compliance with the UBC requires consideration of site specific soil conditions. Mitigation Measures 4.7-c and 4.7-d require that additional site-specific design-level geotechnical studies be conducted. Project structures and facilities must be designed and constructed following the geotechnical design recommendations included in each study to address liquefaction and shrink-swell potential. Several potential methods to address liquefaction potential and shrink-swell potential of soils are listed in each mitigation measure, including in-place soil densification, special foundation designs, and regarding areas with appropriate soil types. The inclusion of additional soils information as requested by the commenter would not change the impact conclusions in the DEIR or the nature of the mitigation measures provided.

S4-4 Section 4.8, Hydrology and Water Quality, of the DEIR contains a discussion of conditions along the levee in the CLSP area (see page 4.8-11 of the DEIR). As identified on page 4.8-1 of the DEIR, FEMA is the agency responsible for issuing Flood Insuring Rate Maps that identify lands subject to flooding, and design standards for levees and other flood protection facilities. FEMA has determined that the CLSP area is in Flood Hazard Zone B (i.e., outside the 100-year floodplain), with the surrounding levees providing at least 1-in-100-year flood protection. In addition, the DEIR describes several levee improvement projects that have been undertaken by USACE and RD 17 in recent years to repair seepage and sand boils. As explained on page 4.8-12 of the DEIR, for static loading conditions, the factor of safety of the levees in the CLSP area exceeds the minimum FEMA requirements, even at the 100-year flood stage.

With regard to standards for agricultural and urban levees, FEMA and USACE have standards for determining whether a levee provides adequate 100-year minimum protection, including design criteria such as freeboard, embankment protection, embankment and foundation stability, settlement, and interior drainage. These standards do not include consideration of the land use the levee is protecting. The FEMA and USACE standards were used for the DEIR analysis.

The CLSP area is already protected by adequate levees that are maintained by RD 17. The levee would continue to be monitored and maintained by RD 17 after implementation of the CLSP. Levee setbacks consistent with RD 17 requirements are incorporated into the project design. The design of the project and access, easement, and ownership conditions under the proposed project all support the continued monitoring and maintenance of the levee by RD 17.

S4-5 Additional information on recreation and open space uses along the San Joaquin River levee and project parks is provided in the CLSP. The plan itself is available for review at the City of Lathrop Community Development Department, Planning Division. (A copy of the CLSP was provided to the commission along with the DEIR in July.) The information provided in the CLSP and the DEIR is sufficient to assess the environmental impacts related to recreation facilities in the CLSP and to determine appropriate mitigation measures where needed. Design-level plans and cross-sections illustrating improvements to the open space areas along the levee would also be prepared during the final design phase of the project, and RD 17 would be included in the review and approval process for these plans. RD 17 has requested a 60-foot setback from the toe of the levee, which would be incorporated into the linear parkway along the east side of the levee that would accommodate maintenance requirements of the district.

Lands along the San Joaquin River levee under RD 17 easement would not be affected by ownership by private parties. An easement to allow RD 17 to conduct inspection, monitoring, or maintenance along the levee does not require RD 17 to own the property. The easement simply preserves RD 17's rights to conduct necessary activities on the property, regardless of the ownership. This is the case under existing conditions where RD 17 has easements on private lands used for agricultural production adjacent to the levee. RD 17 easements would be maintained after project development.

Section 4.12, Recreation, of the DEIR provides information about the new parkland and open space areas that would be created as part of the CLSP project. Dos Reis Regional Park would be incorporated into the project area, and improvements to picnic or play areas could be undertaken to better integrate the County park with the surrounding City-owned community park facilities; these improvements would require County approval. The commenter's reference to "reduction in park and open space lands" is unclear; the project would exceed the park/open space acreages required by the City General Plan.

S4-6 The commenter states that fees associated with the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) are "for loss of habitat value." This is correct, in part. The SJMSCP is also intended to provide "compensation for some impacts to recreation, agriculture, scenic values and other beneficial Open Space uses" (see page 4-1 of the SJMSCP). Therefore, it is consistent with the goals and intent of the SJMSCP for it to provide mitigation for impacts on agricultural resources.

The commenter requests that the EIR consider additional mitigation for conversion of agricultural land to urban uses. See response to comment S3-7, which is summarized here.

The City acknowledges that the proposed purchase of conservation easements through the SJMSCP would not be applied exclusively to agricultural land. Mitigation for conversion of Important Farmland would be implemented under the SJMSCP at the ratios identified by SJCOG. City staff recognizes that the Delta Protection Commission advocates additional actions be taken to compensate for conversion of agricultural lands, but will recommend to the City Council that compliance with the SJMSCP program constitutes an acceptable and feasible level of mitigation for the loss of agricultural land. Given the enormous costs that applicants would have to bear if

they were required to mitigate acre for acre, not only for biological resources of various types but also for agricultural property, staff believes that a requirement to mitigate for agricultural property beyond SJMSCP mitigation would translate into increased costs for development and thus substantial increases in housing prices. The SJMSCP represents a huge effort among a large number of federal, state, and local entities and private stakeholders. City staff believes that, in permitting private participants to mitigate for lost agricultural land while also mitigating for the loss of certain biological resources, the economically efficient approach to agricultural mitigation found in the SJMSCP represents a reasonable and appropriate balance between competing economic, social, and environmental policy considerations. The DEIR acknowledges (see discussion of Mitigation Measures 4.13-a) that this mitigation approach would substantially lessen the impacts of conversion of agricultural land, although it would not mitigate the impact to a less-than-significant level. The same conclusions would apply even if the City were to require that additional conservation easements be purchased. In the final analysis, imposing conservation easements on existing farmland does not alter the fact that the project would convert farmland and would result in a net loss of farmland.

Regarding the issue of buffers between agriculture and urban development, two categories of potential agricultural/urban interface conflicts are discussed in Impact 4.13-c of the DEIR: temporary interfaces between ongoing agricultural operations in the CLSP area and new development as development proceeds in the CLSP area during the anticipated 15-year buildout period, and interfaces between development along the northern boundary of the CLSP area and agricultural lands outside the plan area to the north. Buffers between urban and agricultural land uses described in Mitigation Measure 4.13-c are intended to address both of these conditions. The City believes that it is appropriate to leave the determination of specific buffer characteristics to the discretion of the City and to enforce the establishment of buffers as conditions of development approval. Factors such as the type of development adjacent to agricultural lands, the types of crops grown on adjacent agricultural lands, and the presence or absence of physical barriers (e.g., walls, fences) all influence the appropriate type and width of buffer needed to minimize conflicts between urban land uses and adjacent agricultural lands. As stated at the end of Mitigation Measure 4.13-c, implementation of that mitigation measure as described in the DEIR is considered sufficient to reduce impacts associated with conflicts at the agricultural/urban interface to less-than-significant levels. It should be noted that buffers between the northern boundary of the CLSP area and adjacent agricultural lands to the north would be located in the CLSP area, as suggested by the commenter.

Exhibit 5-1 in Chapter 5, Cumulative Impacts, of the DEIR shows that there is little land within the existing Lathrop city limits that is not currently developed or is not already proposed for future development. There are no contiguous parcels in the City large enough to accommodate the proposed project. The discussion in Impact 4.13-b of the DEIR provides an explanation of the City's rationale for cancellation of Williamson Act contracts. Notable in this discussion are the facts that there are no contiguous tracts of noncontracted land in the project vicinity large enough to accommodate the proposed project, and that cancellation of Williamson Act contracts and development in the CLSP area would provide a more contiguous pattern of urban development than development of other proximate noncontracted land.

S4-7 The San Joaquin River and associated levees provide approximately 500 feet of separation between the CLSP project site and lands to the west. The area to the west is used almost exclusively for agricultural production. Because of the distance of separation and the barriers provided by the San Joaquin River and the levees, the proposed project would not affect the agricultural lands to the west. Because Comment S4-7 is provided under the heading "Aesthetic Resources" it is assumed that this topic area is the primary focus of the comment. Similar to

views to the west from the CLSP area, foreground views of the plan area from lands to the west would be obscured by the San Joaquin River levees. The CLSP area would be visible only from the top of the west levee. Because lands on the west side of the San Joaquin River are used primarily for agricultural production, few people would look to the east toward the CLSP area from these lands. There are no scenic vistas or other viewsheds of note looking west from these lands.

S4-8 No extraction of natural gas is taking place in the CLSP area, in offsite areas affected by the project, or in the project vicinity. There are no known natural gas deposits at the project site or in the vicinity. The proposed project would not affect natural gas extraction activities.

S4-9 As stated in the response to Comments S4-1 and S4-7, the Primary Zone and agricultural activities taking place within it are adequately buffered by the presence of the San Joaquin River and associated levees between the CLSP and these areas. There is no need for the City of Lathrop General Plan, the CLSP, or the EIR to "describe, evaluate, or identify appropriate buffering techniques, or physical buffer zones … to prevent impacts of the future development on … the Primary Zone" because a sufficient buffer is provided by the San Joaquin River and associated levees without any additional buffering techniques or buffer zones. With regard to the commenter's identification of "low lying areas of the project site," as described on page 4.7-5 of the DEIR, there is very little topographic variability in the CLSP area, with elevations ranging from 12 feet above mean sea level (msl) in the eastern portion of the site to 8 feet msl in the southwestern corner of the site. There are no "low lying areas of the project site." Since 1991, the City has identified in its General Plan that Sub-Plan Area #2, including the CLSP area, is intended for eventual urban development rather than long-term continuation of agricultural uses. The commenter's requested consideration of alternate agriculturally compatible uses of the proposed project site was addressed during the General Plan process and need not be repeated in the DEIR for this project. In addition, see the response to Comment S4-6 regarding the establishment of buffers to prevent conflicts between development and adjacent agricultural lands.

S4-10 Section 4.11, Public Utilities, describes the City's policies and practices relating to stormwater conveyance and discharge and wastewater treatment. Impact 4.11-g describes the project's impacts relating to management of stormwater/surface water runoff. Potential impacts from stormwater discharge are considered less than significant and no mitigation is required. In response to comment letter O3, three of the wastewater treatment plant options included in the DEIR have been removed from further consideration: WRP #2 North (scalping), WRP #2 Onsite (scalping), and WRP #2 South (integrated) (see response to comment letter O3 and modifications to the EIR shown in Chapter 3 of this FEIR). With these treatment plant options removed, WRP #2 would be a completely stand-alone facility with surface disposal of all recycled water and no river discharges. Therefore, there would be no water quality impacts associated with wastewater treatment. (See State CEQA Guidelines §15130[a][1]: "[a]n EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.")

S4-11 The proposed project would include no changes to the boat launch facilities at Dos Reis Regional Park. The availability of this recreational resource would remain the same as under existing conditions. Dos Reis Regional Park would remain under the control of San Joaquin County, and any changes to operation of the boat launch facilities would be determined by the County and are not part of the proposed project. Because the proposed project does not include any aquatic recreation activities or new aquatic recreation facilities, there is no need to evaluate the carrying capacity of Delta waterways surrounding the project location.

S4-12 The commenter's recommendations regarding additional land- and water-related recreation facilities will be forwarded to the applicant and the City for consideration during final development of the CLSP park facilities if the project is approved. Many of the land-based facilities suggested by the commenter (overlooks, benches, picnic tables) are already included in the CLSP, although specific locations have not yet been determined. Boat launch facilities, picnic tables, and playgrounds are available at Dos Reis Regional Park, located in the midst of the CLSP area.

S4-13 New recreation facilities in the CLSP area would be under the supervision of the City's parks and recreation department (other than Dos Reis Regional Park, which would remain as a County facility). Funding for supervision of city and county park facilities in the CLSP area would follow the same methods employed at this time for existing city and county parks. It should be noted that the project applicant would contribute to park funding via in-lieu fees paid to the City under the Quimby Act.

S4-14 The top of the levee in the project area is approximately 20 feet above the river during typical flows. Levee widths vary but are typically in the range of 15 feet at the top and 140 feet from the waterline to the east toe of the slope. As described on page 4.8-12 of the DEIR and reiterated in the response to Comment S4-4, the levee in the project area has been certified by USACE and FEMA as providing at least 100-year flood protection. The project has been designed to meet RD 17 setback requirements. No indication has been given by any regulatory agency that additional setbacks or improvements to the levee would be required for the proposed project.

L1

ENVIRONMENTAL HEALTH DEPARTMENT
SAN JOAQUIN COUNTY

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September 10, 2004

City of Lathrop
16775 Howland Road, Suite One
Lathrop, CA 95330

RE: Central Lathrop Specific Plan

The following are comments resulting from our review of the Central Lathrop Specific Plan Draft Environmental Impact Report:

1. The San Joaquin County Environmental Health Department (EHD) has previously gone on record of not recommending the location of the sewage treatment or disposal facilities adjacent to the San Joaquin River Levee due to seepage and high groundwater. L1-1

2. Central Lathrop Specific Plan, Chapter 8, page 8-5: building, grading, and demolition permits should be processes in coordination with the EHD to ensure the proper destruction of existing water wells and septic tanks. L1-2

3. Central Lathrop Specific Plan, Volume II: Technical Appendices, page 5: The San Joaquin County Environmental Health Services should be changed to San Joaquin County Environmental Health Department. L1-3

Should you have any questions regarding these comments, please contact Raymond Borges, Lead Senior Registered Environmental Health Specialist, Registered Dairy Inspector, at (209) 468-3284.

Sincerely,

Al Olsen, Program Manager
Environmental Health Department

AO: cf

Letter
L1
Response

San Joaquin County Environmental Health Department
Al Olsen, Program Manager
September 10, 2004

L1-1 It is understood that the San Joaquin County Environmental Health Department has expressed concerns regarding sewage treatment and disposal facilities being located adjacent to levees and creating seepage problems. If the WRP #2 North location is selected (see Exhibit 3-6), it would not be located adjacent to the levee. Additionally, the recycled water storage ponds would be lined where required to prevent seepage. The sprayfields would only be utilized during the summer, and water would be sprayed at accepted agronomic rates to prevent ponding that could result from high groundwater. All project facilities would be located to meet or exceed existing setback requirements identified by Reclamation District (RD) 17, which has jurisdiction over levees adjacent to the project site.

L1-2 Building, grading, and demolition permits would be obtained in coordination with the San Joaquin County Environmental Health Department to ensure the proper destruction of existing water wells and septic tanks. This information will be added to the list of regional and local actions required for the project on page 2-12 of the DEIR (as shown in Chapter 3 of this FEIR).

L1-3 The agency title "San Joaquin County Environmental Health Services" is used in the Notice of Preparation, a document that has already been published and is merely reprinted in Volume II of the DEIR. Therefore, the agency title cannot be corrected in the DEIR appendix. However, the correct title of the agency, "San Joaquin County Environmental Health Department," is used in the information added to the DEIR in response to Comment L1-2 above.

L2

San Joaquin Valley
Air Pollution Control District

September 13, 2004 20040360

Bruce Coleman
City of Lathrop.
16775 Howland
Lathrop Ca. 95330

Subject: Draft Environmental Impact Report (DEIR) for the Central Lathrop, Specific Plan

Dear Mr. Coleman:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley is classified non-attainment for ozone and fine particulate matter (PM10). This project will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. This project may generate significant air emissions and it will reduce the air quality in the San Joaquin Valley. The project will make it more difficult to meet mandated emission reductions and air quality standards. A concerted effort should be made to reduce project-related emissions as outlined below: L2-1

Construction activities will be subject to certain aspects of District Regulation VIII (Fugitive PM10 Prohibitions). District Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM10 emissions generated by human activity, including construction, road construction, bulk materials storage, landfill operations, etc. A Dust Control Plan must be submitted for the District's approval at least 30 days before construction activities begin if the project encompasses 40 acres or more or will move more than 2,500 cubic yards per day of material on at least three days of the project. Current District rules can be found at http://www.valleyair.org/rules/1ruleslist.htm.

Please be advised that on August 19, 2004, the District's Governing Board adopted amendments to Regulation VIII (specifically, Rules 8011 through 8061), which become effective on October 1, 2004. If construction were to commence after October 1, 2004, the applicant should contact the District to determine where requirements have changed and how rule changes may affect the project. L2-2

The compliance assistant bulletin for public agencies can be found at
http://www.valleyair.org/busind/comply/compliance_assistance_bulletins.htm#reg8

This project will be subject to the permitting requirements of the District and require a Permit to Operate (PTO). Any equipment subject to the District's PTO requirements must obtain an Authority to Construct (ATC) from the District. Construction of equipment, which requires an ATC, and intimately related appurtenances such as foundations and utility hookups for the equipment, cannot begin until an ATC is obtained. Construction of equipment not requiring a District permit is not subject to this ATC requirement. Depending upon the nature and complexity of the application and staff workload, ATC approval can take several months. For further information, the applicant should contact the District's Small Business Assistance Office at 230-5888, or our Permit Services Section at (559) 230-5900. To avoid unnecessary delays in the project, applications should be submitted to the District as soon as the project developer has determined the scope of the project. L2-3

There are a number of measures that can be incorporated into the construction phase of the project to provide additional reductions to construction emissions. The measures listed below should not be considered all-inclusive and remain options that the project proponent should consider.

- When feasible, construction and operation activity should occur during early morning, late evening, and night time hours during the summer months.
- Pave haul roads in the project area.
- Construction equipment should have engines that are Tier II (if available as certified by the Air Resources Board). Tier I and Tier II (2.5 gram) engines have a significantly less PM and NOx emissions compared to uncontrolled engines. Onsite equipment should be equipped with 1998 or newer engines. Engines built after 1998 are cleaner Tier II engines. To find engines certified by the Air Resources Board, see http://www.arb.ca.gov/msprog/offroad/cert/cert.php. This site lists engines by type, then manufacturer. The "Executive Order" shows what Tier the engine is certified as. For more information on heavy-duty engines, please contact Mr. Kevin McCaffrey, Air Quality Specialist, at (559) 230-5831.
- Off road trucks should be equipped with on-road engines when possible.
- Light Duty Cars and Trucks should be alternative fueled or hybrids.
  www.fueleconomy.gov
  http://www.eere.energy.gov/cleancities/index.html (Clean Cities Program) and
  www.driveclean.ca.gov have resources to find alternative fueled or hybrid vehicles.
- Require clean vehicles as a condition of contracts. Although the Avenal Landfill will not own the refuse hauling and transfer trucks, the City can require the vehicles to have low emissions, newer engines, or alternative fueled as a condition of the contract to use the landfill. Possible implementation of this measure includes (but is not limited to):
  - Directing the measure to vehicles from outside the SJAPCD
  - Directing the measure to larger contracts
  - Stipulate phasing in the measure as a condition in contracts

L2-4

- The applicant/tenant(s) should require that all diesel engines be shut off when not in use on the premises to reduce emissions from idling. The applicant should install equipment that provides amenities that would otherwise be powered by idling engines. An example of such technology includes *IdleAire*. See http://www.idleaire.com/.

- The applicant should use low-NOx diesel. The California Air Resources Board (CARB) has certified specific biodiesels for NOx reduction. Only biodiesels that have been certified by CARB should be used. For more information on biodiesel, please call Mr. Chris Acree, Air Quality Specialist, at (559) 230-5829.
  Information on biodiesel can also be found at CARB's website-
  http://www.arb.ca.gov/fuels/diesel/altdiesel/altdiesel.htm
  and the EPA's website http://www.epa.gov/oms/models/biodsl.htm.

The California Air Resources Board (ARB) has designated diesel particulate emissions as a toxic air contaminant. The proposed project should be analyzed to see if it is considered near a location of sensitive receptors and if diesel toxicity is a potential source of concern. On page 43 of the "Guide for Assessing and Mitigating Air Quality Impacts" (GAMAQI), the District addresses and defines sensitive receptors with respect to CEQA. If the project is near sensitive receptors and diesel toxicity is a concern, the project developer should perform a Hazardous Risk Assessment (HRA). A Hazardous Risk Assessment (HRA) needs to address the following:

- **Heavy Duty diesel truck travel**
- **Heavy duty diesel truck idling**
- **Truck refrigeration units (TRU)**
- **IC engines located on the project premises not requiring a District Permit.**

The location of sensitive receptors should be explained in terms that demonstrate the relationship between the project site and potential air quality impacts (e.g., proximity, topography, or upwind or downwind location). All future development that may reasonably foresee the addition of sensitive receptors in the area, based on land use zoning or designations, should also be included

L2-5

in the analysis. For question about HRA's please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at (559) 230-5881

L2-5 Cont.

The District encourages innovation in measures to reduce air quality impacts. There are a number of measures that could be incorporated into the design of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as City/County development standards. Any measure selected should be implemented to the fullest extent possible.) The measures listed below should not be considered all-inclusive and remain options that the project proponent should consider:

- Trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions, and to shade paved areas. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Structural soil should be used under paved areas to improve tree growth. A brochure has been included for the applicant.
  For Structural Soil see http://www.hort.cornell.edu/uhi/outreach/csc/
  For Tree Selection see http://www.ufei.org/
  For Urban Forestry see http://www.coolcommunities.org http://wcufre.ucdavis.edu
  http://www.lgc.org/bookstore/energy/downloads/sjv_tree_guidelines.pdf

- If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements should be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures. Appropriations made to facilitate public or mass transit will help mitigate trips generated by the project. Direct pedestrian access to the main entrance of the project from existing or potential public transit stops and provide appropriately designed sidewalks. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.
  Specifically: Bus turnout(s) should be planned near the entrance(s) of the development for school bus loading to accommodate school-age children.

L2-6

- Multi-story parking facilities should be considered instead of parking lots to reduce exposed concrete surface and save green space. Large expanses of exposed concrete in parking lots exacerbate the "heat island" effect as well as widen the distance patrons and employees must cross. "Heat islands" created by this and similar projects contribute to the reduced air quality in the valley by heating ozone precursors. Heat mitigation should be considered for this project. Parking facilities allow more patrons to park closer to the multiple desired destinations and provide a cool and protected place to park. Space not used by the parking facility can be used to concentrate units, as park space or as a 'special attraction' space such as fountains or unique units. While the initial cost of a multi-story parking facility may seem cost prohibitive, investments in smart planning increase safety, increase usable area and decrease land waste by reserving areas not used for parking for future growth or special use.

- As many energy conserving and well-designed features as possible should be included in the design/construction of the project. Examples include (but are not limited to); increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances, awnings or other outside shading mechanism for windows, ceiling fans, bicycle parking facilities for patrons and employees in a covered secure area, employee shower and locker areas for bicycle and pedestrian commuters, orient the units to maximize passive solar cooling and heating when practicable, electrical outlets installed around the exterior of the units to encourage use of electric landscape maintenance equipment, natural gas lines (if available to this area) and electrical outlets in backyard or patio areas to encourage the use of gas and/or electric barbecues, low or non-polluting incentives items should be provided with the purchase of each residential unit (such items could include electric lawn mowers or gas or electric barbecues), exits to adjoining streets should be designed to reduce time to re-enter traffic from the project site, etc.
  More information can be found at: http://www.sustainable.doe.gov/
  http://www.consumerenergycenter.org/index.html

http://www.energy.ca.gov/coolcommunity/strategies.html
http://www.lgc.org

- Project design should use models put forward by the Local Government Commission (LGC) in the "Smart Growth Guidebook," such as; street block patterns that form an interconnected grid, short block faces, numerous alleys and narrow streets. The LGC website http://www.lgc.org contains valuable information and resources on subjects from street design to energy efficiency.

- The project should include as many clean alternative energy features as possible to promote energy self-sufficiency. Examples include (but are not limited to): photovoltaic cells, solar thermal electricity systems, small wind turbines, etc. Rebate and incentive programs are offered for alternative energy equipment. More information can found at-
http://www.dsireusa.org/, http://rredc.nrel.gov/, http://www.energy.ca.gov/renewables/

- The applicant/tenant(s) should require that all diesel engines be shut off when not in use on the premises to reduce emissions from idling. The applicant should install equipment that provides amenities that would otherwise be powered by idling engines. An example of such technology includes *IdleAire*. See http://www.idleaire.com/. L2-6 Cont.

- The applicant should use low-NOx diesel. The California Air Resources Board (CARB) has certified specific biodiesels for NOx reduction. Only biodiesels that have been certified by CARB should be used. For more information on biodiesel, please call Mr. Chris Acree, Air Quality Specialist, at (559) 230-5829.
Information on biodiesel can also be found at CARB's website-
http://www.arb.ca.gov/fuels/diesel/altdiesel/altdiesel.htm
and the EPA's website http://www.epa.gov/oms/models/biodsl.htm.

Web Resources.
See the Air Resources Board's website for more information on reducing emissions from diesel engines. California's Diesel Risk Reduction Plan
http://www.arb.ca.gov/diesel/documents/rrpapp.htm. Specifically- Appendix 3 ***Mobile Diesel-Fueled Engines*** and Appendix 9 ***Diesel PM Control Technologies.***

Other Comments:

Agricultural Resources: The DEIR states that the project site is currently being used agricultural production. District Rule 4103 regulates the burning of agricultural material. Agricultural material may not be open burned if the land use is converting from agriculture to nonagricultural purposes. L2-7

Air Quality: It should be noted that in the event that the project produces odors that create a public nuisance, it would be in violation District Rule 4102 (Nuisance) and be subject to District enforcement action. L2-8

In the event that any portion of an existing building will be renovated, partially demolished or removed, the project will be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). Any identified ACBM having the potential for disturbance must be removed by a certified asbestos-contractor in accordance with CAL-OSHA requirements. If you have any questions concerning asbestos related requirements, please contact Mr. Dwayne England of this office at (559) 230-5973, or contact CAL-OSHA at (559) 454-1295. An Asbestos Requirements Bulletin has been enclosed for the applicant. L2-9

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5800 or Mr. Hector R. Guerra, Senior Air Quality Planner, at (559) 230-5820 and provide the reference number at the top of this letter.

Sincerely,

Cynthia Echavarria
Central Region

Enclosure
c: file

San Joaquin Valley
Air Pollution Control District

COMPLIANCE ASSISTANCE BULLETIN

September 2002

(Update from June 2002)

Fugitive Dust Control at Construction Sites

Regulation VIII, Fugitive PM10 Prohibitions, of the District's Rules and Regulations regulates activities that generate fugitive dust. Fugitive dust is emitted to the air from open ground or caused by activities such as excavation, transporting bulk materials, or travel on unpaved surfaces. "PM10" is a term applied to small sized particulate matter - microscopic dust particles - in the air. The San Joaquin Valley currently exceeds the air quality standards for particulate matter. It is for this reason that the District adopted Regulation VIII in 1993. Significant amendments to Regulation VIII were adopted in 2001 and became effective May 15, 2002. The following dust control and administrative requirements are applicable at construction sites:

Visible Dust Emissions (VDE). Visible dust emissions may not exceed 20% opacity during periods when soil is being disturbed by equipment or wind at any time. Dust control may be achieved by means of applying water before and during earth work and on traffic areas, phasing work to limit dust, and setting up wind fences to limit wind blown dust. VDE opacity of 20% means the amount of dust that would obstruct the view of an object by 20%.

Soil stabilization. Soil stabilization is required at any construction site after normal working hours and on weekends and holidays. This requirement also applies to inactive construction areas such as phased projects where disturbed land is left unattended. Applying water to form a visible crust on the soil is an effective method for stabilizing a disturbed surface area. Long-term methods include applying dust suppressants or establishing vegetative cover. Restricting vehicle access from the area will help to maintain a stabilized surface. Information regarding stabilization standards and test methods are in Rule 8011 – *General Requirements*.

Carryout and Trackout. These requirements are found in Rule 8041 – *Carryout and Trackout*. Carryout and trackout are materials adhered to vehicle tires and transport vehicles carried from a construction site and deposited onto a paved public road. Should carryout and trackout occur, it must be cleaned up at least daily, and immediately if it extends more than 50 feet from the exit point onto a paved road. The recommended clean-up methods include manually sweeping, sufficiently wetting the area prior to mechanical sweeping to limit VDE or using a PM10-efficient street sweeper. A blower device, or dry sweeping with any mechanical device other than a PM10-efficient street sweeper is prohibited.

Access and Haul Roads. Dust control is required on all unpaved access and haul roads, and unpaved vehicle and equipment traffic areas at construction sites, per Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

Storage Piles and Bulk Materials. The handling, storage, and transportation requirements for bulk materials are found in Rule 8031 – *Bulk Materials*. These requirements include: applying water as materials are handled, stabilizing or covering stored materials, and installing wind barriers to limit VDE. Limiting vehicle speed, loading haul trucks with a freeboard six inches or greater, covering haul trucks, or applying water to the top of the load are options for reducing VDE from vehicle transportation of bulk materials.

Demolition. Wetting of the exterior of a building to be demolished is required. Demolition debris and the area around the demolition must also be controlled to limit VDE. Cleaning up carryout and trackout must be completed according to Rule 8041. Demolition activities are also subject to the District's asbestos rule, Rule 4002 – *National Emission Standards for Hazardous Air Pollutants*.

Dust Control Plans. For large construction projects, Rule 8021 requires the owner or contractor to submit a Dust Control Plan to the District for approval at least 30 days prior to commencing construction activities. This requirement applies to projects that include 40 or more acres of disturbed surface area or will involve moving more than 2,500 cubic yards per day of material on at least three days during the project.

Record keeping. All sites subject to the regulation that employ dust control measures must keep records for each day any dust controls are used. The District has developed record keeping forms for water application, street sweeping, and for "permanent" controls such as applying long term dust palliatives, vegetation, ground cover materials, paving, or other durable materials. Pursuant to Rule 8011, records must be kept for one year after the end of dust generating activities.

Exemptions. Activities in areas above 3,000 feet elevation are exempt from all Regulation VIII requirements. The following exemptions in Rule 8021 apply to construction activities:

- Blasting activities
- Maintenance and remodeling of existing buildings if the addition is less than 50% of the size of the existing building or 10,000 square feet. These activities, however, are subject to the District's asbestos rule, Rule 4002.
- Additions to single family dwellings
- Mowing, disking or other weed control on sites less than ½ acre.

Nuisance. Whether or not the construction activity is exempt from the Regulation VIII requirements, any activity that creates fugitive dust must not cause a nuisance, per Rule 4102 - *Nuisance*. Therefore, it is important to monitor the dust generating activities and, if necessary, plan for and implement the appropriate dust control measures to limit the public's exposure to fugitive dust.

This is a basic summary of Regulation VIII as it applies to the construction industry. For more information contact the Compliance Division of the District office nearest to you.

L2-1 The City of Lathrop acknowledges the concerns of the San Joaquin Valley Air Pollution Control District (SJVAPCD) related to the potential air quality impacts of the project in the San Joaquin Valley. The responses provided in this FEIR reflect the City's commitment to mitigate these possible impacts while continuing to provide for the economic development and growth of the City. The City's intent is to apply practical enforcement of many of the SJVAPCD's recommended mitigation measures as described below and in the DEIR.

L2-2 As recommended by the SJVAPCD, Mitigation Measure 4.5-a (beginning on page 4.5-21 of the DEIR) has been revised to include implementation of a dust control plan during project-related construction activities. The revisions are shown in Chapter 3 of this FEIR. With regard to the SJVAPCD's adopted amendments to Rule VIII, Mitigation Measure 4.5-a already identifies the need for the applicant to contact the SJVAPCD annually to identify the most recent dust control measures.

L2-3 Although the approval of the CLSP itself would not trigger the need for any Permits to Operate (PTOs) or Authority to Construct (ATC) approvals, individual stationary-source projects eventually proposed within the CLSP may indeed require such permits from the SJVAPCD as requested. Although the landowner(s), rather than the City, would be responsible for applying for and obtaining such permits in most instances, the City assumes and recommends that applications would be submitted as soon as the scope of each specific construction project is identified. The ATC is already identified on pages 1-5 and 2-12 of the DEIR as a permit/approval required by the SJVAPCD. Reference to the PTO will be included in this section. In addition, the description of the SJVAPCD's regulatory responsibilities (page 4.5-1 of the DEIR) has been revised to include the district's authority to issue a PTO and ATC. These revisions are shown in Chapter 3 of this FEIR.

L2-4 With respect to the individual measures suggested by the commenter, the City offers the following responses for each measure and has revised Mitigation Measure 4.5-a to incorporate actions included in the responses (see Chapter 3 of this FEIR for adopted revisions):

- When feasible, construction activity will be encouraged during early morning hours during the summer months. The City will review applications for early start on a case-by-case basis and will encourage these practices to the extent there are limited numbers of sensitive noise receptors that would be adversely affected. It is expected that late evening and nighttime operations could result in unacceptable overhead and contractor pricing due to union pay policies. However, to the extent it is economically feasible and acceptable from a noise and light impact perspective, evening and nighttime activity will be allowed and promoted by the City.

- Use of paved haul roads can be considered if it is anticipated that there will be an extensive length of service or to the extent that they will become permanent roadways in the future. Due to the temporary nature of most haul roads, it is not expected that paving will be economically feasible in most instances. In addition to considering the use of paved roadways, contractors will be required to construct rock/aggregate base roads and/or apply

adequate construction water as appropriate. As already included in Mitigation Measure 4.5-a, temporary haul roads will include appropriate dust control mitigation with consideration of the anticipated length of service, time of year, and other factors. The City will monitor construction activity and make recommendations based on the above criteria.

- The applicant has contacted several major construction contractors that commonly work in the Central Valley in an effort to determine the availability of certified equipment. In general, it was found that Tier I standards would be attainable for most of the anticipated heavy equipment. Tier II equipment is more limited in availability and may only include large dozers (i.e., D10s). It is expected that more equipment will be upgraded by 2007, including scrapers and motor graders. As the later model equipment with improved standards becomes available, it will be put into service during later phases of the project. Reference to Tier I and Tier II equipment has been added to the requirement in Mitigation Measure 4.5-a that contractors utilize available and economically feasible emissions reduction equipment on an established percentage of the equipment fleet.

- Off-road trucks will be equipped with on-road engines when possible and available for the intended use.

- Engines used in light-duty cars and trucks are typically subject to the personal preference of the corporate or private party owner/operator. It is expected that incentives and improvements in the hybrid market will result in greater proliferation of these types of vehicles in the future; however, it is not feasible for the City or the applicant to require the use of alternative-fueled or hybrid vehicles during project construction, as neither the City nor Richland exerts sufficient control over the affected third parties to make such a requirement practicable or enforceable.

- The SJVAPCD's proposal that the City require clean vehicles will be implemented in construction contracts to the degree feasible. The comment's reference to Avenal Landfill appears to be a typographical error. Requirements that construction equipment have low emissions or use alternative fuels are already included in Mitigation Measure 4.5-a to the extent feasible and within the bounds of affordability.

- Mitigation Measure 4.5-a already includes a requirement that on-site equipment not be left idling when not in use. The City's inspection staff will assist in enforcing this requirement.

- Mitigation Measure 4.5-a in the DEIR already includes the following measure related to low-NO_X/biodiesel fuel: "Use alternative-fueled construction equipment, where reasonably available, such as equipment capable of using biodiesel or emulsified fuel." As described above, additional language has also been added to Mitigation Measure 4.5-a related to the use of "clean vehicles" and Tier I and Tier II equipment.

L2-5 The potential for stationary and mobile sources of toxic air contaminants (TACs), including sources of diesel emissions, to be located in close proximity to sensitive receptors is discussed in Impact 4.5-b on pages 4.5-16 and 4.5-17 of the DEIR. A detailed health risk assessment (HRA) cannot be conducted at this time because the specific location(s) of potential TAC sources in relation to sensitive receptors is not known at this stage in planning (e.g., it cannot be known at this time if housing units would be located in close proximity to a gas station or loading bay associated with a commercial facility). Efforts will be made by both the City and the developer to stage construction in such a manner that there will be limited impact to sensitive receptors from construction-related emissions. To ensure that an HRA is performed when necessary, Mitigation

Measure 4.5-b has been revised to state that, where applicable, an HRA will be required by the City (in consultation with the SJVAPCD) if it is anticipated that sensitive receptors have significant potential to be adversely affected. Specific revisions to Mitigation Measure 4.5-b are shown in Chapter 3 of this FEIR.

L2-6 The City planning department will take an active role on a project-by-project basis to encourage innovation in an effort to reduce air quality impacts. The CLSP already incorporates many of the suggested features. The City appreciates the suggestions offered and will apply the information provided by the commenter when appropriate and feasible as the various large lots are developed. The following responses relate to the individual suggestions provided in the comment letter:

- Tree and shade requirements would be met in accordance with existing City development standards and site-specific requirements that are expected to be generated as various improvement plans are submitted for approval. The CLSP itself also includes various landscaping guidelines, which include tree plantings. In parking areas, the CLSP requires a ratio of one tree for every six spaces; depending on the species of trees selected, on balance, this may result in 50% shade coverage in many instances.

- The CLSP includes provisions for public transit and bus facilities that would promote bus usage (e.g., space for bus turnouts, bus stop shelters). Pedestrian access would be provided throughout the project site via sidewalks and a multi-use trail system.

- Multi-story parking would be considered and encouraged by the City where appropriate. Whether any particular parking structure, in any particular location, is economically feasible cannot be determined at present, and can only be considered when individual project applications are brought forth. At that time, parking lot or structure design can be considered in light of overall project economics.

- Energy conservation measures would be enforced by the City building department in accordance with existing City and state policies and codes. Such policy documents and legal requirements typically represent expert opinion about how to reasonably balance conservation and cost considerations. However, the City does not have authority to enforce all the measures suggested by the commenter, especially those that might be considered trip reduction measures imposed on businesses, such as employee shower and locker areas for bicycle and pedestrian commuters. Such measures are generally disallowed by Health and Safety Code Section 40717.9, which prohibits air pollution control districts, air quality management districts, congestion management agencies, and "any other public agenc[ies]" from requiring an employer to implement an "employee trip reduction program" unless "the program is expressly required by federal law and the elimination of the program will result in the imposition of federal sanctions, including, but not limited to, the loss of federal funds for transportation purposes." This prohibition applies "[n]otwithstanding" Health and Safety Code Sections 40454, 40457, 40717, 40717.1, 40717.5, or "any other provision of law." Because of its extremely broad language, this prohibition effectively eliminates employee trip reduction programs as one of the types of mitigation that cities and counties can impose under CEQA for impacts on air quality and transportation facilities. (For further discussion of this law, see Remy et al., Guide to the California Environmental Quality Act [10th ed. 1999], pp. 981-988.)

- Project designers would be encouraged by the Central Lathrop Design Review Board to refer to the LGC "Smart Growth Guidebook." The City favors many of the principles related to

this material and, in fact, much of the proposed land use has been designated with flexibility to encourage "Smart Growth" through appropriate zoning designations.

- Although the City encourages the inclusion of clean alternative energy features in proposed projects, it would not be economically feasible to require these features in all new developments, and it could place some entities at an economic disadvantage if these features were only required for selected projects. Rather than impose an inflexible, across-the-board requirement at the specific plan stage of planning, the City prefers to deal with "clean alternative energy" issues in connection with individual projects. At such times, issues regarding cost, building orientation, and shading considerations can be fully considered.

- Please see the response to Comment L2-4 regarding diesel engines being shut off to reduce emissions during idling.

- The applicant has consulted with master mechanics at Ford Motor Corporation and Granite Construction to evaluate the feasibility of biodiesel fuels. According to these industry experts, the current commercially available biodiesel fuels are not practical for use in the majority of heavy equipment applications. Although they generate lower emissions, the resulting loss of horsepower from bio-diesels requires that equipment run longer and less efficiently. In many instances, this result is counter productive and cost prohibitive. For these reasons, requiring that only biodiesel fuel be used is not feasible. However, as indicated in the response to Comment L2-4, use of low-NO_X diesel fuel/biodiesel fuel would be encouraged where feasible and appropriate.

L2-7 Burning of agricultural material will not be allowed, consistent with District Rule 4103.

L2-8 As described in Impact 4.5-c and Mitigation Measure 4.5-c, release of odors would be monitored and appropriate mitigation measures included. It is acknowledged that violations will be subject to enforcement action through District Rule 4102.

L2-9 As described in Impact 4.9-b and Mitigation Measure 4.9-b, demolition activities would be preceded by a review of existing structures for the potential presence of asbestos-generating material (ACBM). Any identified ACBM having the potential for disturbance will be removed by a certified contractor in accordance with the California Occupational Safety and Health Administration (Cal-OSHA).

Stanislaus County
Striving to be the Best

CHIEF EXECUTIVE OFFICE
1010 10th Street, Suite 6800, Modesto, CA 95354
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Patricia Hill Thomas
Interim Chief Executive Officer
Phone: 209.525.6333 Fax 209.544.6886

L3

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

September 13, 2004

Bruce Coleman
City of Lathrop
Planning Department
16775 Howland Road
Lathrop, CA 95330

SUBJECT: **ENVIRONMENTAL REFERRALS-DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL LATHROP GENERAL PLAN AMENDMENT AND SPECIFIC PLAN (SCH#2003072132)**

Mr. Coleman:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has the following comments.

- The Draft EIR identifies the need, and funding contribution, for more than $220 million in regional transportation improvements including the major widening of SR-120, I-5, and I-205. The West Lathrop Specific Plan Regional Transportation Impact Fee is expected to generate roughly half the funding needed to implement the improvements. The Draft EIR further acknowledges that these improvements will not be in place to mitigate the impacts of the project. As a consequence, a major regional route from the Central Valley to the Bay Area, from SR-99 to I-580, will experience extreme congestion. L3-1

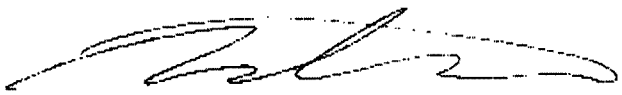
- The Draft EIR does not discuss the cumulative or growth-inducing impacts of adding substantial additional traffic to this already congested interregional route. The impacts are likely to create greater pressure for development along the I-5 corridor in San Joaquin and Stanislaus counties as development seeks less congested alternative routes to SR-120 and SR-205. The environmental consequences of this growth have not been adequately addressed in the Draft EIR. L3-2

- In addition, increased congestion on the SR-120/205 corridor is likely to encourage Stanislaus and Merced commuters to utilize SR-132 that currently operates as a 2-lane conventional highway. Accident rates are already unusually high along SR-132. Until improvements are made, any diversion of L3-3

traffic along this route is likely to contribute to an increased in the number of accidents along the route. L3-3 Cont.

The ERC appreciates the opportunity to comment on this project.

Sincerely,



W. Richard Jantz, Deputy Executive Officer
Raul Mendez, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

Letter L3 Response

Stanislaus County Environmental Review Committee
W. Richard Jantz, Deputy Executive Officer
September 13, 2004

L3-1 Extreme congestion on State Route 99 (SR 99) and Interstate 580 (I-580) occurs under existing conditions and would be exacerbated by proposed development throughout the region. The CLSP would contribute a relatively small proportion of the cumulative traffic in the region, as identified in Section 4.4, Transportation and Circulation. Still, as the DEIR discloses, in many instances the project's incremental contribution to significant cumulative traffic problems is considered cumulatively considerable. Based on these conclusions, as also described in Section 4.4, the DEIR recommends mitigation measures by which the applicant would pay the project's traffic impact fees representing a fair share of the cost of regional transportation improvement projects identified in the CFF. The City of Lathrop has generally contributed its fair share for regional traffic improvements; the fact that other municipalities have not done so is beyond the control of the City or the applicant to address. In addition, in most instances the timing of expenditures of fees for regional traffic improvement projects is at the discretion of Caltrans and is also beyond the control of the City and the applicant.

L3-2 Sections 4.4, Transportation and Circulation, and 5.3.3, Cumulative Impacts to Transportation and Circulation, of the DEIR both evaluate impacts to traffic volumes as a result of the construction of the CLSP project and cumulative development in the region. Cumulative traffic levels (i.e., incorporating trip generation from the proposed project and cumulative development in the region) were evaluated under current conditions, at an interim buildout period (2010), and at full buildout (2020). Supporting data for traffic density currently and at project buildout (including projected regional development) can be found in Volume II, Appendix C of the EIR. Results of traffic modeling runs, including runs addressing cumulative development, are available for review at the City of Lathrop Community Development Department/Planning Division, as stated on page 4.4-1 of the DEIR.

Growth-inducing impacts of the proposed project are addressed in Chapter 6 of the DEIR. An evaluation of the potential growth-inducing effects of transportation infrastructure improvements associated with the proposed project is provided on page 6-2 of the DEIR. It is unclear how "development" seeking "less congested alternative routes to SR-120 and SR-205" could lead to greater pressure for development along the I-5 corridor, as suggested by the commenter. With projected regional development (with or without the proposed project), segments of I-5 experience levels of congestion similar to SR 120 and SR 205 (see Tables 4.4-17 through 4.4-20 in the DEIR). None of these three roadways would provide an effective opportunity to avoid congestion, and none would have the opportunity to attract development because one roadway becomes slightly more or less congested than any other.

L3-3 The DEIR evaluates traffic impacts of the proposed project on 39 freeway segments and 39 roadway segments, including all segments for which Caltrans requested analysis. Caltrans did not request that SR 132 be included in the EIR traffic analysis. Stanislaus County was provided the Notice of Preparation for the EIR and was notified of the public scoping period and public scoping meeting prior to preparation of the EIR. At that time, Stanislaus County did not request that the EIR analyze traffic impacts on SR 132 or provide any input as part of the scoping process.

Although the proposed project would contribute to traffic volumes on the SR 120/I-205 corridor, the project's contribution would be relatively small compared to existing and projected future traffic volumes. In 2010, the segments of SR 120 between SR 99 and I-5 and the segments of I-205 analyzed in the DEIR (I-5 to West Grant Line Road) would operate at LOS F during peak hours without the proposed project (see Table 4.4-17 in the DEIR). The SR 120/I-205 corridor will be highly congested without the proposed project. It is unlikely that the proposed project would contribute sufficient additional vehicles to these freeway segments to incite additional drivers to use SR 132 as an alternative route.

MUSD

MANTECA UNIFIED SCHOOL DISTRICT

L4

Mary Karim, Facilities Planning Specialist

September 20, 2004

Mr. Bruce Coleman, Community Development Director
City of Lathrop
16775 Howland Road, Suite One
Lathrop, CA 95330

Subject: Response to Central Lathrop Specific Plan

Dear Mr. Coleman:

This is to advise you that Manteca Unified School District is in receipt of the Central Lathrop Specific Plan dated October 2004.

Manteca Unified appreciates the City of Lathrop keeping the school district informed and updated. We look forward to receiving the final adopted version of the Central Lathrop Specific Plan. L4-1

If there is further information regarding this matter I can be contacted at (209) 825-3200, extension 763.

Sincerely,
MANTECA UNIFIED SCHOOL DISTRICT

Mary Karim

Mary Karim
Facilities Planning Specialist
Facilities Department

Letter	
L4	**Manteca Unified School District** **Mary Karim, Facilities Planning Specialist**
Response	**September 20, 2004**

L4-1 This letter acknowledges receipt of the DEIR. No response is required.

01

SIERRA CLUB
FOUNDED 1892

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TEL. (916) 557-1100 X 108
Fax: (916) 557-9669
coordinator@sierraclub-sac.org
www.motherlode.sierraclub.org

Bruce Coleman, Director
City of Lathrop Community Development Dept.
16775 Howland Road
Lathrop, CA 95330

11 September 2004

RE: Central Lathrop Specific Plan DEIR

Mr. Coleman:

The Mother Lode Chapter of the Sierra Club submits the following comments on the Draft Environmental Impact Report (DEIR) for the Central Lathrop Specific Plan.

In general, we are most concerned that this DEIR fails to adequately assess and mitigate loss of important agricultural lands and related cancellation of Williamson Act contracts. O1-1

No Mitigation Fee for Farmland Loss

The DEIR notes that the project would cause the loss of 818 acres of prime agricultural lands and 622 acres of Farmlands of Statewide Importance. In addition, the project is proposing to cancel up to 1,244 acres of Williamson Act contracts.

The DEIR mitigation for these enormous impacts is only to require the developer to pay the standard fee to the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (which the developer is already required to do in order to mitigate for biological impacts). Mitigation measure 4.13-1 states that "The SJCOG will use these funds to purchase conservation easements on agricultural and habitat lands in the project vicinity...The preservation in perpetuity of agricultural lands through the SJMSCP, a portion of which would consist of Important Farmland, would ensure the continued protection of farmland in the project vicinity, partially offsetting project impacts." O1-2

However, the SJCOG has a very poor record in acquiring ag easements and there is no guarantee that prime farmland easements in the Lathrop area would be acquired with the fee that is paid by this developer. The DEIR should be amended to clarify this.

The DEIR fails to identify and discuss the recently formed Central Valley Farmland Trust or the two recent lawsuit settlements involving Lathrop that will provide funding for the trust. The trust is now operational in four counties and is charged to purchase conservation easements according to adopted strategic plans in each county. The Final EIR should be amended to reflect this. The trust will receive ag mitigation fee payments over time from the River Islands project, in the amount of $8.3 million. The trust will also receive approximately $11 million, according to the settlement of the South San Joaquin Irrigation District lawsuit. The latter settlement requires the three cities who are getting most of the SSJID water (Lathrop, Manteca, and Tracy) to adopt an agricultural mitigation program which would collect a $2,000 per acre fee from developments that convert prime agricultural lands using SSJID water, with one half of the total going to the farmland trust. O1-3

We strongly urge the EIR consultants and the City to require this developer to pay appropriate per acre mitigation fees of approximately $3,000 to $5,000 per acre to the Farmland Trust. Please contact Don Bo in Lodi or Holly King at the Great Valley Center in Modesto for further details.

Findings to Cancel Williamson Act Contracts Cannot Be Made

The City of Lathrop illegally canceled 1,700 acres as part of the River Island project in 2003. The City came very close to being sued by the State Attorney General over the issue. The City is now attempting to cancel 1,200 acres of contracts with this project. We expect the Department of Conservation will strongly object in a comment letter that the necessary findings to cancel a contract under Government Code 58282 cannot be met. We agree. O1-4

If there are any questions regarding these comments, you may contact me at eparfrey@webintellects.net, or 209/462-7079. Please send a copy of the entire Final EIR (not just responses to our comments) and all notices of public hearings to me at 1421 W. Willow Street, Stockton, 95203. Please do not send the Final EIR to the Mother Lode Chapter office of the Sierra Club in Sacramento at the address indicated on the letterhead.

Sincerely,

Eric Parfrey, chair
Sierra Club, Mother Lode Chapter

cc: Don Mooney, Esq.
Darryl Young, Dept. of Conservation

Letter O1 Response

Sierra Club, Mother Lode Chapter
Eric Parfrey, Chair
September 11, 2004

O1-1 The commenter's opinion regarding the adequacy of mitigation for loss of agricultural lands and cancellation of Williamson Act contracts is noted. The commenter elaborates on this issue in Comment O1-2 below. Consequently, a more detailed response is provided for Comment O1-2. However, as a general response, the City believes that the assessment of impacts related to the loss of agricultural lands and cancellation of Williamson Act contracts and the discussion of mitigation measures contained in the DEIR are adequate under CEQA.

O1-2 The DEIR acknowledges that mitigation fees paid under the San Joaquin County Multi-Species Habitat and Open Space Conservation Plan (SJMSCP) would not be directed exclusively toward the purchase of agricultural conservation easements and that among the agricultural lands that would be placed under conservation easements, only a portion would consist of Important Farmland. The DEIR properly acknowledges that, even with implementation of the mitigation associated with SJMSCP participation, the impact would remain significant and unavoidable. The commenter provides no evidence to support the contention that the San Joaquin Council of Governments (SJCOG) has a poor record in acquiring agricultural easements. It is the understanding of the City of Lathrop that SJCOG is implementing the SJMSCP in a manner consistent with the requirements of that plan. Also see response to Comment S3-7 in the letter received from the California Department of Conservation.

O1-3 As established through litigation settlement negotiations with the Sierra Club and Delta Keeper as mitigation for impacts relating to the South San Joaquin Irrigation District (SSJID) project, the Central Valley Farmland Trust has not been established in a manner to receive payments from Richland Planned Communities (Richland) because the imposition of the newly instituted fees against Richland was specifically excluded from the SSJID litigation settlement agreement. Thus, any participation by Richland in such a program would have to be on a purely voluntary basis. It is unclear why the commenter advocates payments of $3,000–$5,000 per acre when other property owners, under the settlement agreement in the SSJID litigation, are paying only $2,000 per acre pursuant to terms voluntarily accepted by the public agencies in consideration for dismissal of the litigation. An approved and established mechanism for the purchase of agricultural conservation easements as mitigation for the proposed project via the SJMSCP is described in Mitigation Measure 4.13-a in the DEIR. Also see the response to Comment S3-7.

O1-4 The commenter offers several conclusory statements regarding the purported illegality of past actions of the City of Lathrop in the project region; however, no specific information is offered in support of these statements. The City therefore has no way to respond to this comment other than to stand by the lawfulness of its prior actions. In addition, these statements do not relate to the content or adequacy of the CLSP DEIR or the analysis and conclusions included in the DEIR. A full discussion of the cancellation of Williamson Act contracts associated with implementation of the CLSP is provided in Impact 4.13-b of the DEIR. The California Department of Conservation has provided comments on the DEIR in Letter S3 and does not give any indication that the department "strongly objects" to the DEIR analysis or the ability of the City to make necessary findings to cancel Williamson Act contracts.

02

Pacific Gas and Electric Company

2730 Gateway Oaks Drive
Suite 220
Sacramento, CA 95833

September 13, 2004

Mr. Bruce Coleman, Community Development Director
City of Lathrop
16775 Howland Road
Lathrop, CA 95330

RE: Central Lathrop Specific Plan Draft EIR-Pacific Gas and Electric Company Response

Dear Mr. Coleman:

Thank you for the opportunity to comment on the Central Lathrop Draft EIR (DEIR).

After reviewing the draft document and during discussions with the project proponents, Pacific Gas and Electric Company (PG&E) has concluded that PG&E will need to construct a new electric substation and electric transmission line loop in order to serve the development planned within the specific plan boundaries.

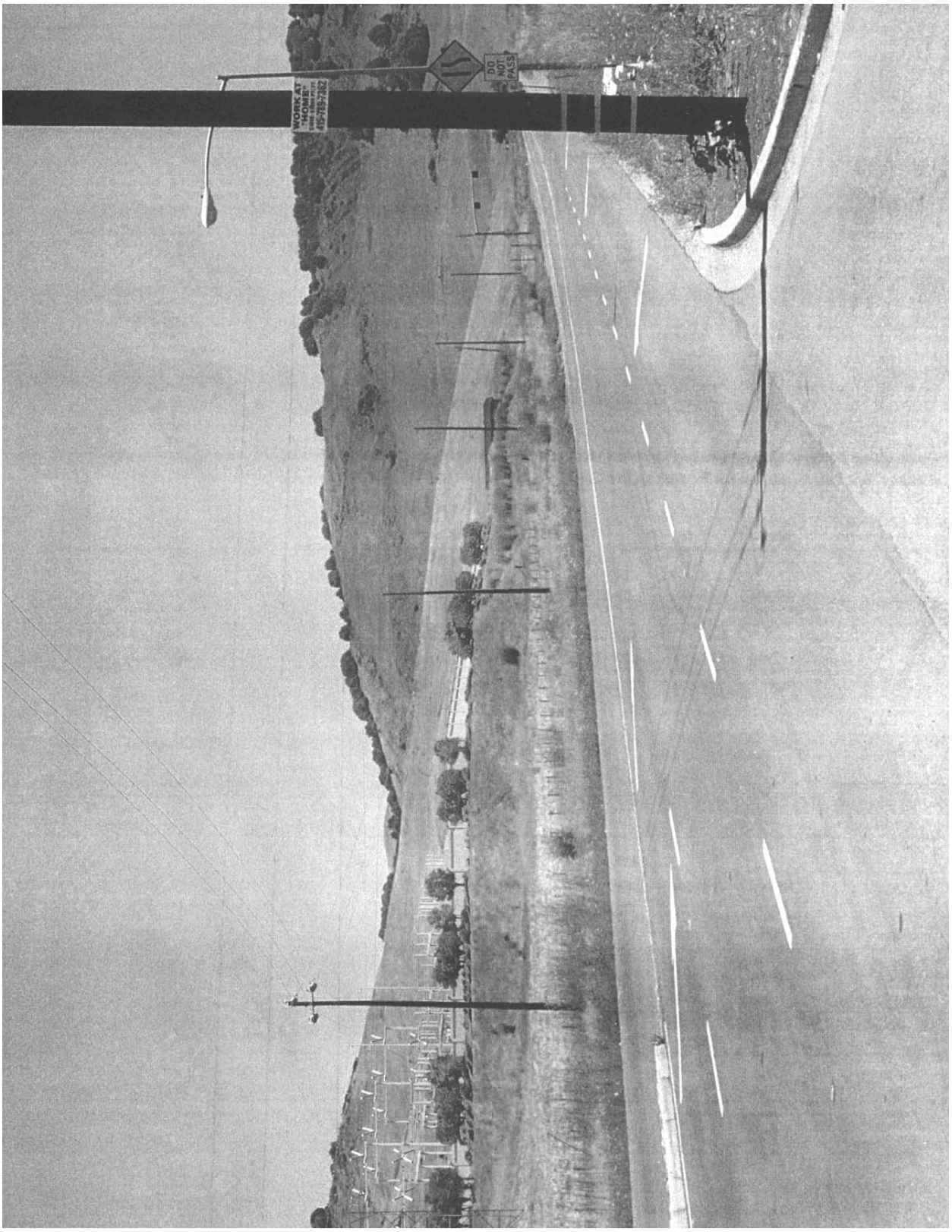
PG&E has determined that the most efficient location of the substation is along the westerly right of way line of Interstate 5 (I-5) just south of the alternative site of the wastewater treatment plant. The substation would be between 3 and 4 acres in size depending on the shape. I have enclosed a diagram/photograph depicting a typical substation of the type that will be required. The 115kV electric transmission line loop will cross I-5 and tie into the existing transmission line located along the easterly right of way line of I-5 and opposite of the substation. The transmission loop would be constructed on two new tubular steel poles, one on each side of I-5. I have also enclosed a diagram depicting a typical 115kV tubular steel pole. O2-1

The California Environmental Quality Act (CEQA) requires analysis of the "whole of a project," including any reasonably foreseeable actions that will necessarily result from the project. Thus, in order to be legally adequate, the DEIR must analyze the impacts of the new electrical facilities required to serve the project. The proposed project cannot be served with electrical power unless the new substation and transmission line are constructed. For this reason, any impacts from these facilities must be considered as part of the general analysis. Given the standard mitigation measures that we have previously discussed with you for these types of facilities and the analysis in the DEIR related to other development in the area, additional impacts from construction of these new electrical facilities would be less than significant. O2-2

Thank you in advance for adding the new substation and transmission line necessary to support the development described in the DEIR to your environmental analysis. If you have further questions or would like additional information, please contact me at (916) 923-7016.

Sincerely,

Michael Gunby
Land Project Analyst


DO NOT PASS
WORK AT HOME
415-713-2162

Letter
O2
Response

Pacific Gas and Electric Company
Michael Gunby, Land Project Analyst
September 13, 2004

O2-1 Electrical substations, internal electrical distrubution networks, and related onsite facilities are typically assumed as part of a proposed project the size of the CLSP. However, text is added on page 3-23 of the DEIR (in Chapter 3, Description of the Proposed Project) and on page 4.11-28 of the DEIR (in Section 4.11, Public Utilities) specifically describing the need for a substation and the potential location identified by the commenter. See Chapter 3 of this FEIR for the additional text. The area identified by the commenter as a likely location for an electrical substation is designated for office commercial use. Various utility infrastructure facilities are allowable and expected uses within this land use type. A variety of sites would be available within the Office Commercial land use type that would be acceptable for an electrical substation without creating conflicts with adjacent uses. No additional analysis is required in the EIR for this facility because its impacts are minor in the context of the overall CSLP, the effects of developing any potentially eligible land areas have already been fully disclosed, and mitigation has been recommended.

PG&E also identifies the need for an overhead 115-kV electric transmission line that would cross I-5 and tie into the existing transmission line opposite the proposed substation. This electrical infrastructure facility has also been added to the discussion on pages 3-23 and 4.18-10 of the DEIR (as shown in Chapter 3 of this FEIR). In addition, the California Public Utilities Commission (CPUC) has been added to the list of agencies (page 1-5, "Required Permits and Approvals," and page 2-11, "Approvals, Entitlements, and Permits Required") that would be involved in project approvals (as shown in Chapter 3 of this FEIR); the CPUC would be responsible for approving the location of the overhead transmission line across I-5.

Overhead electrical transmission lines over freeways are not uncommon, and installing such a line across I-5 to support the CLSP project would be consistent with the existing and future urban nature of the area. Construction of such an overhead transmission line as described by the commenter would not result in any new significant impacts or require any additional mitigation measures. However, text has been added to the discussion of Impact 4.18-c related to visual resources because the transmission line and associated towers on each side of I-5 would be highly visible to motorists. The text (added to page 4.18-10 of the DEIR) is shown in Chapter 3 of this FEIR. The language added to Impact 4.18-c concludes that, although the electrical transmission line and associated towers would be highly visible, they would not contrast with the urban/commercial and highway setting in which they would be located and would not translate to a substantial degradation of visual character. The presence of overhead electrical transmission lines would not alter the DEIR's conclusion that the CLSP's visual impacts, in the form of alteration of the existing agricultural character of the project site, would be significant and unavoidable. (See pages 4.18-9–4.18-11 and pages 4.11-12–4.11-13 of the DEIR.)

O2-2 The City disagrees with the commenter's statement that "the proposed project cannot be served with electrical power unless the new substation and transmission line are constructed." Electrical service is already provided to existing residents in the CLSP area. This existing electrical infrastructure could support a portion of the proposed project. The proposed substation and electrical transmission line are only necessary to supply the entirety of the projected CLSP electricity demand.

As stated in the response to Comment O2-1, the DEIR has been revised to incorporate information relating to the proposed electric substation and transmission line. The City believes that, should the proposed substation and transmission line raise only the ordinary environmental issues associated with such facilities, the City will likely find that the CLSP EIR and mitigation measures would adequately address those issues. If such issues turn out to be unexpectedly difficult or complex, however, the City may have to prepare some form of additional environmental document in addition to this EIR. Such a document would be either an addendum, supplemental, or subsequent EIR.

03

RIVER ISLANDS
AT LATHROP

September 20, 2004

Pam Carder, City Manager
City of Lathrop
16775 Howland Road
Lathrop, CA 95330

Subject: Comments on Draft EIR for the Central Lathrop Specific Plan and Associated Documents – SCH No. 2003072132

Dear Pam:

Thank you again for agreeing to provide additional time to comment on the CLSP EIR and associated documents. We believe that the additional time allowed River Islands and Richland Planned Communities the opportunity to discuss and resolve issues relating to wastewater treatment.

We are in receipt of the letter from Don Troppmann to you dated September 20th, 2004 (attached) and believe that the changes he proposes to the Wastewater Treatment options are acceptable. As Mr. Troppmann noted, River Islands does believe that the three deleted options did infringe upon the rights already granted under WRP #1. Any use of WRP #1 by CLSP would violate the basis for which public financing was secured and for which bonds were previously issued. O3-1

It is our understanding that the changes to the Wastewater Treatment options will be made before the Planning Commission and City Council take action on the corresponding documents in October. We agree that there appears to be no need to re-circulate the DEIR to reflect these changes.

However, since we have not reviewed the proposed development agreement, conditions of approval and other similar documents that have not yet been produced for public review, River Islands reserves the right to comment on other issues before formal action of the City Council is taken on this project. Please keep me advised of upcoming public meetings and the public hearing schedule for the both the Planning Commission and City Council that will be held for the consideration of the CLSP project. If you have any questions, please do not hesitate to contact me at (209) 858-2040. Thank you for consideration of our comments.

Sincerely,

Susan Dell'Osso

Susan E. M. Dell 'Osso
Project Director

THE CAMBAY GROUP, INC.
Lathrop Business Park, 16976 S. Harlan Road, Lathrop CA 95330 * Tel 209.858.2040 * Fax 209.858.2041

RICHLAND
Planned Communities, Inc.

September 20, 2004

Pam Carder
City Manager
City of Lathrop
16775 Howland Road
Lathrop, California 95330

Re: Proposed Central Lathrop Specific Plan

Dear Ms. Carder:

On behalf of Richland Planned Communities, Inc., which is the applicant for the Central Lathrop Specific Plan ("CLSP"), I am writing to inform the City of Lathrop ("City") of changes to our proposed project to which we have agreed after extensive discussions with the proponents of the River Islands Project. These changes will necessitate corrections, deletions, and additions to the Draft Environmental Impacts Report ("EIR") for the CLSP, all of which can be reflected in the Final EIR, without having to recirculate the DEIR. As explained below, changes to other project-related documents will also be necessary.

The River Islands representatives approached us, and the City, to raise concerns about how the CLSP EIR addressed possible means of treating and disposing of the wastewater effluent that will be generated by future development within the CLSP area. As you know, the EIR identified a total of six wastewater treatment options, which are described briefly on pages 3-18 through 3-21 of the Draft EIR. They are:

1. WRP#2 North
2. WRP#2 North (Scalping)
3. WRP#2 Onsite
4. WRP#2 Onsite (Scalping)
5. WRP#2 South; and
6. WRP#2 South (integrated)

Richland has decided to abandon its desire to go forward with three of these possible options: (2) WRP#2 North (Scalping); (4) WRP#2 Onsite (Scalping); and (6) WRP#2 South (integrated). The reason for our changed approach is very simple: River Islands believes that any option that would require effluent from the CLSP area to use any of the currently allocated capacity of WRP#1, either through the generation of liquids resulting from a "scalping" process at a satellite facility or through the use of new expanded capacity at WRP#1 as a result of an interconnection with WRP#2 South, could infringe on wastewater capacity which has already been committed to River Islands and other approved developments and upon which River Islands and other approved developments are relying. Because it was never Richland's intent to infringe on capacity that has already been committed to other development projects, we have decided to abandon the three options referenced above. We also note, however that River Islands does not object to the addition of the following language to the DEIR: **Though this plant (WRP#2) would be constructed, permitted, and operated totally independent of the nearby WRP#1, this plant may, after its construction, be connected to WRP#1 to allow redundant process trains under Title 22 for the production of recycled water at the same quality standard and to afford the City flexibility relative to operations and maintenance, as well as provide a greater safety margin during a risk of upset under emergency conditions.**

2220 Douglas Blvd., Ste 290 Roseville, CA 95661-3816 916.782.3330 fx 916.784.3389

Because of references to the three options, which we no longer wish to pursue, in (i) the Draft EIR, (ii) the proposed Master Plan Amendments we are seeking, (iii) the General Plan Amendment we are seeking, and (iv) our proposed Specific Plan, we are also proposing a number of small wording changes throughout these documents. Our proposed amended language for each document is submitted as a series of enclosures to this letter.

It is our understanding that, when we officially express our intention to abandon the three options referenced above (as we are doing through this letter), River Islands will inform the City that it will waive any objections it would otherwise have had to the City's approval of the CLSP.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Don Trapmann
Senior Entitlement Consultant
Richland Planned Communities, Inc.

cc: Susan Dell'Osso
Susan Burns Cochran
Stephen Thurtle
Sean Becta, EDAW

Letter
O3
Response

River Islands at Lathrop
Susan Dell'Osso, Project Director
September 20, 2004

O3-1 This letter consists of an acceptance of proposed changes to the CLSP and the CLSP DEIR. These changes consist of eliminating three of the wastewater treatment options from consideration: WRP #2 North (Scalping); WRP #2 Onsite (Scalping); and WRP #2 South (integrated). Any of these three options may have infringed on wastewater treatment capacity at WRP #1 that, in the opinion of River Islands, had already been committed to River Islands or other developments.

Chapter 3 of this FEIR contains revisions to the DEIR based on the elimination of these three wastewater treatment options from consideration. These changes do not result in changes to the significance conclusions of the DEIR.

Although the WRP #2 South (integrated) option has been removed from the DEIR, the City understands that River Islands does not object to the addition of the following language to the description of treatment plant options in Chapter 2 the DEIR (which is reflected in Chapter 3 of this FEIR):

> Though this plant (WRP #2) would be constructed, permitted, and operated totally independent of the nearby WRP #1, this plant may, after its construction, be connected to WRP #1 to allow redundant process trains under Title 22 for the production of recycled water at the same quality standard and to afford the City flexibility relative to operations and maintenance, as well as provide a greater safety margin during a risk of upset under emergency conditions.

I1

September 1, 2004

To: Bruce Coleman, Community Development Director

Dear Sir:

I live at 690 Frewert Road in Lathrop directly across the road from a 200 acre parcel that I understand is designated for use as a site for dumping sewage waste water. As you are aware, all the people on our street are on well water. I attended the public hearing where I voiced some of my concerns. I would appreciate it if you will address the following points. I1-1

1. First is the health issue:

Our well is less than 100 feet from the field across the road.

To what extent is this sewage water treated? Who monitors it? How much/acre? I1-2

Is there a health hazard from the polluted air we will breathe? Does it have a distasteful odor? I1-3

To what degree will our well be polluted? I1-4

Who is going to monitor my well water? I1-5

What recourse do we have if this proves to be unsatisfactory? I1-6

2. Second is the effect on my property value.

Will dumping this treated sewage water across the road affect my property value? I1-7

What will the long term effect be both health wise and property value?

Would the city approve the building of a subdivision if waste water was being dumped across the street? I1-8

Is this water dumping a temporary measure? I1-9

Further, I hear talk of a sewage plant being placed just down the road from my property. Is this true? I1-10

I am hoping you can alleviate my deep concerns regarding this issue.

I would appreciate a timely response.

Sincerely yours,

Jefferey C. Reedy

Dorinda Reedy

I1-1 The commenters' residence is adjacent to potential recycled water storage and disposal site #3 (see Exhibit 3-6 of the DEIR) and east of the proposed location for the WRP #2 North facility. The commenter's characterization of recycled water use as "dumping sewage waste water" is addressed in the response to Comment I1-2 below. Comments received from these individuals during the public meeting on the DEIR are responded to under Comments PM-10 through PM-14, later in this DEIR. Item PM is the transcript from the August 24 public meeting to receive oral comments on the DEIR.

I1-2 As described on page 4.8-28 of the DEIR, wastewater generated by the CLSP project would be conveyed to WRP #2, where it would undergo tertiary treatment to standards established by the California Department of Health Services (DHS) in Title 22 of the California Code of Regulations for unrestricted use. Tertiary treatment includes biological treatment, filtration, and disinfection to remove nutrients such as phosphorous and nitrogen, and practically all suspended and organic matter, from wastewater. The filtration method proposed by the City of Lathrop includes use of a membrane filter, one of the most advanced methods of filtration available, which results in exceptionally high-quality effluent. Therefore, the recycled water leaving WRP #2 for disposal in sprayfields or storage in ponds 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 and subsequent mobilization through stormwater runoff) transported to the San Joaquin River, or reach groundwater aquifers via percolation through the soil. The use of tertiary-treated water is regulated by the State Water Resources Control Board and the local regional water quality control board (RWQCB); water that has undergone tertiary treatment is approved for a wide range of acceptable uses because of the high treatment standards. Uses can include irrigation of parks, playgrounds, school yards, residential landscaping, and golf courses. Irrigation of forage crops for livestock is also permitted.

The quality of the wastewater would be monitored continuously through on-line instrumentation and sampling at the wastewater treatment plant by a state-certified operator. Monthly monitoring reports would be submitted by the operator to the RWQCB as mandated by permit requirements. Fields are typically operated by a contract farmer with oversight by the City and a certified operator of the wastewater treatment plant.

Water would be applied at "agronomic" rates determined for particular crops or other rates approved by the RWQCB to minimize impacts to groundwater quality. The agronomic rate is the rate of application of water for a particular crop, in a given soil type, under prevailing climate conditions that will avoid ponding or runoff by matching the water needs of the crop with the volume of water applied. Under this type of irrigation regime, there should be little to no infiltration of treated water beyond the plant root zone because application rates are designed to closely match the needs of the crop being irrigated. Any tailwater that may run off is required to be contained on the irrigation site by a system of return ditches, piping, and pump stations.

I1-3 Spraying of recycled water onto crops would not pollute the air or result in health hazards relating to air quality because, as described in the response to Comment I1-2, Title 22 standards require that the water be of high quality. Tertiary-treated water generally is of higher quality than the raw

water historically used to irrigate farmland; in many instances, tertiary-treated water is required to exceed drinking water standards. An indication of the safety and quality of tertiary-treated water is the fact that DHS allows its use to irrigate parks and school grounds.

In general, reclaimed water does not emit significant odors unless it is allowed to become septic. It is anticipated that treated water would be applied shortly after leaving the plant and would not be allowed to sit stagnant long enough to produce objectionable odors. Water held in storage ponds for extensive amounts of time would be mechanically aerated and mixed to maintain oxygen levels and avoid septic conditions. For these reasons, recycled water stored in storage ponds or sprayed onto nearby fields should have little potential to generate odors.

The impact of odors relating to operation of WRP #2 is evaluated in Impact 4.5-c, Air Quality – Increases in Odorous Emissions, in the DEIR. Implementation of Mitigation Measure 4.5-c would reduce potential impacts from odorous emissions to less-than-significant levels through the use of engineering controls such as covering the headworks, using chemical additives to mask odors, installing systems (e.g., air scrubbers) to collect odorous air and remove unpleasant odors, and locating storage facilities (i.e., tank, vaults) underground.

I1-4 The RWQCB requires the installation of monitoring wells both before and after the application of reclaimed water. Groundwater data are typically collected quarterly and compared to background data to identify any indications of groundwater degradation. In addition, application rates are limited (i.e., application at agronomic rates) to avoid excessive percolation into underlying aquifers (see response to Comment I1-2 above). Violations of water quality criteria or permit conditions are enforced by the RWQCB with requirements to repair faulty equipment, adjust application rates, or cease operations. These precautions, together with the tertiary treatment given to the recycled water itself, should be sufficient to protect the quality of water in existing wells in surrounding areas.

I1-5 See the response to Comment I1-4.

I1-6 See the response to Comment I1-4. Private property owners may file complaints with the City, the RWQCB, and DHS if they have evidence that application of treated wastewater has adversely affected their wells.

I1-7 Because property values are not an environmental issue, they are not typically addressed in EIRs prepared in accordance with CEQA. In addition, predicting the preferences of future property purchasers and other consumers involves speculation and is an uncertain exercise. It is encouraging to note, however, that several upscale communities with rapidly increasing property values, including Serrano of El Dorado Hills (near Sacramento) and several communities in Southern California, are applying similarly treated water to their residential landscaping. This fact suggests that the use of recycled water does not stigmatize the areas in which it is used. The developer of the CLSP (Richland) plans to use treated wastewater from WRP #2 to irrigate public and private landscaping in the CLSP area. These voluntary uses of recycled water in residential communities indicate that use of recycled water for agricultural irrigation would have no effect on property values on lands adjacent to the irrigation area.

DHS's primary responsibility is to protect human health. The Title 22 standards for recycled water quality have been established with that end in mind. See the response to Comment I1-2 above regarding health-related concerns.

I1-8 The Mossdale Landing project is a new subdivision project approved by the City of Lathrop that includes specific plans for the use of recycled water for irrigation of landscaping in an arrangement similar to that proposed for the CLSP. The River Islands project also includes plans to use recycled water for irrigation of public landscaping. The City promotes the use of tertiary-treated recycled water both within and adjacent to new subdivisions because of the water conservation benefits that use of this water provides and the high quality of water produced by the tertiary treatment processes. State law also strongly encourages the use of recycled water as a means of conserving water supplies for other uses, including agricultural and ecological uses and urban development. As noted in the response to Comment I1-7 above, recycled water has been used safely and successfully with direct application onto residential landscaping in several areas throughout California.

I1-9 Disposal of recycled water via surface irrigation of landscaping in developed areas and irrigation of crops on nearby properties is considered a permanent component of the City's water treatment and disposal strategy. The City does have a long-term goal of receiving the necessary permits to discharge treated wastewater to the San Joaquin River. However, surface irrigation during the spring, summer, and fall would still continue even if river discharges were permitted.

I1-10 Three siting alternatives for WRP #2 are currently being contemplated by the City. The northernmost option would be located in the agricultural area near the commenter's residence. Exhibit 3-6 of the DEIR shows the proposed locations for this facility. Before a final decision is made on the location of WRP #2, the commenter would have additional opportunities for public comment and input.

PM

CITY OF LATHROP

PLANNING COMMISSION MEETING

REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT ON

CENTRAL LATHROP SPECIFIC PLAN

LATHROP CITY HALL

COUNCIL CHAMBERS

16775 HOWLAND ROAD

LATHROP, CALIFORNIA

TUESDAY, AUGUST 24, 2004

7:08 PM

CERTIFIED

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Reported by: Karen A. Joseph, CSR No. 10919

Palermo Reporting Services

PRESENT:

BENNIE GATTO, Chair Planning Commission

SONNY DHALIWAL, Planning Commissioner

DIANE LAZARD, Planning Commissioner

GEORGE JACKSON, Planning Commissioner

JOSE PEREZ, Planning Commissioner

DEANNA WALSH, Principal Planner

SUSAN BURNS COCHRAN, City Attorney

JIM MONTY, Lathrop/Manteca Fire District

BRUCE COLEMAN, Community Development Director

FLOYD LEWIS, Parks Director

JERRY HAAG, Contract Planner

GARY JAKOBS, EDAW, Inc.

SEAN BECHTA, EDAW, Inc.

---oOo---

CHAIR GATTO: Okay. Item number 8, that's what we're all here for tonight. This is the environmental conference for the Central Lathrop Specific Plan. The specific plan includes 1521 acres of land immediately west of the I-5 freeway and north of Mossdale Landing development. The project includes the ultimate development of up to 6,790 dwelling units at various densities and product types, up to five million square

feet of commercial, office, and similar nonresidential land uses, a high school, three K-8 schools, parks, open spaces, roads, and supporting infrastructure.

With that, I'll ask for a staff report, and then I will open it up to the audience. Thank you.

MR. COLEMAN: Mr. Chairman, Members of the Commission, Bruce Coleman, community development director. And once again, as the Chairman indicated, we do have Karen Joseph here again doing the court recording for this particular meeting.

This is, in fact, a public meeting to give the Planning Commission and members of the public and any public agencies that might be here tonight an opportunity to certainly hear a staff and consultant presentation regarding this draft environmental impact report on the Lathrop Specific Plan and to provide public comments regarding this particular environmental impact report.

Our main purpose tonight and the main objective tonight is to provide that opportunity for comments to be received, not necessarily to respond to those comments because there's a formal process by which -- as you know, by which comments that are made in the environmental impact report are formally responded to in writing. Our order of presentation tonight would be for Jerry Haag, who's our contract city planner on this project, to make

the staff presentation, and then for Sean Bechta, who is with EDAW, the City's environmental consultant, to describe the environmental report.

CHAIR GATTO: Thank you, Bruce.

Mr. Haag?

MR. HAAG: Thank you, Mr. Chairman. I might add, expanding upon what Bruce just said, this is not the only time or the opportunity to make comments on the draft EIR. Comments will be accepted by the City up until September 13th. So there's still about three weeks. If people have comments, they can make them in writing or e-mail them or fax them to the City.

A bit about the process. A draft environmental impact report was prepared by the consulting firm of EDAW. It was released for public review for 45 days on July 30th, and that ends on September 13th of this year. Once we have -- once the staff has received all the comments, the staff and EDAW will prepare responses to each of the comments made during the 45 days, including comments made at this meeting. And the comments will constitute the final EIR for the project and will be considered by the Planning Commission. It's tentatively set for October 19th of this year in a joint meeting with the city council. So that's basically the process that will be followed.

I believe the Commission is familiar with the CEQA review process. There are many land use entitlements also being requested by the developer, which is Richland Plan Communities, which include -- I'm not going to hit all of them, but it's a general plan amendment, a specific plan. They're requesting annexation to the City of Lathrop. There are various components of the general plan that need to be amended. There will be some contract -- Williamson Act contract cancellations and various other items that will need to be approved prior to the actual development of the project. So this is the very first, beginning stages of the project.

Again, I will turn this over to Sean Bechta who will give a more detailed analysis of what's included in the draft EIR, keeping in mind that we, the staff, do not plan to respond to comments or questions raised by the public or the Commission. Again, we will respond as part of the final EIR after September 13th.

CHAIR GATTO: Thank you.

MR. HAAG: Thank you.

CHAIR GATTO: Mr. Bechta?

MR. BECHTA: Yes. Thank you. Or I can sit here.

MS. WALSH: I don't think it's going to reach.

MR. BECHTA: Not going to work. Okay.

MR. COLEMAN: I'll move out of the way.

MR. BECHTA: Thank you, Chairman, Commissioners. Bruce and Jerry stole a little bit of my thunder here on this. You'll see some repeat information. So we prepared a draft environmental impact report on the Central Lathrop Specific Plan project. The purpose -- again, the purpose, to reiterate, of tonight's hearing is to describe the Central Lathrop Specific Plan project, give a brief overview, to summarize the findings of the draft EIR where we evaluated the environmental impacts of the project, and then to receive comments on the draft EIR and then respond to those comments through the final EIR process.

The purpose of an EIR, quick overview, is, one, to evaluate the project; two, to inform the public and decision makers of the project's environmental effects; three, to mitigate or provide alternatives that would feasibly reduce those significant effects that we identify in the EIR; and four, to identify impacts that cannot be mitigated or avoided.

Key point on significant impacts, they must be substantial and adverse and cause a change in the physical environment. So although there may be an effect of the project, that effect is considered a significant

impact if it meets these criteria of being substantial, adverse, and result in a physical change in the environment.

The plan, the Central Lathrop Specific Plan, integrates with the general plan, the Central Lathrop Specific Plan, area being here. The project is within the general plan area and the City's sphere of influence although the project site is outside the existing city limits. And as Jerry said, one of the entitlements necessary for the project is annexation of the project site to the City.

Summarizing, again, the project actions and entitlements is the actual adoption and implementation of the Central Lathrop Specific Plan, annexation of the area to the City, amendment to the Lathrop General Plan to accommodate some differences between the Specific Plan and what is in the General Plan, amendment to the water master plans, the water, wastewater, recycled water master plans, annexation of off-site utility areas. And I'll talk about that outside the Central Lathrop Specific Plan area, there's some locations being considered for a water recycling plant or at least -- and recycled storage and disposal. Cancellation of Williamson Act contracts, adoption of the Lathrop Center Plan, which is kind of an internal component of the Specific Plan area, and then a

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variety of other City entitlements such as an amendment to the bicycle transportation plan and a couple other items.

So the -- again, a summary of the project itself includes 6,790 new residences, 4.5 to five million square feet of office and commercial. The variability is due to a parcel up here in the corner which has several options that could occur. It could be all office commercial, it could be variable density, residential and office commercial, or it could be a wastewater treatment plant and a portion of an office commercial in the remainder.

It includes a high school and three K-8 schools, a main street district, which is this area here, that includes mixed use residential/commercial, neighborhood commercial, public service which -- with an underlying land use of neighborhood/commercial. So kind of a core area for the specific plan. The project as proposed would generate between 9,000 and 10,000 jobs. There's over 200 acres of parks and open space including a community park in this area that also runs up and down the San Joaquin River, some open space areas, and then multiple neighborhood parks scattered throughout the park area.

The project includes a 3.0 mgd wastewater treatment plant/water recycling plant. And I'll get into

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again the locations that are being considered for that facility. And an off-site recycled water storage and disposal areas.

The project is broken up into two phases. Phase one is on the south side of this line here and includes the high school, community park, the portion of community park/main street district, three and a half million square feet of office and commercial including specialty commercial here and the commercial within the main street district, 4,042 total dwelling units, the water recycling plant, which would need to be brought on-line, although not at the full 3.0 mgd capacity to serve the project.

Phase two is then the remainder of the project north of this line. I talked -- I mentioned several times the water recycling plant. There are three potential sites that are considered. One is off site to the north. Another is on the -- on the project site or in the plan area. This is the site that is identified in the existing water, wastewater, recycled water master plan, and then an area to the south that is near the existing WRP No. 1.

At each one of these sites, one of the two alternatives is being considered. On the north site is a standard water recycling plant. The other alternative is a water -- a scalping plant where the solid is removed

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from the effluent, which is about 10 percent, roughly 10 percent of the total effluent, and that would then be sent down to WRP 1 for treatment. The same options for the on-site WRP is a standard water recycling plant and a scalping plant, and then down here for the WRP No. 2 south option. One option is a stand-alone plant, and then another option is to provide pipes connecting it to WRP 1 so it can be an integrated facility and both facilities can support each other.

Also proposed as part of the project are off-site areas for recycled water and storage and disposal. So within these areas they would be considered for recycled water storage ponds and/or disposal areas through agricultural irrigation. The EIR analysis found that these proposed areas are sufficient to support the recycled water to be generated by the project. Some of these areas are either already used or are proposed for recycled water disposal as part of the existing and most city facilities. If these are used to support WRP No. 2, the capacity in these areas would then be shifted to one of the other areas. And again, there's sufficient capacity for the project.

And then this area four is being considered as a temporary solution or a temporary disposal area where the recycled water can be stored and disposed of until

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development proceeds to that point, and then that storage or disposal capacity will be moved to one of the off-site areas.

The EIR analyzed the full realm of issue areas. I won't go through all of them, but typically, land use, transportation, air quality, noise. A new issue area I know is the city's attorney favorite is the paleontological resource or the potential to find fossils in the area. And amongst those issue areas that are analyzed, several of them had no significant environmental effects. So land use, population, employment and housing, and recreation had no significant environmental effects. The remainder had significant effects requiring mitigation.

And then amongst those, for the remainder of these, mitigation to be provided to reduce all the impacts to a less than significant level with the exception of transportation and circulation, air quality, noise, public utilities, agricultural resources, terrestrial biology, and aesthetic resources. On all of these, we identified one or more impacts that we thought were significant and unavoidable or could not be mitigated to a level of less than significant.

I'll talk about some of these a little bit. On the traffic analysis, there's actually quite an extensive

traffic analysis. We looked at 39 surface street intersections including several outside the City of Lathrop. We looked at 39 freeway segments including segments on I-5, State Route 120, I-205, and State Route 99. Many of those segments were analyzed at the request of Caltrans.

Excuse me. We evaluated three freeway ramps. We identified several significant and unavoidable impacts related to traffic. Many of those we call them significant and unavoidable because the mitigation is ultimately the responsibility of another agency. So, for example, on the freeway segments, the mitigation would be widening of the freeway. And we don't have control of when Caltrans does that improvement, so we call that significant and unavoidable. Also, some of the intersections that are within the City of Manteca, we don't have control of when Manteca does improvements to those intersections, so we had to call those significant and unavoidable.

Some of the other issue areas: air quality. We called construction emissions significant and unavoidable because of the -- some of the poor air quality conditions identified in the air pollution -- in the existing air basin. And though we could not confirm that the construction emissions could be minimized enough to

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prevent violations, we took a conservative approach on that.

Toxic air contaminants. The issue is primarily through diesel engines. PM, particulate matter, diesel engines is a relatively new issue area. We cannot confirm at this point exactly where diesel engines are going to be relative to sensitive receptors, so we had to call that significant and unavoidable. And then long-term regional emissions from traffic and stationary sources.

Under noise, we identified that there -- in some street segments, there may be increases in traffic noise that will be above the range of what's perceptible to the human ears considered to be able to distinguish differences in noise when the decibel level is raised by three. That was used as criteria. In some street segments that will occur. The way you can mitigate that is vegetative screening, soundwalls, and other issues. At this point we can't -- those measures may require participation by landowners or others, and we can't guarantee that they'll participate, so we call that significant and unavoidable.

And then exterior noise levels in the project area, the office/commercial will be screening a lot of the noise from I-5, but we can't guarantee that exterior

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noise levels wouldn't -- from those receptors wouldn't exceed city standards.

For public utilities, the significant and unavoidable impacts were related really to previous EIRs on the City well field expansion and the WRP No. 1 phase 1 expansion. Because this project will be using some of the water provided by the wells and may be using some of the capacity of WRP No. 1 if one of the scalping plant options is selected, we took those to significant and unavoidable impacts and rolled them into this EIR.

Agricultural resources. The significant and unavoidable impacts related to farmland conversion and cancellation of Williamson Act contract and aesthetic resources, we took again a conservative approach and said the alteration of existing views can be considered by reasonable people -- reasonable people may differ. Some may consider it a degradation of visual character, so we called it a significant unavoidable impact.

One of the remaining ones is related to riparian brush rabbit. This is an endangered species known to occur in Casewell Memorial Park as well as in the Stewart Tract area. And we found per the Mossdale project in the oxbow, we did some trapping up along this project site and found riparian brush rabbit there. So this ends up being the northernmost known population of the species.

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With the project, we felt that -- well, first, the specialists on the species don't feel that this is a long-term viable population because the habitat pockets are so small. This particular project would further disturb that. We feel that there's ample opportunity to mitigate for the species in other habitat areas, but it would -- the project would in effect restrict the range of the species. This is a mandatory finding of significant impact under CEQA, so we had to call it a significant and unavoidable impact.

We looked at three primary alternatives: the no project alternative, which is typical for a CEQA document. We looked at a phase one only alternative where we only looked at phase one of the project. This minimized some impacts primarily through the -- through the reduction in number of housing units and commercial developments. So by default, that reduces traffic impacts, noise, air quality, things like that.

Although, Gary, I don't believe it reduced anything to below significant.

MR. JAKOBS: I think a couple of roadway improvements.

MR. BECHTA: Okay. Then we did a reduced development and environmental constrained alterative, which is similar to the phase one alternative, but we

also designed it to specifically address the riparian brush rabbit issue, where we excluded development from 400 acres along the San Joaquin River to try to enhance the population of brush rabbit there and remove that significant and unavoidable impact. CEQA requires that you analyze alternatives that minimize the environmental effects of a project, so that was the genesis for that alternative, to minimize that particular effect as well as the general effects for the development.

So where we've gone and where we are to this point, we released a notice of preparation on July 17th, 2003, had a scoping meeting after that on July 31st. We released the draft EIR July 30th. We're having then the public hearing today to receive comments on the draft EIR. From this, then the public comment period closes on September 13th. And as Jerry said, we'll continue accepting comments in writing and via e-mail and fax until September 13th. We will then respond to those comments and issue the final EIR. And then the project decision notice of determination will be conducted after the final EIR is complete.

CHAIR GATTO: Thank you, Mr. Bechta.

Bruce?

MR. COLEMAN: That then concludes staff's presentation to you tonight.

CHAIR GATTO: Okay. Susan, I noticed Mr. Bechta made a mention of a public hearing. This is not -- this is an environmental conference.

MS. BURNS COCHRAN: That's correct. It's not a noticed public hearing, but it is a public meeting like all meetings that you have where we specifically, though, under the CEQA guidelines seek input from the public on the EIR.

CHAIR GATTO: Good. Thank you. Okay. With that, Commissioners, I'm going to deviate a little bit from what we do in the past. I'm going to let the audience come up and speak so we don't hold them up.

So with that, I would ask anyone in the audience that wants to comment on this project tonight to step forward and give your name and address for the record. And be assured, as staff has said and our consultants, that we will give you your comments back in writing.

MS. REICHELT: Thank you.

CHAIR GATTO: They will be published back to you.

MS. REICHELT: I have some of them in writing.

CHAIR GATTO: Thank you.

MS. REICHELT: I didn't get all of them in writing because I'm responding to comments that were made by the consultant.

CHAIR GATTO: Okay. Name and address for the record, please.

MS. REICHELT: Georgianna Reichelt, 3605 East Louise. And I can't help as I'm sitting there what an expensive project and what an expensive step that when it boils down to means absolutely nothing more than being filed on some shelf and nothing is adhered to. That's why we have all the problems that we have because the environmental impact means nothing. After it's passed, developer agreements, negative decs pretty well take care of any of the plans that you're seeing tonight. PM-1

And so in my most humble opinion, I believe environmental impact reports boil down -- mean absolutely nothing except a great deal of cost. My concerns is I would like to have included in the environmental impact report on the 15 -- or 1,521 acres central specific plan a cap on how many homes can be built in a year. Only what can be accommodated should be built. PM-2 Lathrop has no resources to build a wastewater treatment plant, so the one they mention, perhaps they should mention how you're going to build it in order to have the wastewater treatment plant. PM-3

Other than the Woodward for the water, there is no other water source except the groundwater, and that's why we're going into the Woodward water treatment plant PM-4

because of overdrafting of the water, if you will, in the groundwater and because of the large amount of salt intrusion. So I see that building all these acres, how are you going to accommodate that when actually the Woodward water treatment plant was not built to accommodate all these additional homes?

PM-4 Cont.

Drainage can also be a problem. Water don't perk very well into water, and building excess houses to accommodate can overwhelm Lathrop and the citizens' finances. Already water alone in most instances have drummed up to almost $90 a month on people who live here that have and do line up practically the whole block for brown bags and commodities because they cannot afford to pay for any more.

PM-5

And houses cost money and they do not pay for themselves, so how in the world are you going to pay for all of the mitigation that it's going to take to cover this overwhelming annexation when you already have thousands of acres that you haven't even developed? That will -- is going to be interesting.

PM-6

I also know that you addressed having three schools and one high school. Now is that the one high school that they're proposing for the other part or the other side that is annexed, or is this in addition so we're going to have two high schools in Lathrop?

PM-7

You also address three schools. Are the developers going to pay for the three schools and are they going to pay for the land to build the three schools? Because I can tell you that we just did -- had to pass a bond, Measure M, if you all remember, to build schools because we have no money to build schools. And I know that three schools is not planned for the central area, so how do you plan to pay for them and how can you say they're going to be there unless you plan to pay for them?

I happen to serve on the committee that was created because of the bonding, and I can assure you that there is no money for these schools. So if you planned them, great. I hope you plan how you're going to pay for them and I certainly hope that you involve the developers. They're building and bringing in all this growth, then they need to donate the land and they need to build the schools in order to mitigate and not put the burden of growth once again back on us poor old taxpayers that can't afford any more growth.

So I hope when you're making all your plans on all what's going to be there, I hope you're going to stick to this environmental impact that you're showing us tonight and not coming back piecemeal --

COMMISSIONER LAZARD: I'm sorry.

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PM-8

PM-9

MS. REICHELT: -- and changing every single thing that you are showing us tonight. Because I can show you every environmental impact report that I have ever worked on, I have ever seen, that there is nothing that looks like the original environmental impact report. Thank you very much.

PM-9 Cont.

CHAIR GATTO: Thank you, Georgeann. Is there someone else that wishes to speak? Yes, ma'am.

MRS. REEDY: My name is Dorinda Reedy. I live at 1690 Frewert Road, and I am concerned with the sewage plant that you're proposing to put across the street from my house. So -- I don't want it there, and I don't think anybody on the street that lives there wants it there either. And the people across that street, I've spoke to them, and they don't want it there either. So I hope there's a plan B because we don't want it there. That's all I've got to say.

PM-10

CHAIR GATTO: Thank you. Yes, ma'am.

MRS. REEDY: Thank you.

CHAIR GATTO: Is there someone else? Don't be bashful. If you have concerns, we'd love to hear them. Comments or concerns? As was stated, there is different options for the wastewater. That's up to the City and the -- yes, sir. Come forward, please.

MR. REEDY: My name is Jeff Reedy. That's my

wife, Dorinda. I live at the same address, 1690 Frewert Road. And I think that -- I don't know if this is our last chance to say anything about it. I don't know what the impacts are. We're on well water, as most of these people are. I don't know what the impacts of this recycled water is. And another thing that bothered me was I took a map around. I talked to a lot of these people, and no one was aware of it. So I don't think that most of the people in the neighborhood have any idea that you're proposing this stuff. So I don't know if this is the last chance to say anything or what.

PM-11

PM-12

CHAIR GATTO: Can I just get a moment of staff response from that?

MR. COLEMAN: This is the first time that we've had a public meeting regarding the environmental impact report itself. There will be a hearing on the project, which is being scheduled for October the 19th, at which time the Council -- the Commission and the Council will be given an opportunity to consider the certification of the EIR together with the project entitlements.

MR. REEDY: Yeah, I appreciate that. I think the problem that we have is I'm not a public speaker, and if you get up here, it's pretty nerve-racking for me. And so I think that most of the people who are sitting in here are people that I discussed this with yesterday, and

I just think that we don't have a representative and we don't have any way of really expressing our feelings to you people about what's going on out there.

CHAIR GATTO: Well, let me clarify in your mind, I understand where you're coming from, but our staff is available to you people any time you want.

MR. REEDY: Okay.

CHAIR GATTO: You can come in, and any concerns that you have, you can come in and talk to Mr. Coleman, our city attorney Susan Burns --

MR. REEDY: Thank you very much.

CHAIR GATTO: -- any of our contract planners you can get in touch with. They would be more than glad to talk to you and address any of your concerns that you have before. Don't be worried about somebody intimidating you. That's not going to happen.

MR. REEDY: I'm not familiar with the process, and I'm a refrigeration mechanic. I know nothing about this.

CHAIR GATTO: Yes, sir.

MR. REEDY: I'm not anti-growth. I think that growth is exciting and it's new. I'm just -- I have a lot of fear about the wastewater. I just feel that I don't want to wind up being the dumping ground for this project.

PM-13

CHAIR GATTO: Understandably, yes.

MR. REEDY: So I think that everyone that lives in the area that I do, we all feel the same way. So I just -- we showed up tonight to try and at least make that be known that we are out there and we do have, you know, opinions about it.

CHAIR GATTO: Uh-huh.

MR. REEDY: So thank you for your time. I appreciate it.

CHAIR GATTO: But any time -- any time that you want to get a meeting set up with our staff, they would be more than glad to help you out.

MR. REEDY: You know, I don't -- the last thing I want anyone to think is that I'm here to attack this project because I'm not.

CHAIR GATTO: Understandably.

MR. REEDY: I just have concerns about the value of my property. You know, I have concerns about whether my well is going to be safe to drink after the sprinkling water goes on the ground 50 feet from where my well pumps, you know. I've heard nothing about bad things about it. So anyway, I'm just here to try and let you know that I'm out there.

PM-14

CHAIR GATTO: That's great. That's what we want to hear from you folks out there.

MR. REEDY: Okay. Thank you.

CHAIR GATTO: Good. Yes, ma'am. Come forward, please.

MS. McLAUGHLIN: My name is Joyce McLaughlin. My address is 690 -- 673 Manila.

CHAIR GATTO: Okay.

MS. McLAUGHLIN: I'm a little nervous.

CHAIR GATTO: That's fine. Take all the time you need.

MS. McLAUGHLIN: I have several questions. Usually whenever people get together and they decide that they're going to build something, it doesn't make any difference who says what. Everybody ends up paying extra taxes. What kind of an impression is this going to make on our taxes? We want to know how much we're going to have to pay. We don't need to know the dollar amount. We want to know percentage. We want to know -- it's like -- like he said, we found out about this yesterday. We don't want to find out about the taxes when the bill comes and they say you have 30 days to pay it, and you're wondering where is this money going to come from? What are they talking about? PM-15

So I have a suggestion. If that's the route that's going to be taken where taxes have to go up for this, that, and the other thing, why do we have to start PM-16

with such a large amount of houses to begin with? Why can't we do as the lady over here, start with a smaller amount? And if you want to -- it's kind of like a child. A child doesn't just get up and start walking. They crawl for a little while. So why don't we just do that? Why don't we crawl for a little while and make a real good thing of our city instead of making it one of those things where we -- Lathrop has gone in the dumps again financially.

PM-16 Cont.

I moved out into the city -- out of the city into the country for one very, very good reason. I like it. I love it. I could watch corn and tomatoes and everything else grow all the time. I just love it, and I don't want to look -- across the street from our house, I'm used to the house with the white picket fence. I don't want to miss seeing that because I'm looking at a plant. I don't want it there. I want to go on record. I don't want it there. Thank you.

PM-17

CHAIR GATTO: Thank you. Is there someone else? Is there anyone else that would like to speak tonight on this project? Thank you very much. And also, as I stated before, our staff is very much available for you folks to answer any of your questions, to make sure that you do get notice. That's one thing I want to stress that we do notice these people when we do have these

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meetings and so we get all our comments in at the proper time.

COMMISSIONER LAZARD: May I make a suggestion? Maybe staff might give some information on the wastewater, on potable water that's going to be sprayed on the fields so there may be some -- if there's some information about what's happening. Because the spray fields will be there whether the wastewater is there anyway.

MR. COLEMAN: And we would be prepared to meet with them and give them some information.

COMMISSIONER LAZARD: Do you have any information with you so they could take with them so they can get an idea of what exactly this potable water is?

CHAIR GATTO: That would have to be brought up through the environmental people.

MR. HENSLEY: I've got one question.

CHAIR GATTO: Come forward, please.

MR. HENSLEY: Tom Hensley at 758 Frewert. Now we're in the County. I want to know who's taking the lead on that because there will be a County property on that, the northern plant disposal site. Are you going to be watching over that or is the County going to be doing the due process over that? PM-18

MR. COLEMAN: Well, it is assumed that if that

were to be the location, and that's not decided at this stage, that this would become City property and the City would be managing the development of any such facility.

MR. HENSLEY: So we would be in the City boundaries; we'll be annexing that portion of property?

MR. COLEMAN: The plant and spray fields would be -- need to be annexed if such a site were selected.

MR. HENSLEY: So that would be a totally separate process or it kind of goes along with everything?

MR. COLEMAN: It is part of the overall process.

MR. HENSLEY: Okay. Thank you.

CHAIR GATTO: Thank you.

MR. HENSLEY: So any questions we have, we come to you on this?

MS. WALSH: Contact him.

MR. HENSLEY: So I just come to you on that. You'll be managing all of that?

MR. COLEMAN: Yeah. There you go.

MR. HENSLEY: Thank you.

MS. BURNS COCHRAN: Just trying to help, Bruce.

CHAIR GATTO: Okay. Is there anyone else? Anyone else before I bring it back to the Commission for their comments? Anyone else? Okay.

As I stated before, I want you people to get

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involved in this thing, you know. Come to the City, give us your concerns. Let the City fill you in on exactly what's happening on a daily basis or a weekly or monthly basis. We're not here to push you out or try to do something without your comments or concerns. We want you to be part of this project. And the more you do this, the better it's going to be for us. Okay? All right.

With that, I'll bring it back to the Commission for their comments. And I'll start to my left.

Commissioner Lazard?

COMMISSIONER LAZARD: While we're on the wastewater treatment plant, my suggestion has always been that if you go down to the -- in the lower portion of the lot, since it already has a wastewater treatment plant in that area, I think that would be a great location if they could look at that. Also I have some things with the comprehensive general plan on your -- on page 1-8 on the policies, the comprehensive general plan.

PM-19

MS. BURNS COCHRAN: That's not on tonight's agenda.

COMMISSIONER LAZARD: We got all of that --

MS. BURNS COCHRAN: The only thing on tonight's agenda is the EIR.

COMMISSIONER LAZARD: Okay. Then I'm fine on that. That would be my suggestion on the EIR. Then my

other suggestion on the EIR would be -- one second. The population, housing, or public services, that was a concern with the public services, it not being -- we don't have the resources at this time. There's no mitigations to change that. Is that going to be slowing down or are we going to be continuing to grow without the resources for the public utilities and such? I thought we were going to be going as available, sewer and such.

PM-20

CHAIR GATTO: These are your comments?

COMMISSIONER LAZARD: Yeah, that's what we're doing? I'm wondering that. And that's the traffic -- that's the only thing. The traffic, I know we're paying fees for mitigation and I know the developers are taking care of it, so that's all good.

CHAIR GATTO: Thank you.

Commissioner Perez?

COMMISSIONER PEREZ: The only comment that I have is in regard to the high school that was mentioned earlier. I think -- I believe that would be the second high school for Lathrop or is that the first?

PM-21

MR. COLEMAN: First.

COMMISSIONER PEREZ: So that -- that would be the first high school. The one over on River Islands, there isn't a high school on that side?

CHAIR GATTO: It's -- let me -- I'll answer

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that. That's going to be the Tracy Unified School District. That's --

COMMISSIONER PEREZ: That still would be within Lathrop, the City of Lathrop; right?

CHAIR GATTO: Go ahead, somebody.

MS. BURNS COCHRAN: The problem is that the City of Lathrop is served by two school districts, the Banta/Tracy Unified, and so only those students who live in the Banta area can attend the River Islands High School. Most of the existing population in Lathrop, including that west of the freeway and north of the river, are served by Manteca Unified, and this is the only high school site within the corporate limits of Lathrop currently that would serve high school students in Lathrop.

COMMISSIONER PEREZ: Okay.

CHAIR GATTO: Okay. Commissioner Jackson?

COMMISSIONER JACKSON: I have the same comment about the water treatment plant. I'm just curious --

CHAIR GATTO: Wastewater.

COMMISSIONER JACKSON: Wastewater. When we do this, why aren't we surveying the community so these people don't have the information right now? I was aware that we were proposing to put something up there and I think the community should be aware of that as well. So

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in the future, some kind of mechanism to get input at the start even so that they have an input at that stage. And also to have an alternative plan put in place so that we know of some other location that it can go as well.

The second thing I have in here is in our environmental -- in this draft environmental impact on page 2-3, you have a comment in here providing a variety of houses, types that will serve residents of differing incomes. As I see with the first developments that we put in there, how do we control the market value of homes to state that we're going to get affordable housing? So I don't know how that would be achieved through this because it's what the market can bear and what's affordable. So we need to really define what that means. And that's all I have.

PM-22

CHAIR GATTO: Okay. Commissioner Dhaliwal?

COMMISSIONER DHALIWAL: I have some questions, question. To the lady, I think, in the orange cap mention that they found out about this project yesterday. Weren't they notified?

MR. COLEMAN: Yes, there was extensive notification. Whether these particular individuals received notification, I don't know, but there was a legal requirement for us to notify areas that are both within the Central Lathrop Specific Plan and surrounding

areas, but they may have been outside the territory that was included in that legal requirement.

CHAIR GATTO: Can I make -- Sonny, just maybe make a suggestion.

Tracey, can you get a sign-up sheet and let the audience sign that, and that way we can identify -- yes, ma'am.

MS. BURNS COCHRAN: The only thing I'm going to say is that your participation in the sign-up sheet is purely voluntary and is not required.

CHAIR GATTO: Right. But, you know, if you don't want to sign it, fine and dandy, but that way the City will have your name in case we missed you on the last go around. You don't have to sign it. I'm just trying to make a suggestion to make sure that you do get notified if you're within that certain boundary area.

Okay, Sonny. Excuse me.

COMMISSIONER DHALIWAL: The second question about the schools, is the developer just going to donate the land or who's going to pay for it? I share that same concern that Ms. Reichelt had. Are these approved by Manteca Unified School District or are they just part of the plan?

PM-23

CHAIR GATTO: I think the city attorney is going to --

MS. BURNS COCHRAN: There's a couple of issues. Any site that is ultimately selected would have to be approved both by Manteca and by the Department of State Architecture. In addition, the important thing to note is that for purposes of CEQA, the California Environmental Quality Act, the City is limited in the mitigation that it can impose by law, and that's the payment of school fees. And while we have encouraged the developer to talk with Manteca Unified to come up with a mitigation agreement that may go beyond the statutory maximum, state law does prohibit the City from imposing what would be probably real life mitigation, the actual construction or provision of these schools. And that's -- that's beyond the City's control at this point in time.

COMMISSIONER DHALIWAL: So the chances are we might not get these schools?

PM-23 Cont.

MS. BURNS COCHRAN: I think all intents are that they want to provide new schools because it's difficult to market your residential product if you don't have schools for the kids who are going to be living there. But that is beyond the City's control. That's in the hands of Manteca Unified School District by and large.

COMMISSIONER DHALIWAL: My second question is about water storage. How many ponds you guys talking

PM-24

about and how big?

MR. BECHTA: In the EIR --

MR. COLEMAN: You have to come to the microphone.

MR. BECHTA: Oh, I'm sorry. In the EIR, we anticipate that the project would require approximately 92 acres of storage ponds. And so these ponds would be above ground, I think similar to what's being built for Mossdale Landing right now. So it would be the berms and then they could be in various sizes and could be consolidated into one area or they could be in multiple areas within those locations that we looked at in the EIR.

COMMISSIONER DHALIWAL: So right now we don't know how many? One, two, three, four? We don't have a number. I mean 92 acres, that's a lake.

PM-24 Cont.

MR. BECHTA: Yeah. And --

MR. COLEMAN: I don't think anybody is planning a large pond like that.

MR. BECHTA: Yeah. I don't think anybody is planning that. It's -- you know, the reason for the storage ponds is because of the water -- the recycled water can't be used for irrigation during the winter months. So from an engineering perspective, it makes sense to have multiple ponds so that you can fill them as

they're needed, as that recycled water is generated and then drawn down during the summer months to be used for irrigation.

COMMISSIONER DHALIWAL: That's all I had to say.

CHAIR GATTO: Okay. Thank you, Commissioner Dhaliwal. I just had a couple of points that I wanted to bring up also. And I do agree with Commissioner Lazard that if all possible, I think we ought to keep that -- locate that sewer plant down -- wastewater plant down at our site that we do have.

Just a clarification for the audience maybe. The State has imposed a lot of restrictions on cities on wastewater discharge, and now they've gone to what they call the highest level of treatment for this wastewater, and it's called a tertiary treatment. And at the time that water is discharged after it goes through all this process, it's clean enough for drinking. That's what they tell us. I don't think anybody ever wants to drink it, but down in San Diego they have proposed to use that as drinking water, that's how clean it comes out of this plant.

But I do agree with you folks. If you remember, I think a few of you probably lived here back when we had the chicken ranch, you know. And I've lived here all my life and I smelled that chicken ranch for years and years

and years, and I was very glad when it went, even though it employed a lot of people. But those are my comments.

And I do agree with you folks. I think that if at all possible, we need to keep that sewer plant down where we do have our wastewater plants now.

On the RD-17 letter on the Volume II of the technical appendix, it states as down toward the bottom, "As demonstrated in the January 1997 flood, the Stewart Tract levee as well as a number of other agricultural levees failed." There needs to be a correction there because the Stewart Tract levee did not fail. The -- that was the railroad trestle that actually failed. PM-25

Now, if you folks want to call that a levee, that's fine and dandy, but it's a railroad trestle, and the trestle actually broke free and that's what flooded the Stewart Tract. So I think that correction there needs to be made.

On 4-10 -- I should have had these all marked out here a little bit. We talk about fire service. Mr. Monty, have you come to that yet, our deputy chief fire marshal?

MR. COLEMAN: I'm sorry. Is it 4-10 in the EIR or in the appendix?

CHAIR GATTO: That's --

MR. BECHTA: That would be section 4-10 in

Volume I of the EIR, the public services section.

CHAIR GATTO: Yeah, 4.

CHIEF MONTY: Page 2-75.

MS. BURNS COCHRAN: That's the mitigation monitoring plan.

CHAIR GATTO: I can't remember. I didn't write down what my comment was going to be. I just wrote fire service.

Read that to me, would you, Jim?

CHIEF MONTY: Well, if you're looking in the summary, it's on 4-10-3 and 23. You're talking about the mitigations? It's on 2.75 of the yellow pages. That might trigger what you're -- 2-75 in the pink colored --

CHAIR GATTO: 2-75 in the yellow?

CHIEF MONTY: In the yellow, the pre-am. And if those don't trigger your memory, it's in the white pages under 4-10-3.

CHAIR GATTO: If I remember right, it had something to do with our name.

COMMISSIONER LAZARD: Lathrop/Manteca Fire Protection District. It says Manteca County Rural County Protection District. That's the old name. PM-26

CHAIR GATTO: Yeah, that's --

CHIEF MONTY: Where's that?

COMMISSIONER LAZARD: On page 4-10 in the white

part.

CHAIR GATTO: It's 4-10. Yeah. I wrote -- yeah, that's -- according to the Manteca --

CHIEF MONTY: Okay. But that comes from the master plan we wrote back in '95, was updated in 2000, and at that time the master plan was entitled the Manteca/Lathrop Fire Protection. We didn't change our name until 2002 or 2003.

CHAIR GATTO: Okay. But what I'm saying is do we want to change this now in this EIR?

PM-26 Cont.

CHIEF MONTY: Our original document is still named the Manteca/Lathrop General Plan or Master Plan. And so until we rewrite it again next year and rename it the Manteca/Lathrop Master Plan, it should still refer back to the original document.

CHAIR GATTO: Thank you for that clarification. Okay. I think that's all I have. Is there any other questions or I mean comments from the Commission?

COMMISSIONER JACKSON: Not at this time.

CHAIR GATTO: Okay. Thank you very much. With that, as I stated, again, don't be afraid to get ahold of our staff. We will try to keep you all informed of what's happening and we want you to be part of this. Thank you.

(Time noted: 8:03 PM.)

STATE OF CALIFORNIA,)

)

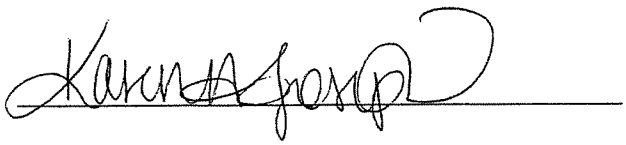
COUNTY OF SAN JOAQUIN.)

I, KAREN A. JOSEPH, a Certified Shorthand Reporter in and for the County of San Joaquin, State of California, do hereby certify:

That on August 24, 2004, thereof, I reported verbatim in shorthand writing the foregoing proceedings;

That I thereafter caused my shorthand writing to be reduced to typewriting, and that the foregoing transcript constitutes a full, true, and correct transcription of all proceedings had and given.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal this 1st day of September, 2004.



KAREN A. JOSEPH, CSR #10919

Certified Shorthand Reporter

40

PM-1 If the City Council approves the CLSP as proposed by Richland Planned Communities, the City will be required to adopt findings and a mitigation monitoring and reporting program (MMRP) requiring the implementation of all proposed mitigation measures adopted and therefore deemed feasible by the City Council. (See State CEQA Guidelines Sections 15091, 15097.) The mechanism of the mitigation monitoring program is the legal guarantee that all adopted mitigation shall be implemented. Implementation of the MMRP requires that the City monitor, record, and report compliance with applicable mitigation measures during project development and operation.

Furthermore, all individual site-specific projects (e.g., tentative subdivision maps, conditional use permits, and so on) within the CLSP area would have to comply with such mitigation measures, in addition to the regulatory limitations and standards set forth in the specific plan itself. It is not accurate to state that preparation of an EIR is an unimportant exercise. Approval of the CLSP, if granted by the City Council, will include numerous legally enforceable commitments to standards and measures intended to protect the environment.

PM-2 The proposed project includes 6,790 residential units. Phase 1 (the southern two-thirds of the project area, with about half of the units) is scheduled to be completed in 2010. Phase 2, encompassing the northern third of the site, is planned to be completed by 2020. However, regardless of the rate of development, as described in Section 4.4, Transportation and Circulation, and Section 4.11, Public Utilities, the necessary infrastructure facilities, including roads and wastewater treatment infrastructure, would be constructed (with funding by the developer) at a pace to ensure that they would be available to accommodate the incoming residential and commercial development. Although no specific cap has been placed on the number of homes that can be built per year, the phasing plan guides the rate of development with roughly half of the units planned to be complete by the end of Phase 1 in 2010.

PM-3 The developer would be responsible for funding infrastructure improvements required by the project, including the new wastewater treatment/water recycling plant. Also see the response to Comment PM-2 above.

PM-4 As described in the analysis of Impact 4.11-a in the DEIR, anticipated future water sources for the City are groundwater from the City's existing and planned municipal wells and surface water deliveries from the South San Joaquin Irrigation District's (SSJID's) South County Surface Water Supply Project (SCSWSP). The SCSWSP project was not constructed to provide water for a specific number of homes, but to provide water to Lathrop, Escalon, Manteca, and Tracy in volumes agreed upon as part of the project. As shown in the SB 610 water supply analysis included as Appendix J of the DEIR, the combined water supply provided by the SCSWSP and existing and new City wells is sufficient to supply existing and planned future development in the City. Mitigation Measure 4.11-a requires that, before approval of small-lot tentative subdivision maps for each subdivision or nonresidential development, the applicant must show that the City has adequate water supply to serve the proposed development. Thus, development cannot be approved without the City's assurances that water would be available to serve it.

PM-5 Section 4.8, Hydrology and Water Quality, of the DEIR contains a full analysis of the drainage requirements of the CLSP area at full buildout. The engineering firm of MacKay & Somps prepared a Project Area Drainage Plan that identified a broad range of best management practices (BMPs) that would be implemented by the applicant to improve and facilitate drainage in the project area. As described on pages 4.8-21 through 4.8-23, these include both structural measures (e.g., construction of detention facilities, grassed swales, and drop inlet filters) and nonstructural techniques (e.g., public education regarding appropriate use of storm drains, public involvement in stormwater management programs, and pollution prevention measures). The combination of these structural and nonstructural BMPs with the design of the CLSP area, including detention basins, storm drains, and drainage swales, would ensure that the project area drains safely and effectively during storm events without polluting the San Joaquin River.

The project developer would be responsible for construction and/or funding of utility infrastructure necessary to serve the proposed project. An economic analysis is underway to ensure that the CLSP project is "fiscally neutral," meaning that the project as a whole would not draw more money from the City than it would contribute. Existing city residents should not see increased water service rates due solely to the approval and development of the CLSP.

PM-6 Mitigation identified in the DEIR for environmental impacts of the CLSP project, including construction of residential units, commercial areas, parkland, and public spaces, would be funded by the developer. The City would be responsible for implementing some of the required mitigation (such as constructing roadway improvements), but even in these instances, funding would be provided by the developer. Also see the response to Comment PM-5 above.

PM-7 As explained by the City Attorney during the public meeting (see page 31 of the transcript), the high school proposed in the CLSP would be operated by the Manteca Unified School District and the first high school site within the corporate limits of Lathrop that would serve the City's high school students. The high school approved for construction as part of the River Islands project would be operated by the Tracy Unified School District and would be attended only by students in the River Islands, Banta, and potentially Tracy areas.

PM-8 Locations have been identified in the CLSP for three K–8 public schools. Funding for these schools would be provided, as described in Impact 4.10-f of the DEIR, by a combination of state and local sources, consistent with state law. As required by Senate Bill 50 as enacted in 1998 by the California State Legislature, the developer would pay a fee (currently estimated to be $3.90 per square foot for residential development and $0.34 per square foot for commercial development) toward the purchase of the land and construction of the schools. The money generated by these fees would in all likelihood be matched by funds received from bonds issued by the State of California with voter approval via Proposition 55 in March 2004. This cost-sharing arrangement between private and public funding sources represents the basic policy embodied in Senate Bill 50. As part of that legislation, the City is prohibited from imposing additional mitigation requirements on the developer relating to schools, as explained by the City Attorney at the public meeting (see page 34 of the transcript). However, the City encourages developers to coordinate closely with the school district(s) with jurisdiction over their project site regarding provision of schools and opportunities for partnerships between the two groups. Most residential developers understand the benefits of cooperating with school districts to ensure the adequate funding and construction of quality schools to serve new residents. Such schools make the housing units near them more attractive to potential buyers. Thus, although state law does not, and cannot, dictate such cooperation in some instances, developers commonly cooperate because of their recognition of the benefits of doing so. The City is hopeful that Richland

Planned Communities and the Manteca Unified School District can find mutually agreeable means to meet their respective goals and objectives with respect to schools within the CLSP.

PM-9 If the City Council approves the CLSP project, implementation of the mitigation identified in the EIR and adopted by the City Council would be required of the developer through conditions of approval, a development agreement between the City and the developer, and implementation of an MMRP. Also see the response to Comment PM-1 above.

PM-10 The commenter expresses opposition to locating WRP #2 at the north site. As described in Section 3.4.4, "Utilities," of the DEIR, the EIR evaluates three possible locations for WRP #2. The final selection of a location for the plant must be made before the City, or any other responsible public agency that might construct and operate a WRP, can apply to the RWQCB for a permit, but that decision would be made sometime in the future and need not be made before the City Council determines whether to approve the CLSP project and certify the EIR. The commenter's opposition to the WRP #2 North option is noted by the City and will be considered when a site for WRP #2 is selected. A public hearing, conducted either by the City Council or by the decision-making body of some other public agency, would be required before the final site for WRP #2 could be selected. The commenter and other concerned citizens should request notification of the date of that public hearing and may continue to express their opposition to the WRP #2 North option. The commenter can also find information regarding dates and times of meetings on the City of Lathrop website (www.lathropgov.org).

PM-11 The response to Comment I1-2, submitted by the same commenter, explains the background and environmental issues associated with the use of recycled water. The response to Comment PM-10 above explains that the commenter would have at least one more opportunity to offer comments on the selection of a site for WRP #2. Note that the individuals providing comments PM-10 through PM-14 at the public meeting subsequently submitted comment letter I1. Responses to comment letter I1, which was responded to previously in this FEIR, are also applicable to many of the comments provided at the public meeting.

PM-12 An announcement of the availability of the DEIR was placed in the Manteca Bulletin, and a mailing was sent to property owners in the CLSP area or directly adjacent to the area. There will be another opportunity to comment on the proposed project on November 9 and 16, 2004 at joint Lathrop City Council/Planning Commission meetings where the adoption of the EIR and approval of the CLSP project will be the topic of discussion.

PM-13 See the response to Comment I1-2.

PM-14 See the responses to Comments I1-2, I1-4, and I1-7.

PM-15 The City of Lathrop has a policy of ensuring that costs of new development are paid for by the development itself rather than by existing residents. For the CLSP project, this means that the costs and expenses associated with developing the CLSP, including providing infrastructure and public services, would be paid for by the developer. The City is currently conducting a fiscal analysis to confirm that the project would be fiscally neutral, as described in the response to Comment PM-5 above. (See the response to Comment PM-8 for a discussion of the unique legal principles regarding the apportionment of school funding between new development and state bond monies.)

PM-16 Regarding increased taxes, see the response to Comment PM-15. Regarding limitations on the number of houses to be constructed, see the response to Comment PM-2.

PM-17 The City notes the commenter's opposition to the WRP #2 North alternative. See the response to Comment PM-10 above.

PM-18 In Section 4.2, Land Use Consistency and Compatibility, Impact 4.2-b addresses the fact that the WRP #2 North site is in the County. Two options are available: The City would perform a noncontiguous annexation of the WRP #2 North site, which would place the full responsibility for regulating use of the site on the City or alternative service provider, or the City or such provider could lease the site from the County and work in cooperation with the County to regulate the site. These decisions would be made as part of the site selection process, if the CLSP project is approved. A similar process would be applied to the potential recycled water storage and disposal areas north of the CLSP area.

PM-19 Commission Lazard has expressed a preference for the WRP #2 South site. Comment noted; no further response is necessary.

PM-20 Impacts of the proposed project on public services are addressed in Mitigation Measures 4.10-b (Increased Demand for Fire Protection Facilities and Services), 4.10-c (Increased Demand for Fire Flow), 4.10-d (Increased Demand for Police Protection Facilities and Services), and 4.10-e (Increased Demand for Animal Control Facilities and Services). Impacts on public utilities are addressed in Mitigation Measures 4.11-a (Demand for Potable Water) and 4.11-d (Demand for Wastewater Treatment Capacity). In each case, the developer would be required to provide funding, facilities, or property to ensure that state and local minimal standards for these services are met in the CLSP area.

PM-21 See the response to Comment PM-7 above.

PM-22 Controlling the market value of homes is not related to environmental effects and is not an issue addressed by CEQA. However, the following information is provided in response to the council member's question. Affordable housing and the ability of the developer to encourage construction of a variety of housing types is addressed in Section 4.3, Population, Employment and Housing. The price of housing is set by market forces; therefore, what is regarded as "affordable" is relative to the rest of the market. Impact 4.3-e discusses the ratio of high-, medium- and low-density housing and differing lot sizes, which would tend to create housing in different price brackets. The developer's designation of variable-density and high-density housing types is intended to provide flexibility to respond to market demand rather than limit the developer to a particular density of housing in a particular area.

PM-23 See the response to Comment PM-8. The developer has identified the locations of school sites, and Manteca Unified School District has been involved in discussions before these sites were identified. According to state law, however, the City can only require that the developer pay state-mandated school impact fees based on the number of residential units and square footage of commercial development. Although the developer may come to an agreement with the school district regarding additional funding mechanisms or land transfer opportunities, the City cannot require the developer to take any action beyond payment of the state-mandated fees. Under existing circumstances, the properties would need to be purchased by the school district with a combination of state and local funds and the fees paid by Richland and other developers in the City of Lathrop. The school district is responsible for providing educational services for students within its boundaries; although it has the option of providing those services in any way it sees fit, it is unlikely that the district would choose another method besides constructing new schools to serve such a large new population area.

PM-24 As described under Impact 4.11-f, the analysis of recycled water for the proposed project indicates that 62 acres of recycled water storage ponds would be required for Phase 1 and 98 acres for the project as a whole at buildout. A more detailed analysis of the recycled water storage requirements is provided in Volume II, Appendix K of the DEIR. The number of ponds has not been determined and would depend on the specific areas identified for the ponds, the space available in each individual area, and engineering considerations relating to the optimum size of the ponds to provide aeration and prevent odors. The developer anticipates multiple ponds supporting the 98 acres of total storage capacity rather than construction of one large pond, similar to the approach used for the Mossdale Landing development.

PM-25 The letter referenced by the commenter is a reproduction of a letter received from RD 17. It would not be appropriate for a lead agency such as the City to correct a letter received from another agency that is simply reproduced in the EIR. However, City staff believes the RD 17 letter correctly describes the Stewart Tract flooding in January 1997. The Stewart Tract/Paradise Cut levee failed southeast of I-5. The railroad berm west of I-5 temporarily stopped much of the floodwater from entering the northwestern portion of Stewart Tract. However, the railroad berm ultimately was breached and the entirety of Stewart Tract was flooded.

PM-26 Comment noted. The document being referred to was prepared by the Manteca-Lathrop Rural County Fire Protection District, which in February 2002 changed its name to the Lathrop/Manteca Fire Protection District. Documents prepared by the district before the name change must be referenced using the name of the district at the time of preparation. Because the name of the agency had not yet been changed in 2000 when the document in question was prepared, the old district name is used. No change to the DEIR is necessary.

3 REVISIONS TO THE DEIR

This chapter includes revisions to text in the DEIR. Text changes are intended to clarify or correct information in the DEIR. The changes shown in this chapter result from the following sources:

- revisions to the DEIR to remove three of the six WRP options from consideration: WRP #2 North (scalping), WRP #2 Onsite (scalping), and WRP #2 South (integrated);
- clarifications in response to comments received on the DEIR;
- correction of the status of traffic mitigation measures 4.4-a19 and 4.4-a30 for Intersection 18, Louise Avenue/New Harlan Road, which is included in the Capital Facilities Fee program;
- addition of text to Chapter 3, Description of the Proposed Project (page 3-6), to clarify that permitting and operation of WRP #2 could be completed by either the City or another responsible public agency or district; and
- inclusion of additional traffic information related to mitigation measures identified as infeasible (Appendix A of this FEIR).

Revisions are shown as excerpts from the DEIR text, with strikethrough (~~strikethrough~~) text for deletions and underlined (<u>underlined</u>) text for additions. The changes appear in the order of their location in the DEIR.

Chapter 1, Introduction, Page 1-5 is revised as follows:

FEDERAL ACTIONS/PERMITS

- National Oceanic and Atmospheric Administration, National Marine Fisheries Service: federal Endangered Species Act consultation and issuance of take authorization
- U.S. Army Corps of Engineers (USACE): Section 404 Clean Water Act permit for discharge or fill of waters of the U.S.
- U.S. Fish and Wildlife Service: federal Endangered Species Act consultation and issuance of take authorization

STATE ACTIONS/PERMITS

- California Department of Education: approval of new school sites for which state funding is sought
- California Department of Fish and Game: potential California Endangered Species Act consultation and issuance of take authorization (Fish and Game Code §2081), streambed alteration agreement (Fish and Game Code §1602)
- California Department of Health Services: permit for land application of recycled water
- California Department of Transportation - District 10: encroachment permit for construction of facilities that could affect a state highway or right-of-way
- California Department of Water Resources (State Reclamation Board): encroachment permit to work on or adjacent to levees
- California State Lands Commission: lease agreement/permit for proposed stormwater outfall in the San Joaquin River
- California Public Utilities Commission: approval for overhead transmission line
- Regional Water Quality Control Board - Central Valley Region 5: National Pollutant Discharge Elimination System construction stormwater permit (Notice of Intent to proceed under General Construction Permit), discharge permit for stormwater, potential discharge permit for wastewater, general order for dewatering, Section 401 Clean Water Act certification or waste discharge requirements, recycled water permit, review of recycled water storage pond design

REGIONAL AND LOCAL ACTIONS/PERMITS

- Reclamation District No. 17: encroachment permit to work on or adjacent to levees
- San Joaquin County: roadway encroachment permit
- San Joaquin County Environmental Health Department: building, grading, and demolition permits for existing water wells and septic tanks
- San Joaquin LAFCO: annexation of CLSP area to the City of Lathrop, annexation of various recycled water storage and disposal sites to the City of Lathrop, potential annexation of a WRP site to the City of Lathrop, annexation of the project site into various service districts
- San Joaquin Valley Unified Air Pollution Control District: authority to construct, permit to operate, health risk assessment (all for individual development projects in the CLSP area triggering review and permit requirements)

Chapter 2, Summary, Page 2-7 is revised as follows:

a portion of Lathrop Road, in the greenbelt area adjacent to Golden Valley Parkway, along a segment of Street A in the Community Park area, and in the office-commercial and OC/VR/WWTP areas paralleling I-5. These linear detention basins would consist of long vegetated swales or canals and typically would not be available for recreational or public uses. Underground detention facilities are being considered in various office and commercial land use areas and other locations. However, additional underground facilities could be installed to replace the detention capacity provided by the multi-use and linear basins. If any of the multi-use or linear detention basins are replaced by underground storage facilities, the designated land use in the detention basin location (Neighborhood Park, Open Space/Greenbelt) would continue.

UTILITIES

~~Six~~ Three WRP options are being considered to serve development associated with the CLSP. These options are identified as follows:

(1) WRP #2 North: a stand-alone WRP designed to provide an average 3 million gallons per day (mgd) of treatment capacity. This WRP would be located on approximately 7 acres north of the CLSP area, at the same site previously identified by the Riverwalk project for a WRP. This site is outside the existing City limits and the sphere of influence, but within City General Plan Sub-Plan Area #2.

~~(2) WRP #2 North (scalping): in the same location as the WRP #2 North option, but would consist of a "scalping plant," which separates solids from the raw wastewater and treats only the liquid segment on site, rather than a full water recycling plant. This allows for a smaller overall treatment facility. The solids would be transported via a pipeline/force main to the City's existing WRP #1 and would be treated there.~~

~~(3)~~ (2) WRP #2 Onsite: WRP #2 Onsite would be a stand-alone WRP designed to provide an average 3 mgd of treatment capacity. This WRP would be located on approximately 7 acres in the northeast portion of the CLSP area in the parcel identified as OC/VR/WWTP. This is the same location identified in the Water Master Plan for WRP #2. Because this WRP would be located in the CLSP area, no offsite sewer lines would be required.

~~(4) WRP #2 Onsite (scalping): The WRP #2 Onsite (scalping) option would be in the same location as the WRP #2 Onsite option, but would consist of a scalping plant rather than a full water recycling plant.~~

~~(5)~~ (3) WRP #2 South: WRP #2 South would be a stand-alone WRP designed to provide an average 3 mgd of treatment capacity. This WRP would be located on approximately 7 acres within the current City limits, near the existing WRP #1. The proposed WRP #2 South site is located on a parcel currently serving as spray fields for disposal of recycled water generated by WRP #1. Though this plant would be constructed, permitted and operated totally independent of the nearby WRP #1, this plant may, after its construction, be connected to WRP #1 to allow redundant process trains under Title 22 for the production of recycled water at the same quality standard and to afford the City flexibility relative to operations and maintenance, as well as provide a greater safety margin during a risk of upset under emergency conditions.

~~(6) WRP #2 South (integrated): The WRP #2 South (integrated) option would be the same as the WRP #2 South option in all respects except that its operation would be integrated with that of WRP #1. Pipelines would connect the WRP #2 South (integrated) plant to WRP #1, allowing the treatment capacity~~

Chapter 2, Summary, Page 2-8 is revised as follows:

~~of the two plants to be combined. Under the WRP #2 South (integrated) option, the WRP #1 treatment capacity would, in effect, be increased to 9 mgd.~~

The wastewater treatment process used at WRP #2 would meet or exceed the effluent specifications used at the WRP #1 Membrane Bioreactor Treatment Plant and would result in the production of disinfected tertiary-treated recycled water. This is the highest class of treated wastewater; it meets the requirements specified in Title 22, Chapter 4, of the California Code of Regulations (Title 22) for allowable contaminant levels in recycled water and represents essentially pathogen-free water considered suitable by the California Department of Health Services for unrestricted landscape irrigation and for irrigation of agricultural crops not used for human consumption.

To dispose of recycled water and as a general water conservation measure, the CLSP proposes the use of recycled water for irrigation of public landscaping areas (road medians, parks, commercial landscaping, school sports fields) and private front and back yards in the plan area. For the remaining recycled water for which no recycled water demand is found, and during periods when irrigation is not feasible (e.g., during periods of winter precipitation), temporary storage of recycled water generated by WRP #2 would be required.

To provide additional recycled water disposal sites and locations for recycled water storage ponds, approximately 826 acres of land outside the CLSP area are being evaluated for these uses. It is estimated that up to approximately 318 acres of storage and disposal within this 826 acres would be needed to support the CLSP project. The offsite utility service sites being evaluated are divided into five areas. An additional potential recycled water storage/disposal areas is within the CLSP, and if used, would provide temporary storage/disposal capacity while Phase 1 of the CLSP is being developed (see Phasing below). When this onsite area is developed during Phase 2 of the CLSP, the recycled water storage/disposal capacity provided by this area would be transferred to one or more of the five offsite areas.

Recycled water disposal sites would consist of agricultural fields irrigated with recycled water, and would in effect be a continuation of existing uses on what are now agricultural lands. Approximately 220 acres of offsite recycled water disposal sites are anticipated to be needed. Storage ponds would provide temporary storage of recycled water during periods when irrigation is not feasible. A majority of pond storage capacity would be above the existing ground level and would be contained within earthen berms reaching elevations of approximately 10-12 feet above the ground surface. Approximately 98 acres of storage ponds are anticipated to be needed.

PHASING

For planning purposes, and to assist with the orderly development of the CLSP area, implementation of the CLSP is anticipated to proceed in two phases. Phase 1 is estimated to begin construction in 2005 and be completed in 2010. The buildout period for Phase 2 is estimated to be 2011–2020. Project elements included in each phase are described below.

Phase 1

Phase 1 of the CLSP encompasses roughly the southern two-thirds of the plan area. Phase 1 includes the following project elements:

Chapter 2, Summary, Page 2-11 is revised as follows:

- Large Lot Tentative Map;
- amendment of the City's Municipal Code; and
- approval of a development agreement between the City and the applicant.

The applicant (Richland) is requesting these approvals to accommodate proposed development on lands it controls (i.e., lands owned or under contract). However, some approvals would apply to all lands in the CLSP area (e.g., adoption of the CLSP, amendments to the City of Lathrop General Plan). It is anticipated that the City will also rely on this EIR without further environmental review for approval of other future discretionary entitlements and permits (e.g., small lot tentative subdivision maps, design review approvals, use permits) absent grounds for the preparation of a subsequent EIR, supplemental EIR, or addendum.

The following permit and other approval actions are likely to be required before implementation of individual elements of the proposed project. An environmental review under the National Environmental Policy Act (NEPA) also may be undertaken to address necessary federal actions associated with the proposed project.

FEDERAL ACTIONS/PERMITS

- National Oceanic and Atmospheric Administration, National Marine Fisheries Service: federal Endangered Species Act consultation and issuance of take authorization
- U.S. Army Corps of Engineers (USACE): Section 404 Clean Water Act permit for discharge or fill of waters of the U.S.
- U.S. Fish and Wildlife Service: federal Endangered Species Act consultation and issuance of take authorization

STATE ACTIONS/PERMITS

- California Department of Education: approval of new school sites for which state funding is sought
- California Department of Fish and Game: potential California Endangered Species Act consultation and issuance of take authorization (Fish and Game Code §2081), streambed alteration agreement (Fish and Game Code §1602)
- California Department of Health Services: permit for land application of recycled water
- California Department of Transportation - District 10: encroachment permit for construction of facilities that could affect a state highway or right-of-way
- California Department of Water Resources (State Reclamation Board): encroachment permit to work on or adjacent to levees
- California State Lands Commission: lease agreement/permit for proposed stormwater outfall in the San Joaquin River
- <u>California Public Utilities Commission: approval for overhead transmission line</u>

Chapter 2, Summary, Page 2-12 is revised as follows:

- Regional Water Quality Control Board - Central Valley Region 5: National Pollutant Discharge Elimination System construction stormwater permit (Notice of Intent to proceed under General Construction Permit), discharge permit for stormwater, potential discharge permit for wastewater, general order for dewatering, Section 401 Clean Water Act certification or waste discharge requirements, recycled water permit, review of recycled water storage pond design

REGIONAL AND LOCAL ACTIONS/PERMITS

- Reclamation District No. 17: encroachment permit to work on or adjacent to levees
- San Joaquin County: roadway encroachment permit
- San Joaquin County Environmental Health Department: building, grading, and demolition permits for existing water wells and septic tanks
- San Joaquin LAFCO: annexation of CLSP area to the City of Lathrop, annexation of various recycled water storage and disposal sites to the City of Lathrop, potential annexation of a WRP site to the City of Lathrop, annexation of the project site into various service districts
- San Joaquin Valley Unified Air Pollution Control District: authority to construct, permit to operate, health risk assessment (all for individual development projects in the CLSP area triggering review and permit requirements)

2.3 ENVIRONMENTAL IMPACTS AND RECOMMENDED MITIGATION MEASURES

Table 2-1, presented at the end of this chapter, provides a summary of the project-specific and cumulative environmental impacts of the proposed project, the level of significance of the impact before mitigation, recommended mitigation measures, and the level of significance of the impact after implementation of the mitigation measures.

The project would result in project-level significant and unavoidable adverse impacts in six areas: transportation and circulation, air quality, noise, agricultural resources, terrestrial biology, and aesthetic resources. In addition, the project would contribute to cumulative significant and unavoidable adverse impacts in nine areas: transportation and circulation, air quality, noise, public services, public utilities, agricultural resources, terrestrial biology, fisheries, and aesthetic resources. It also would potentially contribute to significant indirect cumulative impacts on air quality (odors), surface water quality, and fisheries.

2.4 SUMMARY OF ALTERNATIVES

This EIR evaluates the following alternatives to the proposed project:

- No Project Alternative,
- Reduced Development (Phase 1 Only) Alternative, and
- Reduced Development/Environmentally Constrained Alternative

All three alternatives are environmentally superior to the proposed project. The No Project Alternative does not attain any of the project objectives.

Chapter 2, Summary, Page 2-27 is revised as follows:

Table 2-1
Summary of Impacts, Mitigation Measures, and Alternatives

Impact	Significance before Mitigation	Mitigation Measure	Significance after Mitigation	Alternative
4.4-a18: Transportation and Circulation – Operation of LOS F at Intersection 17. Louise Avenue/Old Harlan Road Under 2010 Plus Phase 1 Scenario. Under the 2010 Plus Phase 1 scenario, Intersection 17. Louise Avenue/Old Harlan Road would operate at LOS F during the AM period. This impact is considered significant.	S	**Operation of LOS F at Intersection 17. Louise Avenue/Old Harlan Road Under 2010 Plus Phase 1 Scenario**. Given the proximity of this intersection to Intersection 18. Louise Avenue/New Harlan Road, it is not feasible to mitigate this impact by installing a traffic signal. Additionally, only right-in/right-out turns are currently allowed, therefore turn prohibitions are not available to mitigate this impact.	SU	A*
4.4-a19: Transportation and Circulation – Operation of LOS E and F at Intersection 18. Louise Avenue/New Harlan Under 2010 Plus Phase 1 Scenario. Under the 2010 Plus Phase 1 Scenario, Intersection 18. Louise Avenue/New Harlan Road would operate at LOS F during the AM period and LOS E during the PM period. This impact is considered significant.	S	**Operation of LOS E and F at Intersection 18. Louise Avenue/New Harlan Road Under 2010 Plus Phase 1 Scenario.** The mitigation for this impact would be the addition of a southbound right-turn lane and converting a shared through/right-turn lane to exclusive northbound right-turn and through lanes. ~~This improvement is not included in the City of Lathrop CFF; therefore the project would contribute to this mitigation through payment of the fair share of the cost of this improvement to the City of Lathrop. A mechanism shall be created to ensure that such fair share payments, together with similar fair share payments from other projects, shall be collected and devoted to funding and construction of the identified improvement. Such a mechanism shall consist of either the creation of a new fee program or the amendment of an existing fee program.~~ <u>This improvement is identified in the City of Lathrop CFF. The project would pay its fair share of the cost for this improvement through payment of traffic fees to the City of Lathrop, as identified by the CFF document.</u>	LTS	A

Notes: B = Beneficial PB = Potentially beneficial LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable
Alternatives: A = No Project Alternative B = Reduced Development (Phase 1 Only) Alternative C = Reduced Development/Environmentally Constrained Alternative
None = no alternatives would reduce the impact * = Alternative would reduce significant unavoidable impact to a less-than-significant levels

Chapter 2, Summary, Page 2-33 and 2-34 are revised as follows:

Table 2-1
Summary of Impacts, Mitigation Measures, and Alternatives

Impact	Significance before Mitigation	Mitigation Measure	Significance after Mitigation	Alternative
4.4-a28: Transportation and Circulation – Increase in Traffic of 1% or More at Intersection 13. Lathrop Road/Airport Way When Operating at LOS E/F Under the 2020 No Project Scenario. Under the 2020 No Project Scenario, Intersection 13. Lathrop Road/Airport Way would operate at LOS F during the AM period and at LOS E during the PM period. Traffic generated by the CLSP project would result in intersection operations degrading to LOS F during the PM period under the 2020 Plus Buildout Scenario, and the proposed project would increase traffic at the intersection by more than 1%. This impact is considered significant.	S	**Increase in Traffic of 1% or More at Intersection 13. Lathrop Road/Airport Way When Operating at LOS E/F Under the 2020 No Project Scenario.** The mitigation for this impact would be the conversion of shared through/right-turn lanes to exclusive through and right-turn lanes on all approaches. Additionally, a second northbound left-turn lane would be required to fully mitigate the project's impacts and provide an acceptable LOS. The project would pay for its fair share of the cost of these improvements to the City of Manteca.	SU	A*, B, C
4.4-a29: Transportation and Circulation – Increase in Traffic of 1% or More at Intersection 17. Louise Avenue/Old Harlan Road When Operating at LOS F Under the 2020 No Project Scenario. Under the 2020 No Project Scenario, Intersection 17. Louise Avenue/Old Harlan Road would operate at LOS F during the AM period. Traffic generated by the CLSP project under the 2020 Plus Buildout Scenario would increase traffic at the intersection by more than 1%. This impact is considered significant.	S	**Increase in Traffic of 1% or More at Intersection 17. Louise Avenue/Old Harlan Road When Operating at LOS F Under the 2020 No Project Scenario.** Given the proximity of this intersection to Intersection 18. Louise Avenue/New Harlan Road, it is not feasible to mitigate this impact by installing a traffic signal. Additionally, only right-in/right-out turns are currently allowed, so turn prohibition are not available to mitigate this impact.	SU	A*, B, C
4.4-a30: Transportation and Circulation – Increase in Traffic of 1% or More at Intersection 18. Louise Avenue/New Harlan Road When Operating at LOS E Under the 2020 No Project Scenario. Under the 2020 No Project Scenario, Intersection 18. Louise Avenue/New Harlan Road	S	**Increase in Traffic of 1% or More at Intersection 18. Louise Avenue/New Harlan Road When Operating at LOS E Under the 2020 No Project Scenario.** The mitigation for this impact would be the conversion of a southbound shared through/right-turn lane into two right-turn lanes. ~~This improvement is not included in the City of~~	LTS	A, B, C

Table 2-1
Summary of Impacts, Mitigation Measures, and Alternatives

Impact	Significance before Mitigation	Mitigation Measure	Significance after Mitigation	Alternative
would operate at LOS E during the AM period. Traffic generated by the CLSP project would result in intersection operations degrading to LOS F during the AM period under the 2020 Plus Buildout Scenario, and the proposed project would increase traffic at the intersection by more than 1%. This impact is considered significant.		~~Lathrop CFF; therefore, the project would contribute to this mitigation through payment of the fair share of the cost of this improvement to the City of Lathrop. A mechanism shall be created to ensure that such fair share payments, together with similar fair share payments from other projects, shall be collected and devoted to funding and construction of the identified improvement. Such a mechanism shall consist of either the creation of a new fee program or the amendment of an existing fee program.~~ . This improvement is identified in the City of Lathrop CFF. The project would pay its fair share of the cost for this improvement through payment of traffic fees to the City of Lathrop, as identified by the CFF document.		
4.4-a31: Transportation and Circulation – Operation of LOS F at Intersection 21. Louise Avenue/McKinley Avenue Under the 2020 Plus Buildout Scenario. Under the 2020 Plus Buildout Scenario, Intersection 21. Louise Avenue/McKinley Avenue would operate at LOS E during the AM period. This impact is considered significant.	S	**Operation of LOS F at Intersection 21. Louise Avenue/McKinley Avenue Under the 2020 Plus Buildout Scenario.** The mitigation of this impact would be the addition of southbound and northbound through lanes. This improvement is not included in the City of Lathrop CFF; therefore the project would contribute to this mitigation through payment of the fair share of the cost of this improvement to the City of Lathrop. A mechanism shall be created to ensure that such fair share payments, together with similar fair share payments from other projects, shall be collected and devoted to funding and construction of the identified improvement. Such a mechanism shall consist of either the creation of a new fee program or the amendment of an existing fee program.	LTS	A, B, C
4.4-a32: Transportation and Circulation – Increase in Traffic of 1% or More at Intersection 22. Louise Avenue/Airport Way When Operating at LOS E/F Under the 2020 No Project Scenario. Under the 2020 No Project Scenario, Intersection 22. Louise Avenue/Airport Way would operate at LOS E	S	**Increase in Traffic of 1% or More at Intersection 22. Louise Avenue/Airport Way When Operating at LOS E/F Under the 2020 No Project Scenario.** The mitigation for this impact would be the addition of a northbound left-turn lane, and the conversion of an eastbound shared through/right-turn lane to exclusive	LTS	A, B, C

Table 2-1
Summary of Impacts, Mitigation Measures, and Alternatives

Impact	Significance before Mitigation	Mitigation Measure	Significance after Mitigation	Alternative
and LOS F during the AM and PM periods respectively. Traffic generated by the CLSP project under the 2020 Plus Buildout Scenario would increase traffic at the intersection by more than 1%. This impact is considered significant.		through and right-turn lanes. The project would pay for its fair share of the cost of these improvements to the City of Manteca.		

Notes: B = Beneficial PB = Potentially beneficial LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable
Alternatives: A = No Project Alternative B = Reduced Development (Phase 1 Only) Alternative C = Reduced Development/Environmentally Constrained Alternative
None = no alternatives would reduce the impact * = Alternative would reduce significant unavoidable impact to a less-than-significant levels

Chapter 2, Summary, Page 2-84 is revised as follows:

Table 2-1
Summary of Impacts, Mitigation Measures, and Alternatives

Impact	Significance before Mitigation	Mitigation Measure	Significance after Mitigation	Alternative
However, if treatment capacity at WRP #2 is not brought into service concurrently with demand generated by the proposed project, there may not be sufficient treatment capacity available in the City to support the project. This is considered a significant impact.				
~~**4.11-e: Environmental Impacts Associated with the Expansion of WRP #1.** If either of the scalping plant options are selected for WRP #2, the solids portion of the wastewater generated by the proposed project would be treated at WRP #1. If the WRP #2 South (integrated) option is selected, operation of WRP #2 could be integrated with operation of WRP #1. According to the Water Master Plan EIR, and the EIR prepared for the WRP #1 Phase 1 Expansion Project, the expansion of WRP #1 and the potential discharges of treated wastewater to the San Joaquin River during later expansion phases could contribute to significant geotechnical, groundwater, flooding, air, odor, noise, land use, farmland, aesthetics/ views, terrestrial biology, cultural resources, and public utility emergency impacts. These impacts would be reduced to less-than-significant levels with implementation of the mitigation measures identified in the Master Plan EIR and the WRP #1 Phase 1 Expansion EIR, with the exception of odor impacts, cumulative surface water quality and fisheries impacts, and impacts associated with conversion of~~	~~S~~	~~Although some of the specific subimpacts associated with Impacts 4.11-b, 4.11-c, and 4.11-e are significant, no mitigation measures are required of the CLSP for those impacts because the responsibility for mitigation, where it is feasible, lies with the agencies that are the proponents of the projects at issue (the City for the new City wells and WRP #1, and SSJID for the SCSWSP), which are separate from the CLSP.~~	~~SU~~	~~None~~

Notes: B = Beneficial PB = Potentially beneficial LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable
Alternatives: A = No Project Alternative B = Reduced Development (Phase 1 Only) Alternative C = Reduced Development/Environmentally Constrained Alternative
None = no alternatives would reduce the impact * = Alternative would reduce significant unavoidable impact to a less-than-significant levels

Chapter 2, Summary, Page 2-85 is revised as follows:

Table 2-1
Summary of Impacts, Mitigation Measures, and Alternatives

Impact	Significance before Mitigation	Mitigation Measure	Significance after Mitigation	Alternative
~~important farmland, which would be significant and unavoidable.~~				
4.11-~~f~~e: Public Utilities – Demand for Recycled Water Storage and Disposal Capacity. The proposed project would increase the demand for recycled water storage and disposal areas. Because adequate storage and disposal areas are available to accommodate the quantity of recycled water to be generated by the proposed project, this impact is considered less than significant.	LTS	No mitigation is required.	LTS	A, B, C
4.11-~~g~~f: Public Utilities – Stormwater/Surface Runoff Management. Implementation of the CLSP would increase the amount of impervious surface on site, producing increased stormwater runoff that would require collection and discharge. However, the CLSP project includes a stormwater management system, including detention facilities, to provide onsite stormwater storage and discharge capacity sufficient to protect the CLSP area during a 100-year/48-hour storm event. Therefore, this impact is considered less than significant.	LTS	No mitigation is required.	LTS	A, B, C
4.11-~~h~~g: Public Utilities – Demand for Electricity and Natural Gas. The proposed project would increase the demand for electricity and natural gas. PG&E is able to provide electricity and natural gas to the project, and the increase in demand for electricity and natural gas would not be substantial in relation to the existing electricity and natural gas consumption in PG&E's service area; therefore, this impact is considered less than significant.	LTS	No mitigation is required.	LTS	A, B, C

Notes: B = Beneficial PB = Potentially beneficial LTS = Less than significant PS = Potentially significant S = Significant SU = Significant and unavoidable
Alternatives: A = No Project Alternative B = Reduced Development (Phase 1 Only) Alternative C = Reduced Development/Environmentally Constrained Alternative
None = no alternatives would reduce the impact * = Alternative would reduce significant unavoidable impact to a less-than-significant levels

Chapter 3, Description of the Proposed Project, Page 3-18 is revised as follows:

basins and be stored there temporarily until precipitation levels subside. As rainfall declines and the input of new runoff into the system is reduced, the pump stations would continue to operate, ultimately draining the stormwater collected in the detention basins and the remainder of the stormwater system.

Underground storage facilities (e.g., tanks, vaults, pipes) are also being considered as stormwater detention mechanisms. These underground facilities would function in a similar manner as the detention basins. The underground storage facilities could be installed in various locations throughout the CLSP area as long as the aboveground facilities and structures constructed over the tanks are designed appropriately to accommodate their presence. All or a portion of the proposed detention basin storage capacity could potentially be provided by underground storage facilities as an alternative stormwater detention option.

Three classes of detention facilities are proposed: multi-use detention basins, linear detention basins, and underground storage facilities. Among these three types of facilities, a total of 46.9 acre-feet (ac-ft) of stormwater storage capacity is proposed in the CLSP area.

The multi-use detention basins would be located in the proposed neighborhood parks (Exhibits 3-4 and 3-5) and would be designed to function as detention basins during storm events and remain available for park uses during the remainder of the year. The multi-use basins would be constructed with gentle slopes so they would grade relatively naturally into the overall park facility and would be landscaped with turf or similar vegetation consistent with their use as a park feature. Because the basins would only fill for limited periods during severe storm events and would drain relatively quickly after storms subside, park-like landscaping could be maintained, and the basin area would be available for recreational uses for a majority of the year.

Linear detention basins are being considered in the greenbelt area along a portion of Lathrop Road, in the greenbelt area adjacent to Golden Valley Parkway, along a segment of Street A in the Community Park area, and in the OC and OC/VR/WWTP areas paralleling I-5. These linear detention basins would consist of long vegetated swales or canals and typically would not be available for recreational or public uses.

Underground detention facilities are being considered in various office and commercial land use areas (Exhibits 3-4 and 3-5). However, additional underground facilities could be installed to replace the detention capacity provided by the multi-use and linear basins. If any of the multi-use or linear detention basins are replaced by underground storage facilities, the designated land use in the detention basin location (Neighborhood Park, Open Space/Greenbelt) would continue.

3.4.4 UTILITIES

WASTEWATER TREATMENT/WATER RECYCLING PLANT

~~Six~~ Three wastewater treatment plant/water recycling plant (WRP) options are being considered to serve development associated with the CLSP. These options are identified as follows:

(1) WRP #2 North
~~(2) WRP #2 North (scalping)~~
~~(3)~~ (2) WRP #2 Onsite
~~(4) WRP #2 Onsite (scalping)~~
~~(5)~~ (3) WRP #2 South
~~(6) WRP #2 South (integrated)~~

Chapter 3, Description of the Proposed Project, Page 3-19 is revised as follows:

Each of these options is described below. Locations are shown in Exhibit 3-6. Treatment capacity associated with the proposed WRP #2 would be ~~in addition to the~~ separate and distinct from the City's existing WRP #1. Each of the WRP #2 options being considered would be designed to allow internal wastewater treatment infrastructure to be installed in stages. In this way, treatment capacity could be expanded incrementally as development in the CLSP area ~~(and other portions of the City to be served by WRP #1)~~ proceeds.

WRP #2 North

WRP #2 North would be a stand-alone WRP designed to provide an average 3 million gallons per day (mgd) of treatment capacity. This WRP would be located on approximately 7 acres north of the CLSP area (Exhibit 3-6), at the same site previously identified by the Riverwalk project for a WRP (see Section 3.2.2, Riverwalk Specific Plan). This site is outside the existing City limits and the sphere of influence, but within City General Plan Sub-Plan Area #2. The area would need to be annexed into the City prior to its use as a WRP. A sewer force main would transport wastewater from the CLSP to WRP #2 North using one of the routes shown in Exhibit 3-6.

~~WRP #2 North (Scalping)~~

~~The WRP #2 North (scalping) option would be in the same location as the WRP #2 North option (Exhibit 3-6), but would consist of a "scalping plant" rather than a full water recycling plant. A scalping plant separates solids from the raw wastewater and treats only the liquid segment on site. This allows for a smaller overall treatment facility. The solids would be transported via a pipeline/force main to the City's existing WRP #1 and would be treated there. The proposed solids force main route from the WRP #2 North (scalping) site to the CLSP area, and from the CLSP area to WRP #1, is shown in Exhibit 3-6. The potential pipeline routes considered for transport of wastewater from the CLSP area to the WRP #2 North (scalping) site are the same as those indicated for the WRP #2 North option.~~

~~It is estimated that, of the wastewater generated by the CLSP area, approximately 90% would be treated as liquid at the WRP #2 North (scalping) site and 10% would be treated as solids at WRP #1. It is assumed that the overall treatment capacity for the WRP #2 North (scalping) option would be the same as the 3-mgd capacity of the WRP #2 North standard plant option. Therefore, the WRP #2 North (scalping) plant would be designed to treat 2.7 mgd of wastewater liquid constituent (3.0 mgd x 90%) and approximately 0.3 mgd of solids (3.0 mgd x 10%) would be transported to WRP #1 for treatment. The solid constituent of wastewater is more difficult to treat than the liquid constituent and requires more WRP plant resources. Therefore, the 0.3 mgd of solids transported to WRP #1 would actually require more than 0.3 mgd of "effective treatment" capacity. It is estimated that to treat 0.3 mgd of solids at WRP #1, up to 0.6 mgd of effective treatment capacity at the plant would be required, depending on management options and processes.~~

WRP #2 Onsite

WRP #2 Onsite would be a stand-alone WRP designed to provide an average 3 mgd of treatment capacity. This WRP would be located on approximately 7 acres in the northeast portion of the CLSP area (Exhibit 3-6) in the parcel identified as OC/VR/WWTP (Exhibit 3-4). This is the same location identified in the Water Master Plan for WRP #2. Because this WRP would be located in the CLSP area, no offsite sewer lines would be required. As with the CLSP area as a whole, this potential WRP site is outside the existing City limits and would need to be annexed into the City prior to its use as a WRP.

Chapter 3, Description of the Proposed Project, Page 3-21 is revised as follows:

~~**WRP #2 Onsite (Scalping)**~~

~~The WRP #2 Onsite (scalping) option would be in the same location as the WRP #2 Onsite option, but would consist of a scalping plant rather than a full water recycling plant. Scalping plant operations and capacity would be the same as described for the WRP #2 North (scalping) option. The proposed solids force main pipeline from the CLSP area to WRP #1 would also be the same.~~

WRP #2 South

WRP #2 South would be a stand-alone WRP designed to provide an average 3 mgd of treatment capacity. This WRP would be located on approximately 7 acres within the current City limits, near the existing WRP #1 (Exhibit 3-6). The proposed WRP #2 South site is located on a parcel currently serving as spray fields for disposal of recycled water generated by WRP #1. If the WRP #2 South option is constructed, the recycled water disposal capacity lost to the development of this parcel would be replaced at one of the recycled water disposal sites proposed as part of the CLSP project (see the discussion of recycled water disposal below). A sewer force main would transport wastewater from the CLSP to WRP #2 South using one of the routes shown in Exhibit 3-6. The force main would be sized to accommodate wastewater generated by the CLSP project as well as other development in the northern part of the City designated in the Water Master Plan to be served by WRP #2. Though this plant would be constructed, permitted and operated totally independent of the nearby WRP #1, this plant may, after its construction, be connected to WRP #1 to allow redundant process trains under Title 22 for the production of recycled water at the same quality standard and to afford the City flexibility relative to operations and maintenance, as well as provide a greater safety margin during a risk of upset under emergency conditions.

~~**WRP #2 South (Integrated)**~~

~~The WRP #2 South (integrated) option would be the same as the WRP #2 South option in all respects except that its operation would be integrated with that of WRP #1. Pipelines, as shown in Exhibit 3-6, would connect the WRP #2 South (integrated) plant to WRP #1, allowing the treatment capacity of the two plants to be combined. WRP #1 is currently planned for a maximum 6 mgd of treatment capacity, consistent with the Water Master Plan and the WRP #1 Phase 1 Expansion EIR (EDAW 2003). Under the WRP #2 South (integrated) option, the WRP #1 treatment capacity would, in effect, be increased to 9 mgd.~~

RECYCLED WATER DISPOSAL

The wastewater treatment process used at WRP #2 would meet or exceed the effluent specifications used at the WRP #1 Membrane Bioreactor Treatment Plant and would result in the production of disinfected tertiary-treated recycled water. This is the highest class of treated wastewater; it meets the requirements specified in Title 22, Chapter 4, of the California Code of Regulations (Title 22) for allowable contaminant levels in recycled water and represents essentially pathogen-free water considered suitable by the California Department of Health Services (DHS) for unrestricted landscape irrigation and for irrigation of agricultural crops not used for human consumption. For WRP #1, the current Waste Discharge Permit with the Regional Water Quality Control Board (RWQCB), Central Valley Region, allows only land disposal of recycled water. It is assumed that the same restriction will be applied to WRP #2 and that only land disposal of recycled water will be permitted at this time. The City has proposed a seasonal (winter season only) discharge to the San Joaquin River system with its Master Plans and intends to propose such a discharge when sufficient engineering and environmental analysis is performed in the future.

Chapter 3, Description of the Proposed Project, Page 3-23 is revised as follows:

potential location for a storage tank and booster pump station within the Mossdale Village area. The Mossdale Landing project (within the Mossdale Village area) includes plans for a 1.0-million-gallon water storage tank and booster pump station. To provide the total 2.5 million gallons of storage capacity in Sub-Plan Area #2 called for in the Water Master Plan, the CLSP project includes plans for an additional 1.5 million gallons of storage capacity (in one or more tanks) and a booster pump station in the CLSP area.

ELECTRICITY

Pacific Gas and Electric Company (PG&E) currently provides electrical service to the CLSP area via a number of transmission lines, including lines along Manthey Road, De Lima Road, and Dos Reis Road. PG&E would continue to be the electrical service provider for the CLSP project, delivering power via connections to existing main electrical feeder lines in the developed portion of the City east of I-5. As the plan area is developed, all existing aboveground electrical lines would be relocated underground or replaced with new underground lines. All new power lines in the CLSP area would also be installed underground. An electric substation facility would be required to serve the CLSP area and would be included somewhere in the northern portion of the OC area along the western side of I-5, possibly near the intersection of De Lima Road and the proposed Golden Valley Parkway. An overhead 115-kV electric transmission line would be installed from the substation across I-5 to connect with the existing transmission line on the east side of I-5.

NATURAL GAS

No natural gas service is currently available in the CLSP area. Propane is used for gas appliances. PG&E would provide natural gas service to the CLSP area as project development proceeds. Natural gas would be delivered directly from PG&E's existing Louise Avenue feeder (located on Louise Avenue approximately 1,500 feet west of I-5), from natural gas lines installed to serve the Mossdale Landing project, or from a combination of these two sources.

3.4.5 CITY GENERAL PLAN AMENDMENTS

PROPOSED CITY GENERAL PLAN AMENDMENTS

The proposed project analyzed in this DEIR includes amendments to the City General Plan that are needed to accommodate the proposed CLSP project. The Water Master Plan, which is part of the City General Plan, would also be amended as part of the CLSP project. Those amendments are discussed separately later in this section.

Most of the proposed amendments to the City General Plan deal purely with text changes to accurately describe the proposed project. The City General Plan amendments also include minor editorial corrections (e.g., "Central Business District" replaced by "City Center") and updated information (e.g., population and water demand figures for the City) where appropriate.

Before adoption of the proposed CLSP, the City General Plan Land Use Diagram (adopted December 17, 1991, as amended through 2001) would be amended to reflect the proposed land uses. The project also includes amendments to several policies contained in the Community Development, Transportation and Circulation, Resource Management, and Hazard Management Elements of the General Plan, as summarized below. Clarifying amendments also are proposed to Part II, Growth Assumptions and Opportunities: Major Policies and Major Proposals of the General Plan, and Part VII of the General Plan regarding General Plan interpretation and implementation. Complete copies of the Draft Amended

Chapter 3, Description of the Proposed Project, Page 3-26 is revised as follows:

Projected groundwater pumping for the City is updated, and a comparison is provided of demand and supply for each 5-year increment through 2025. Information about the proposed water distribution system for the City is updated to include the CLSP area as well as other new information.

Wastewater Collection Master Plan

The Wastewater Collection Master Plan is updated to provide revised sewer generation rates for residential and mixed-use areas in the CLSP area. The description of the land use plan and projected wastewater flows are updated through the addition of information about the CLSP area, Mossdale Landing, River Islands, and remaining portions of west Lathrop. Descriptions are provided of the ~~six~~ three wastewater conveyance alternatives for the CLSP area, and details are provided about gravity sewer and lift station components for the CLSP area. Conveyance strategies are compared for the ~~six~~ three conveyance alternatives. Detailed flow calculations are provided for the City.

Wastewater Treatment and Disposal Master Plan

The text of the Wastewater Treatment and Disposal Master Plan is updated to include current operational conditions at WRP #1 and the Manteca Wastewater Quality Control Facility and to describe the Phase I Remediation project. Other updates include information on current waste discharge requirements at the Manteca facility, water balance calculations for spray disposal in the City (including the CLSP area), and descriptions of the ~~six~~ three WRP alternatives and recommended WRP configuration.

Recycled Water Master Plan

The Recycled Water Master Plan is updated with design criteria and projected demand calculations for recycled water use in the CLSP area and updated Title 22 water quality requirements for the City.

3.4.6 PHASING

For planning purposes, and to assist with the orderly development of the CLSP area, implementation of the CLSP is anticipated to proceed in two phases, as indicated in Exhibit 3-4. Phase 1 is estimated to begin construction in 2005 and be completed in 2010. The buildout period for Phase 2 is estimated to be 2011–2020. Project elements included in each phase are described below.

PHASE 1

Phase 1 of the CLSP encompasses roughly the southern two-thirds of the plan area. Phase 1 includes the following project elements:

- the roadway network within the Phase 1 area,
- the CLSP Stormwater Outfall,
- construction of one of the WRP options with 1.5 mgd of treatment capacity,
- use of approximately 62 acres of recycled water storage sites,
- use of approximately 139 acres of recycled water disposal sites,

Chapter 3, Description of the Proposed Project, Page 3-27 is revised as follows:

- approximately 191 acres of Office Commercial area between Golden Valley Parkway and I-5,
- the Specialty Commercial area,
- seven neighborhood parks,
- approximately 60 acres of the community park,
- the high school,
- two K-8 schools,
- the two Residential/Mixed Use areas containing up to approximately 591,000 square feet of commercial space and 723 du,
- approximately 28 acres of high-density residential areas containing up to 453 du, and
- approximately 394 acres of variable-density residential housing areas containing up to 2,866 du.

Among the first facilities to be developed in Phase 1 would be the high school so that it would be available to begin serving students already residing in Lathrop, but attending Sierra High School in Manteca and Weston High School in Weston Ranch. Remaining development would generally follow a south-to-north progression, as well as radiating outward from the high school.

Water, natural gas, electrical, and other utility infrastructure elements would be installed as development proceeds in the Phase 1 area. One of the WRP options listed above in Section 3.4.4, Utilities, would be constructed. However, treatment capacity in ~~the~~ WRP #2 would have the ability to be expanded incrementally, and sufficient internal treatment equipment would be installed to serve Phase 1 demand (estimated to be 1.37 mgd). Approximately 62 acres of recycled water storage ponds and 139 acres of land disposal areas would be required to serve Phase 1 at full buildout. All or a portion of these facilities could be located temporarily in the CLSP Phase 2 area, or would be placed on one or more of the offsite storage and disposal areas shown in Exhibit 3-3.

PHASE 2

Phase 2 of the CLSP encompasses roughly the northern one-third of the plan area. Phase 2 includes the following project elements:

- the roadway network within the Phase 2 area,
- use of approximately 36 additional acres of recycled water storage sites,
- use of approximately 81 additional acres of offsite recycled water disposal sites,
- approximately 48 acres of Office Commercial area,
- development of the OC/VR/WWTP parcel,
- three neighborhood parks,

Section 4.2, Land Use Consistency and Compatibility, Page 4.2-9 is revised as follows:

Table 4.2-1
Land Use Designations and Maximum Residential Development Potential
Within Central Lathrop Specific Plan Area

Land Use Type	Land Use Designation	Per City General Plan (Acres) (Dwelling Units)[1]	Per Central Lathrop Specific Plan (Acres) (Dwelling Units)[2]
	Government Center (GC)	20.0 Ac	(included in P-SP)
	Cultural Center (CUL)	(included in GC above)	(included in P-SP)
	Transit Station (TS)	2.7 Ac	(included in P-SP)
	Public/Semi-Public (P-SP)	--	11.1 Ac
Subtotal:		***26.4 Ac***	***11.1 Ac***
Open Space	Landscaped Open Space Corridor (OS)	127.3 Ac	--
	Golf Course	147.2 Ac	--
	Levee, Open Space, River (OS)	--	93.8 Ac
Subtotal:		***274.5 Ac***	***93.8 Ac***
Rights-of-Way	Rights-of-Way	0[6]	92.7 Ac
Subtotal:		***0 Ac***	***92.7 Ac***
Total:		***1,521 Ac***	***1,521 Ac***[7]

[1] Refers to the portion of the General Plan located within the CLSP area. Acreages for General Plan land use designations include major street rights-of-way, so the net acreage of developable area is less than indicated in this column.
[2] Acreages for CLSP land use designations do not include major street rights-of-way, thus indicating the net acreage of developable area.
[3] The General Plan does not specify acreages or locations for schools. Instead, the General Plan acknowledges that specific requirements are to be determined during the Specific Plan stage of development approval. The acreage for school sites is included in the acreage shown for the Low Density Residential land use designation.
[4] Similar to schools, the General Plan does not specify acreages or locations for neighborhood park sites. The acreage for neighborhood parks is included in the acreage shown for the Low Density Residential land use designation.
[5] Estimated. To be refined through coordination with the Lathrop-Manteca Fire Protection District.
[6] Acreages for General Plan land use designations include major street rights-of-way. Acreages for CLSP land use designations do not include major street rights-of-way.
[7] Represents the maximum development potential. The CLSP encompasses 1,521 acres of geographic area.
Ac = acres
Source: MacKay & Somps 2004; City of Lathrop 1991

LATHROP WATER, WASTEWATER, AND RECYCLED WATER MASTER PLAN

In 2000, the City prepared a Water, Wastewater, and Recycled Water Master Plan (Water Master Plan) that updated its water infrastructure master plans and enabled the City to phase the construction of infrastructure to link logically with the phasing of development in the City. The Water Master Plan identified a planned WRP at the northeast corner of the CLSP area near I-5 and the western extension of Squires Road (Exhibit 4.2-3). A contingency strategy in the Wastewater Collection Master Plan element of the overall Water Master Plan allows for wastewater from the southern portion of Sub-Plan Area #2 (Moss Village) to be conveyed to the existing WRP #1; the CLSP area was proposed to be served by WRP #2 at the location described above.

Section 4.2, Land Use Consistency and Compatibility, Page 4.2-10 is revised as follows:

LAND USE AND RESOURCE MANAGEMENT PLAN FOR THE PRIMARY AND SECONDARY ZONE OF THE DELTA

The Delta Protection Commission is a state agency, created by the Delta Protection Act of 1992, that is authorized to oversee land use and resource management activities in the Primary and Secondary Zones of the "Legal Delta" as defined in §12220 of the California Water Code. The Legal Delta covers approximately 738,239 acres, with the Primary Zone comprising 487,625 acres. The Delta Protection Act defines the Primary Zone, which comprises the principal jurisdiction of the Delta Protection Commission, as primarily for agricultural uses. Recreational uses, wildlife habitat, and nature preserves can also be approved uses within the Primary Zone. The commission has the authority to appeal local government activities within the Primary Zone. The Secondary Zone is the area outside the Primary Zone and within the Legal Delta; however, the Secondary Zone is not within the planning area of the Delta Protection Commission. (Delta Protection Commission 2002.) Notably, Government Code §29764 provides that nothing in the Delta Protection Act gives the Delta Protection Commission permitting authority within the Secondary Zone or requires local governments to conform their general plans or land use decisions to policies within the Commission's regional plan relating to the Secondary Zone.

The CLSP area is located in the Secondary Zone and is separated from the nearest portion of the Primary Zone, located just to the west of the CLSP area, by the San Joaquin River (Delta Protection Commission 2002). The San Joaquin River and associated levees provide approximately 500 feet of separation between the boundaries of the CLSP area and the nearest agricultural lands in the Primary Zone.

The Delta Protection Commission adopted its Land Use and Resource Management Plan for the Primary Zone of the Delta in 1995. This document included the following policy and recommendation that pertain to the Secondary Zone:

- **Land Use Policy No. 8.** Local government policies regarding mitigation of adverse environmental impacts under CEQA may allow mitigation beyond County boundaries, if acceptable to reviewing fish and wildlife agencies, for example in approved mitigation banks. Mitigation in the Primary Zone for loss of agricultural lands in the Secondary Zone may be appropriate if the mitigation program supports continued farming in the Primary Zone.

- **Land Use Recommendation No. 5.** To the extent possible, any development in the Secondary Zone should include an appropriate buffer zone to prevent impacts of such development on the lands in the Primary Zone. Local governments should consider needs of agriculture in determining such a buffer.

In 2003, a bill was introduced to the California Legislature, which ~~if passed,~~ could affect the authority of the Delta Protection Commission, potentially extending its authority to the secondary zone. This bill, Assembly Bill 2476 (Wolk), was passed by the legislature but vetoed by the governor. Thus, ~~Senate Bill 86, is still up for consideration as of the release date of this DEIR. Because it has not passed the legislature,~~ the ~~proposed~~ bill does not affect the analysis in this EIR.

4.2.2 EXISTING CONDITIONS

The CLSP area encompasses approximately 1,520 acres of land west of I-5, east of the San Joaquin River, north of the West Lathrop Specific Plan (WLSP) area, and south of the point where Squires Road would continue westward if it crossed I-5. The CLSP area and the adjacent lands are dominated by actively farmed agricultural lands interspersed with farmsteads and associated outbuildings. There are

Section 4.4, Transportation and Circulation, Page 4.4-28 is revised as follows:

- 3. Roth Road / I-5 ~~SB~~ NB Ramps (2020 No Project, AM only)
- 4. Roth Road / Old Harlan Road (2020 No Project, PM only)
- 5. Roth Road / McKinley Avenue (2020 Plus Buildout, AM only)
- 7. Lathrop Road/Golden Valley Parkway (2020 No Project, AM & PM)
- 8. Lathrop Road / I-5 SB Ramps (2020 No Project, AM & PM; 2020 Plus Buildout, PM only)
- 9. Lathrop Road / I-5 NB Ramps (2020 No Project, AM & PM; 2020 Plus Buildout, AM & PM)
- 10. Lathrop Road / Old Harlan Road (2020 No Project, AM & PM; 2020 Plus Buildout, AM & PM)
- 11. Lathrop Road / New Harlan Road (2020 No Project, AM & PM; 2020 Plus Buildout, AM & PM)
- 12. Lathrop Road / Fifth Street (2020 Plus Buildout, AM & PM)
- 13. Lathrop Road / Airport Way (2020 No Project, AM & PM; 2020 Plus Buildout, AM & PM)
- 17. Louise Avenue / Old Harlan Road (2020 No Project, AM only; 2020 Plus Buildout, AM only)
- 18. Louise Avenue / New Harlan Road (2020 No Project, AM only; 2020 Plus Buildout, AM only)
- 21. Louise Avenue / McKinley Avenue (2020 Plus Buildout, AM only)
- 22. Louise Avenue / Airport Way (2020 No Project, AM & PM; 2020 Plus Buildout, AM & PM)
- 24. Yosemite Avenue / McKinley Avenue (2020 Plus Buildout, AM only)
- 36. Main Street (Mossdale Landing) /Golden Valley Parkway (2020 Plus Buildout, PM only)

Ramp Operations

As described previously, the study area for surface streets includes three existing freeway ramps:

- I-5/Roth Road
- I-5/Lathrop Road
- I-5/Louise Avenue

An analysis of operating conditions at each of these ramps under the various study scenarios is presented below. To determine expected ramp operations under each scenario, traffic volumes generated by the traffic modeling were applied to analysis methodologies provided in the 2000 Highway Capacity Manual.

Existing Condition Scenarios

Operations at the three study freeway ramps under existing conditions are described in Table 4.4-5. The estimated operations of each ramp system for the Existing Plus Phase 1 scenario and the Existing Plus Buildout scenario are presented in Table 4.4-12. These results indicate that all of the ramp systems evaluated would operate at an acceptable LOS (which is defined as LOS D or better) with the addition of traffic from the CLSP.

2010 Scenarios

The estimated operation of the study ramps under the 2010 No Project scenario and the 2010 Plus Phase 1 scenario are presented in Table 4.4-13. As indicated in the table, all of the ramp elements would operate at an acceptable LOS under the 2010 No Project scenario. However, under the 2010 Plus Phase 1 scenario four of the ramp elements will operate at LOS F, which is an unacceptable level of operation. These are:

- Lathrop Road/I-5 Northbound On-Ramp (2010 Plus Phase 1, PM only)
- Louise Avenue/I-5 Southbound On-Ramp (2010 Plus Phase 1, AM only)
- Louise Avenue/I-5 Northbound On-Ramp (2010 Plus Phase 1, PM only)
- Louise Avenue/I-5 Southbound Off-Ramp (2010 Plus Phase 1, AM only)

Section 4.4, Transportation and Circulation, Page 4.4-67 is revised as follows:

The additional mitigation would require adding a north-bound right-turn lane. This improvement is identified in the City of Lathrop CFF. The project would pay for its fair share of the cost of this improvement through payment of traffic impact fees to the City of Lathrop, as identified by the CFF document.

Implementation of Mitigation Measure 4.4-a16 would reduce impacts on the Lathrop Road/I-5 northbound ramps under the 2010 Plus Phase 1 scenario to a less-than-significant level.

4.4-a17: Increase in Traffic of 1% or More at Intersection 16. Louise Avenue/I-5 Northbound Ramps When Operating at LOS E Under the 2010 No Project Scenario. The mitigation for this impact would consist of the conversion of a northbound right-turn lane into a shared right/through/left-turn lane on the northbound ramp. This improvement is identified in the City of Lathrop CFF. The project would pay its fair share of the cost for this improvement through payment of traffic fees to the City of Lathrop, as identified by the CFF document.

Implementation of Mitigation Measure 4.4-a17 would reduce impacts on the Louise Avenue/I-5 northbound ramps under the 2010 Plus Phase 1 scenario to a less-than-significant level.

4.4-a18: Operation of LOS F at Intersection 17. Louise Avenue/Old Harlan Road Under 2010 Plus Phase 1 Scenario. Given the proximity of this intersection to Intersection 18. Louise Avenue/New Harlan Road, it is not feasible to mitigate this impact by installing a traffic signal. Additionally, only right-in/right-out turns are currently allowed, therefore turn prohibitions are not available to mitigate this impact.

No feasible mitigation is available to improve LOS conditions at Intersection 17. Louise Avenue/Old Harlan Road to acceptable levels under the 2010 Plus Phase 1 scenario. Therefore, this impact is considered significant and unavoidable.

4.4-a19: Operation of LOS E and F at Intersection 18. Louise Avenue/New Harlan Road Under 2010 Plus Phase 1 Scenario. The mitigation for this impact would be the addition of a southbound right-turn lane and converting a shared through/right-turn lane to exclusive northbound right-turn and through lanes. ~~This improvement is not included in the City of Lathrop CFF; therefore the project would contribute to this mitigation through payment of the fair share of the cost of this improvement to the City of Lathrop. A mechanism shall be created to ensure that such fair share payments, together with similar fair share payments from other projects, shall be collected and devoted to funding and construction of the identified improvement. Such a mechanism shall consist of either the creation of a new fee program or the amendment of an existing fee program.~~ This improvement is identified in the City of Lathrop CFF. The project would pay its fair share of the cost for this improvement through payment of traffic fees to the City of Lathrop, as identified by the CFF document.

Implementation of Mitigation Measure 4.4-a19 would reduce impacts on the Louise Avenue/New Harlan Road intersection under the 2010 Plus Phase 1 scenario to a less-than-significant level.

Section 4.4, Transportation and Circulation, Page 4.4-70 is revised as follows:

4.4-a27: Operation of LOS F at Intersection 12. Lathrop Road/Fifth Street Under the 2020 Plus Buildout Scenario. The mitigation for this impact would be the conversion of a westbound shared through/right-turn lane to exclusive through and right-turn lanes. This improvement is not included in the City of Lathrop CFF; therefore the project would contribute to this mitigation through payment of the fair share of the cost of this improvement to the City of Lathrop. A mechanism shall be created to ensure that such fair share payments, together with similar fair share payments from other projects, shall be collected and devoted to funding and construction of the identified improvements. Such a mechanism shall consist of either the creation of a new fee program or the amendment of an existing fee program.

Implementation of Mitigation Measure 4.4-a27 would reduce impacts on the Lathrop Road/Fifth Street intersection under the 2020 Plus Buildout scenario to a less-than-significant level.

4.4-a28: Increase in Traffic of 1% or More at Intersection 13. Lathrop Road/Airport Way When Operating at LOS E/F Under the 2020 No Project Scenario. The mitigation for this impact would be the conversion of shared through/right-turn lanes to exclusive through and right-turn lanes on all approaches. Additionally, a second northbound left-turn lane would be required to fully mitigate the project's impacts and provide an acceptable LOS. The project would pay for its fair share of the cost of these improvements to the City of Manteca.

If implemented, Mitigation Measure 4.4-a28 would reduce impacts on the Lathrop Road/Airport Way intersection under the 2020 Plus Buildout scenario to a less-than-significant level. Implementation is uncertain, however, because to date Manteca has not established a program by which it can receive moneys from projects in Lathrop and assure that such funds will be devoted to the intended mitigation. Therefore, the City of Lathrop conservatively assumes that the impact will be significant and unavoidable.

4.4-a29: Increase in Traffic of 1% or More at Intersection 17. Louise Avenue/Old Harlan Road When Operating at LOS F Under the 2020 No Project Scenario. Given the proximity of this intersection to Intersection 18. Louise Avenue/New Harlan Road, it is not feasible to mitigate this impact by installing a traffic signal. Additionally, only right-in/right-out turns are currently allowed, so turn prohibition are not available to mitigate this impact.

No feasible mitigation is available to improve LOS conditions at Intersection 17. Louise Avenue/Old Harlan Road to acceptable levels under the 2020 Plus Buildout scenario. Therefore, this impact is considered significant and unavoidable.

4.4-a30: Increase in Traffic of 1% or More at Intersection 18. Louise Avenue/New Harlan Road When Operating at LOS E Under the 2020 No Project Scenario. The mitigation for this impact would be the conversion of a southbound shared through/right-turn lane into two right-turn lanes. ~~This improvement is not included in the City of Lathrop CFF; therefore, the project would contribute to this mitigation through payment of the fair share of the cost of this improvement to the City of Lathrop. A mechanism shall be created to ensure that such fair share payments, together with similar fair share payments from other projects, shall be collected and devoted to funding and construction of the identified improvement. Such a mechanism shall consist of either the creation of a new fee program or the amendment of an existing fee program.~~ This improvement is identified in the City of Lathrop CFF. The project would pay its fair share of the cost for this improvement through payment of traffic fees to the City of Lathrop, as identified by the CFF document.

Section 4.4, Transportation and Circulation, Page 4.4-92 is revised as follows:

Table 4.4-11
2020 No Project and 2020 Plus Buildout Peak Hour Level of Service

Location	Control[1]	Peak Hour	~~2025~~ 2020 No Project		~~2025~~ 2020 Plus Buildout of Project	
			Delay[2]	LOS	Delay[2]	LOS
1. Roth Road / Manthey Road	Signal	AM	22	C	22	C
		PM	31	C	24	D
2. Roth Road / I-5 SB Ramps	Signal	AM	15	B	12	B
		PM	21	C	28	C
3. Roth Road / I-5 NB Ramps	Signal	AM	**70**	**E**	12	B
		PM	13	B	18	B
4. Roth Road / Old Harlan Road	Signal	AM	40	D	38	D
		PM	**58**	**E**	48	D
5. Roth Road / McKinley Avenue	Signal	AM	42	D	**73**	**E**
		PM	19	B	37	D
6. Roth Road / Airport Way	Signal	AM	17	B	23	C
		PM	39	D	39	D
7. Lathrop Road / Golden Valley Parkway	Signal	AM	**>80**	**F**	34	C
		PM	**>80**	**F**	51	D
8. Lathrop Road / I-5 SB Ramps	Signal	AM	**>80**	**F**	48	D
		PM	**>80**	**F**	**>80**	**F**
9. Lathrop Road / I-5 NB Ramps	Signal	AM	**77**	**E**	**>80**	**F**
		PM	**77**	**E**	**>80**	**F**
10. Lathrop Road / Old Harlan Road	SSS	AM	**>50**	**F**	**>50**	**F**
		PM	**>50**	**F**	**>50**	**F**
11. Lathrop Road / New Harlan Road	Signal	AM	**>80**	**F**	**>80**	**F**
		PM	**>80**	**F**	**>80**	**F**
12. Lathrop Road / Fifth Street	Signal	AM	35	D	**65**	**E**
		PM	44	D	**74**	**E**
13. Lathrop Road / Airport Way	Signal	AM	**>80**	**F**	**>80**	**F**
		PM	**77**	**E**	**>80**	**F**
14. Louise Avenue / Golden Valley Parkway	Signal	AM	52	D	46	D
		PM	30	C	55	D
15. Louise Avenue / I-5 SB Ramps	Signal	AM	34	C	50	D
		PM	21	C	26	C
16. Louise Avenue / I-5 NB Ramps	Signal	AM	21	C	22	C
		PM	23	C	39	D
17. Louise Avenue / Old Harlan Road	SSS	AM	**>50**	**F**	**>50**	**F**
		PM	30	D	34	D
18. Louise Avenue / New Harlan Road	Signal	AM	**71**	**E**	**>80**	**F**
		PM	50	D	49	D
19. Louise Avenue / Cambridge Drive	Signal	AM	16	B	18	B
		PM	14	B	15	B
20. Louise Avenue / Fifth Street	Signal	AM	27	C	30	C
		PM	27	C	42	D
21. Louise Avenue / McKinley Avenue	Signal	AM	53	D	**63**	**E**
		PM	31	C	43	D
22. Louise Avenue / Airport Way	Signal	AM	**74**	**E**	**75**	**E**
		PM	**>80**	**F**	**>80**	**F**
23. *Intersection only applies to previous scenarios*	--	--	--	--	--	--
24. Yosemite Avenue / McKinley Avenue	Signal	AM	33	C	**>80**	**F**
		PM	30	C	40	D
25. Yosemite Avenue / D'Arcy Parkway	Signal	AM	22	C	24	C
		PM	30	D	32	C
26. De Lima Road / Street A	RA	AM	N/A	N/A	5	A
		PM	N/A	N/A	5	A

Section 4.4, Transportation and Circulation, Page 4.4-93 is revised as follows:

Table 4.4-11
2020 No Project and 2020 Plus Buildout Peak Hour Level of Service

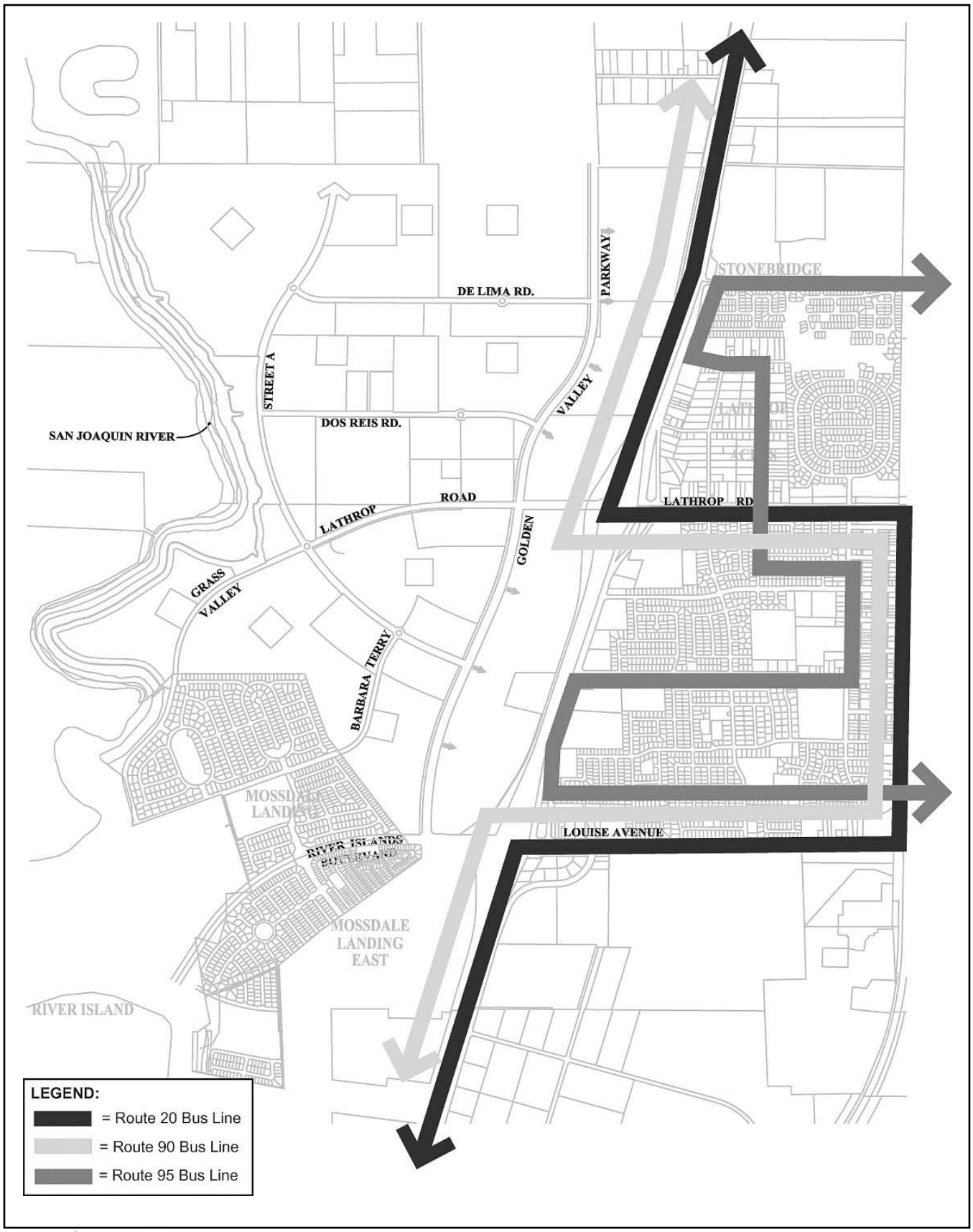
Location	Control[1]	Peak Hour	~~2025~~ 2020 No Project		~~2025~~ 2020 Plus Buildout of Project	
			Delay[2]	LOS	Delay[2]	LOS
27. De Lima Road / Main Street	RA	AM	N/A	N/A	5	A
		PM	N/A	N/A	7	A
28. De Lima Road / Golden Valley Parkway	Signal	AM	N/A	N/A	29	C
		PM	N/A	N/A	27	C
29. Dos Reis Road / Street A	Signal	AM	N/A	N/A	15	B
		PM	N/A	N/A	17	C
30. Dos Reis Road / Main Street	RA	AM	N/A	N/A	5	A
		PM	N/A	N/A	6	A
31. Dos Reis Road / Golden Valley Parkway	Signal	AM	N/A	N/A	24	C
		PM	N/A	N/A	27	C
32. Lathrop Road / Street A	RA	AM	N/A	N/A	5	A
		PM	N/A	N/A	7	A
33. Lathrop Road / Main Street	Signal	AM	N/A	N/A	21	C
		PM	N/A	N/A	33	C
34. Street A / Barbara Terry Drive	RA	AM	N/A	N/A	5	A
		PM	N/A	N/A	5	A
35. Street A / Golden Valley Parkway	Signal	AM	N/A	N/A	25	C
		PM	N/A	N/A	20	C
36. Main Street (Mossdale Landing)/Golden Valley Parkway	Signal	AM	30	C	52	D
		PM	52	D	**>80**	**F**
37. River Islands Parkway / Silvera Access	Signal	AM	9	A	31	A
		PM	9	A	16	A
38. River Islands Parkway / McKee Boulevard	Signal	AM	21	C	54	C
		PM	29	C	49	B

Notes: **Deficient Intersections Indicated in Bold**
[1] Signal = Traffic signal control, AWS= All-way stop sign control, RA= roundabout and SSS= Side-street stop sign control
[2] Delay calculated using methodologies provided in *Highway Capacity Manual*, Transportation Research Board, 2000
Source: Fehr & Peers 2004

Table 4.4-12
Existing Plus Phase 1 and Existing Plus Buildout Freeway Ramp Operations

Interchange	Ramp		Existing Plus Phase 1				Existing Plus Build out			
			NB		SB		NB		SB	
			Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Roth Road	On Ramp	AM	6	A	23	C	7	A	23	C
		PM	21	C	11	B	23	C	12	B
	Off Ramp	AM	7	A	17	B	7	A	18	B
		PM	23	C	7	A	23	C	8	A
Lathrop Road	On Ramp	AM	9	A	18	B	11	B	20	B
		PM	26	C	14	B	26	C	15	B
	Off Ramp	AM	5	A	19	B	6	A	20	C
		PM	20	B	7	A	22	C	9	A
Louise Avenue	On Ramp	AM	9	A	19	B	11	B	21	C
		PM	22	C	13	B	24	C	14	B
	Off Ramp	AM	7	A	17	B	9	A	20	C
		PM	19	B	12	B	21	C	15	B

Source: Fehr & Peers 2004



Source: Fehr & Peers 2004

4.4-2

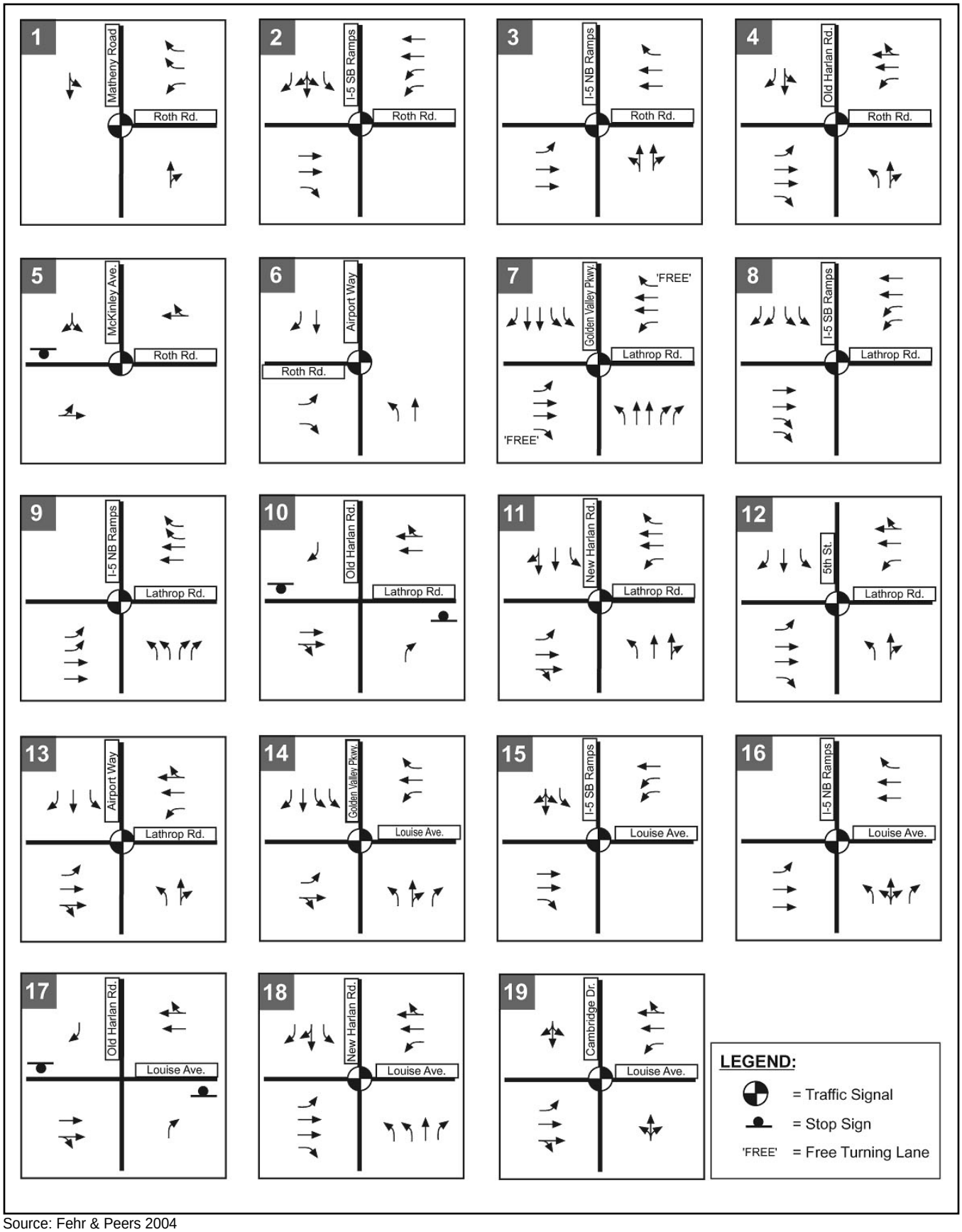
EXHIBIT Revised

CLSP Area Bus Routes in the City of Lathrop

Central Lathrop Specific Plan EIR
City of Lathrop
P 3T017.01 07/04

NORTH

EDAW



Source: Fehr & Peers 2004

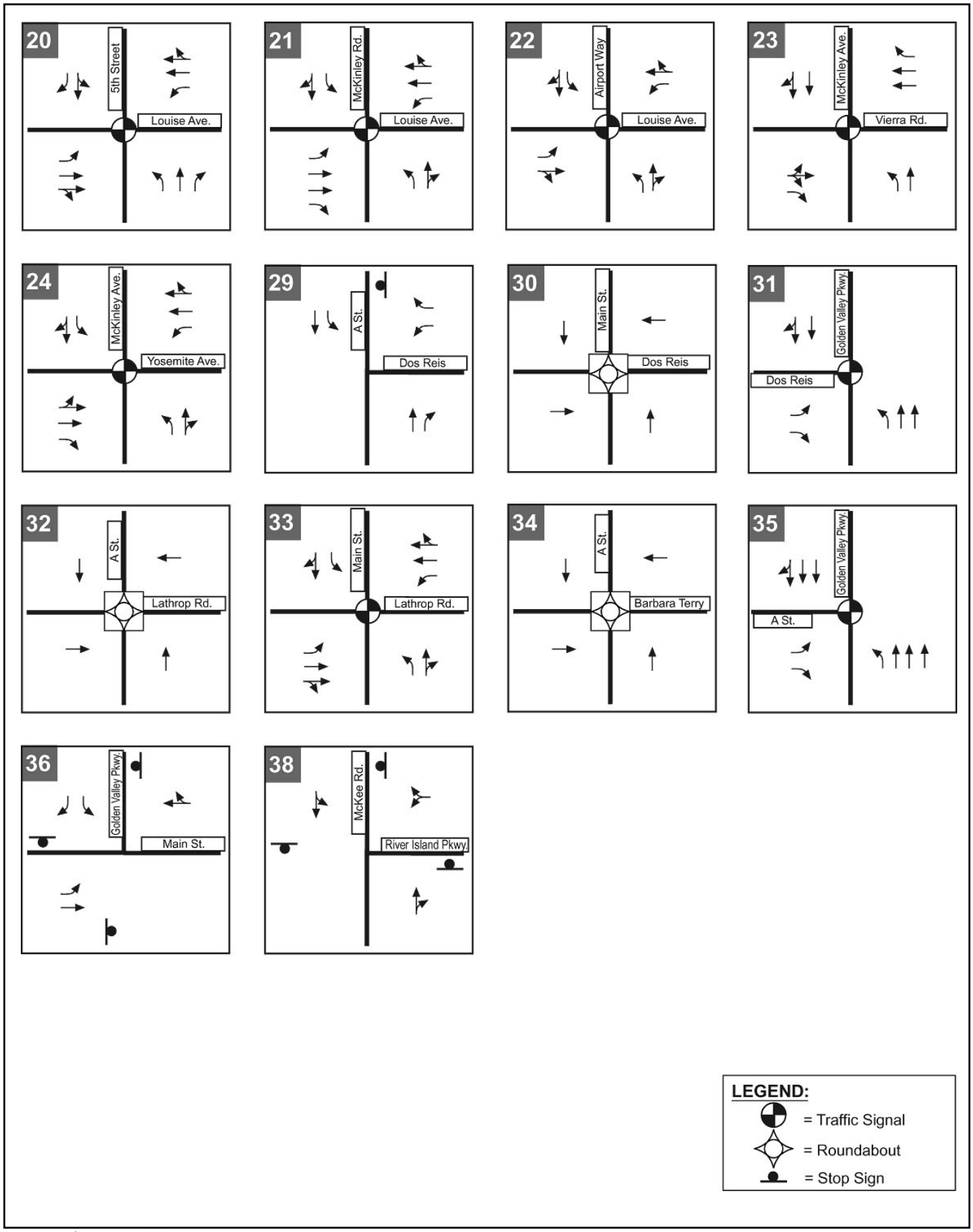
Mitigated 2010 Plus Phase 1 Scenario Lane Configurations

EXHIBIT 4.4-25a Revised

Central Lathrop Specific Plan FEIR
City of Lathrop
P 3T017.01 07/04

NORTH

EDAW



Source: Fehr & Peers 2004

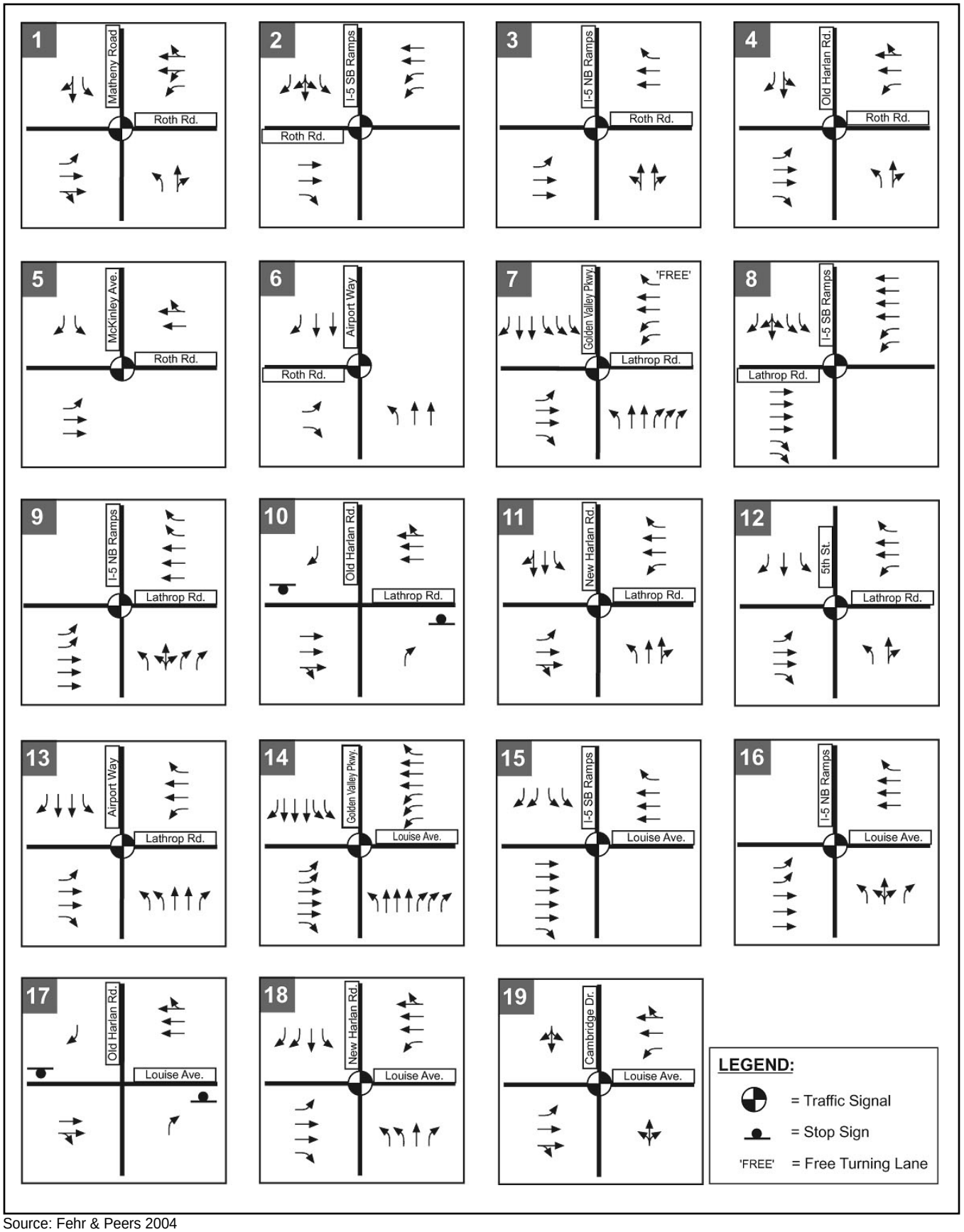
Mitigated 2010 Plus Phase 1 Scenario Lane Configurations

EXHIBIT 4.4-25b Revised

Central Lathrop Specific Plan FEIR
City of Lathrop
P 3T017.01 07/04

NORTH

EDAW



Source: Fehr & Peers 2004

Mitigated 2020 Plus Buildout Scenario Lane Configurations

EXHIBIT 4.4-26a Revised

Central Lathrop Specific Plan FEIR
City of Lathrop
P 3T017.01 07/04

NORTH

EDAW

Section 4.5, Air Quality, Page 4.5-1 is revised as follows:

4.5 AIR QUALITY

This section includes a summary of local and regional air quality conditions and an analysis of potential air quality impacts associated with the Central Lathrop Specific Plan (CLSP) project. Mitigation measures are recommended, as necessary, to reduce potentially significant adverse air quality impacts. The information contained in this section is based, in part, on documents prepared by the San Joaquin Valley Air Pollution Control District (SJVAPCD), U.S. Environmental Protection Agency (EPA), California Air Resources Board (ARB), and National Oceanographic and Atmospheric Administration (NOAA). The air quality modeling output for operational air emissions is provided in Appendix D of this draft environmental impact report (DEIR).

4.5.1 REGULATORY BACKGROUND

Air quality at the CLSP project site is regulated by several jurisdictions, including the EPA, ARB, SJVAPCD, San Joaquin County (County), and City of Lathrop (City). State, regional, and local jurisdictions develop rules, regulations, policies, and/or plans to achieve the goals and directives imposed through legislation, which shall not supercede those developed by the EPA but may be more stringent.

NATIONAL AND STATE AMBIENT AIR QUALITY STANDARDS

Ambient air quality is described in terms of compliance with state and national standards. Ambient air quality standards indicate the air pollutant concentration considered safe for the protection of public health and welfare. These standards are designed to protect people who are sensitive to respiratory distress, such as people with asthma, the elderly, children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. National Ambient Air Quality Standards (NAAQS) were originally established by the EPA in 1971 for six air pollution constituents. The NAAQS have been revised periodically since 1971. Each individual state or district has the authority to add other pollutants, to require more stringent compliance, or to include different exposure periods. California Ambient Air Quality Standards (CAAQS) and NAAQS are listed in Table 4.5-1.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT REGULATIONS

The SJVAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions are maintained in the San Joaquin Valley Air Basin (SJVAB), which includes the CLSP area. Responsibilities of the SJVAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution such as Permits to Operate and Authority to Construct, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the federal Clean Air Act (CAA) and the California Clean Air Act (CCAA). In an attempt to achieve NAAQS and CAAQS and maintain air quality, the SJVAPCD has completed the following air quality attainment plans and reports: *1994 Ozone Attainment Demonstration Plan* (amended in 2001), *1997 PM_{10} Attainment Demonstration Plan*, *1997-1999 PM_{10} Progress Report*, *2000 Ozone Rate of Progress* Report, 2000 Annual Progress Report, and the 2000 Triennial Plan (SJVAPCD 2002).

Section 4.5, Air Quality, Pages 4.5-21 through 4.5-23 are revised as follows:

Full buildout of the CLSP in 2020 would potentially result in long-term regional emissions of approximately 152 TPY of ROG, 111 TPY of NO_X, and approximately 232 TPY of PM_{10}. Please note that mobile-source emissions of ROG and NO_X shown in Table 4.5-6 are far less for Phase 2 (2020) than for Phase 1 (2010), even though a greater volume of traffic would be generated from the proposed project and cumulative development in the region. This reduction is due primarily to the URBEMIS2002 model assuming a gradual replacement of older vehicles with cleaner burning vehicles in the future and an overall reduction in emissions from the composite vehicle fleet. Nonetheless, long-term regional emissions in 2020 from full buildout of the CLSP would exceed the SJVAPCD's recommended significance thresholds of 10 TPY for ROG and 10 TPY for NO_X; therefore, full buildout of the CLSP would result in a significant air quality impact with respect to long-term regional emissions.

In addition, because San Joaquin County is currently designated as a nonattainment area for PM_{10} and $PM_{2.5}$, project-generated PM emissions could contribute to or result in exceedances of the CAAQS or NAAQS.

4.5.4 MITIGATION MEASURES

No mitigation measures are required for the following less-than-significant impacts:

- 4.5-d: Increases in Local Mobile-Source CO Concentrations

The following mitigation measures are provided for significant impacts:

4.5-a: Increases in Regional Criteria Pollutants during Construction. The SJVAPCD emphasizes implementation of effective and comprehensive control measures rather than requiring a detailed quantification of construction emissions. The SJVAPCD requires that all feasible control measures (dependent on the size of the construction area and the nature of the construction operations) shall be incorporated and implemented.

Based on available information, it appears that the application of standard construction mitigation measures for the control of fugitive dust (i.e., the application of water or soil stabilizers) are effective methods of reducing dust-related impacts on agricultural crops.

In accordance with SJVAPCD guidelines (SJVAPCD ~~1998~~2002), the following mitigation measures, which includes SJVAPCD Basic, Enhanced, and Additional Control Measures, shall be incorporated and implemented. In addition to the mitigation measures identified below, construction of the proposed project is required to comply with applicable SJVAPCD rules and regulations, including the requirement of a California Occupational Safety and Health Administration–qualified asbestos survey before demolition.

It is recognized that SJVAPCD Regulation VIII, upon which many of the following control measures are based, has recently undergone revision and that these control measures are subject to future periodic revision. Therefore, the project applicant shall submit a dust control plan to the SJVAPCD for approval at least 30 days before construction activities begin. As part of the dust control plan, the applicant shall annually contact the SJVAPCD to identify the most recent fugitive dust control measures required to be implemented by the proposed project and implement them accordingly during project construction.

- 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 onsite unpaved construction roads and offsite unpaved construction access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. In addition, contractors shall construct rock/aggregate base roads and/or apply adequate construction water as appropriate. Paving of haul roads can be considered if it is anticipated that there will be an extensive length of service or to the extent that they will become permanent roadways in the future. The City will monitor construction activity and make recommendations based on the above criteria.

- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

- During demolition of buildings all exterior surfaces of the building shall be wetted.

- When materials are transported offsite, all material shall be covered, effectively wetted to limit visible dust emissions, or at least 6 inches of freeboard space from the top of the container shall be maintained.

- 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.)

- Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

- Onsite vehicle speeds on unpaved roads shall be limited to 15 mph.

- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1 percent.

- Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.

- Excavation and grading activities shall be suspended when winds exceed 20 mph.

- The overall area subject to excavation and grading at any one time shall be limited to the fullest extent possible.

- Onsite equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.

- When not in use, onsite equipment shall not be left idling.

- Off-road trucks shall be equipped with on-road engines when possible. In addition, construction contracts shall call for the use of "clean vehicles" (e.g., low emissions, newer engines, alternative fuels) to the degree feasible.

In addition to the measures identified above, the following measures from Table 6-3 of the *Guide for Assessing and Mitigating Air Quality Impacts* shall be implemented:

- Install wind breaks at windward sides of construction areas. (This measure will be implemented if the City, in coordination the SJVAPCD, determines that the fugitive dust control measures described above are not sufficiently effective.)

- Comply with the NESHAPS during the renovation/demolition of any existing buildings on the project site with the potential to contain asbestos. Consult the SJVAPCD's *Asbestos-Compliance Assistance Bulletin*, dated December 1994, to ascertain whether individual structures on the project site are subject to NESHAPS.

The City, after consultation with the applicant, shall require all feasible additional measures to control construction emissions. Such measures may include, but are not limited to the following items from Table 6-4 of the *Guide for Assessing and Mitigating Air Quality Impacts* and other sources:

- Use alternative-fueled construction equipment, where reasonably available, such as equipment capable of using biodiesel or emulsified fuel.

- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time.

- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).

- Curtail construction during periods of high ambient pollutant concentration; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways (or ceasing/reducing heavy-duty equipment usage on Spare the Air Days).

- Before construction contracts are issued, the project applicant would perform a review of new technology, as it relates to heavy-duty equipment, to determine what (if any) advances in emissions reduction are available for use and are economically feasible. Construction contracts/bid specifications shall require contractors to utilize the available and economically feasible technology on an established percentage of the equipment fleet. This includes the use of Tier I equipment, which is widely available, and Tier II equipment as it becomes available during later phases of the project. It is anticipated that in the near future both NO_X and PM_{10} control equipment will also be available. The SJVAPCD shall be consulted with on this process.

- Construction activity will be encouraged during early morning hours during the summer months. The City will review applications for early start on a case-by-case basis and will encourage these practices to the extent there are limited numbers of sensitive noise receptors that would be adversely affected. To the extent that it is economically feasible and acceptable from a noise and light impact perspective, evening and nighttime activity will also be allowed and promoted by the City.

Section 4.5, Air Quality, Page 4.5-24 is revised as follows:

many stationary TAC sources (gas stations, dry cleaners, auto repair facilities) are typically integrated with land uses containing sensitive receptors. Restricting the locations of all TAC generating facilities to specific areas would not be practical or economically feasible. Thus, implementing the proposed project would result in a significant and unavoidable adverse impact with respect to stationary-source TACs.

Where feasible and/or applicable, the applicant shall coordinate the location of proposed land uses to separate sources of toxic air contaminants and sensitive receptors. Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants (e.g. hospitals, schools, convalescent facilities, and residential areas). As the proposed locations of sources of diesel exhaust and other TACs on the project site are identified, the City shall consult with the SJVAPCD to determine on a case-by-case basis whether an HRA shall be performed. The City and SJVAPCD may determine that, for small projects, a screening-level assessment, rather than a full HRA, is adequate to evaluate the potential for exposure of sensitive receptors to TACs.

Mobile-source TACs are a relatively new concern for the ARB, so specific guidelines and practices regarding assessing impacts and providing mitigation are not available. It is also unclear what effects the ARB's new diesel engine emission standards and diesel particulate matter regulations would have on the level of impact and the necessity for, or type of, mitigation. Therefore, the specific conditions of mobile-source TAC impacts cannot be determined at this time. The only available mitigation—completely separating emission sources (diesel vehicles) from all sensitive receptor—is not feasible. Therefore, no feasible mitigation is available for Impact 4.5-b to reduce the impact to a less-than-significant level. Thus, implementing the proposed project would result in a significant and unavoidable adverse impact with respect to mobile-source TACs. The project applicant shall coordinate with the SJVAPCD as the project proceeds to assess situations in which toxic risk from diesel PM may occur and to review methodologies that may become available to estimate the risk.

No feasible mitigation is available at this time to reduce potential impacts associated with increased stationary-source and mobile-source TAC emissions to a less-than-significant level. Therefore, potential impacts related to increases in stationary-source and mobile-source TAC emissions are considered significant and unavoidable.

4.5-c: Increases in Odorous Emissions. The following mitigation measures shall be incorporated into the design and operation of the WRP #2 facility and recycled water storage ponds to reduce potential emissions of airborne odors:

- Before final design, the City shall ensure that appropriate engineering controls have been incorporated into the design and construction of the proposed WRP #2 to minimize the production of unpleasant odors. Engineering controls to diminish odors could include, but would not be limited to, covering the headworks and/or perchlorinating at the headworks, using chemical additives to mask odors, installing systems (e.g., air scrubbers) to collect odorous air and remove unpleasant odors, and locating storage facilities (e.g., tanks, vaults, pipes, detention mechanisms) underground. Appropriate engineering controls to minimize odors shall also be incorporated into the design and construction of the recycled water storage ponds, such as aeration equipment and water circulation systems.

Section 4.11, Public Utilities, Page 4.11-10 is revised as follows:

The Water Master Plan EIR indicates that, in 2001, municipal water pipes in the CLSP area were present in De Lima Road, Dos Reis Road, and a small portion of Manthey Road (EDAW 2001). Other properties in the CLSP area are served by onsite wells. Nonpotable water is also supplied to the CLSP area for agricultural uses with water drawn from the San Joaquin River using existing riparian and appropriative water rights. The water is conveyed through a series of irrigation canals, pump stations, and pipelines.

WASTEWATER

City of Lathrop

The existing wastewater collection system in the City is located primarily in the developed eastern portion of the City. Wastewater generated in the City is currently treated and disposed of at WRP #1 (a City-owned treatment plant located in the Crossroads Business Park) and at the Manteca Water Quality Control Facility (WQCF) in Manteca. The City currently generates approximately 0.96 million gallons per day (mgd) of wastewater. Approximately 88% of the currently generated wastewater (0.85 mgd) is conveyed to the Manteca WQCF. The remainder, 114,000 gpd, is treated and disposed of at WRP #1.

WRP #1 was originally designed to accommodate an average daily flow of 0.6 mgd of low-strength effluent. Treated effluent is disposed to land through onsite evaporation/percolation ponds. The three existing percolation ponds at this site had a design capacity of 0.2 mgd each, but investigation and hydraulic analysis determined that the underlying soils had a lower transmissivity rate than expected, and the existing ponds had a maximum combined disposal capacity of approximately 100,000 gpd (EDAW 2001). This severely limited the plant's capacity. However, WRP #1 was recently upgraded to treat 0.25 mgd and produce secondary-treated effluent suitable for agricultural irrigation. Sludge produced by sewage treatment processes at the treatment plant is currently disposed of on the WRP site.

The City has a contractual relationship with the City of Manteca whereby 14.7% of the Manteca WQCF's existing and future expanded capacity is allotted for City flows (currently a total allotment of 1.02 mgd). Flows from the City to the Manteca WQCF currently average approximately 0.85 mgd, or 0.17 mgd less than the allotted capacity (Nolte Associates 2003). The Manteca WQCF has an existing capacity of 6.94 mgd with plans for future expansion to 9.87 mgd. Following anticipated completion of the expansion in late 2005, Lathrop's allotment of WQCF capacity will increase to 1.45 mgd. Treated wastewater (secondary effluent) from the Manteca WQCF is disinfected and then most of the water is discharged into the San Joaquin River. A portion of the secondary effluent is used to irrigate crops.

The City of Lathrop is projected to generate 11.5 mgd of wastewater by 2030 (including anticipated development projects) (Nolte Associates 2001). To accommodate this projected City wastewater generation, three WRPs (WRP #1, WRP #2, and WRP #3) are planned in the City under the Water Master Plan. The WRP #1 expansion project, of which Phase 1 is currently under construction, will ultimately create a parallel 3.0-mgd facility to provide tertiary treatment . The WRP #1 expansion is designed in a manner that allows treatment capacity to be brought into service in 0.75 mgd increments.

At buildout, WRP #1 is planned to serve the residential portion of East Lathrop, but would also serve all of the Mossdale Village projects and ~~some or~~ all of the River Islands project. The proposed WRP #2 (as identified in the Water Master Plan) would serve West Central Lathrop (Sub-Plan Area #2) between I-5 and the San Joaquin River, including the proposed CLSP project site, treating between 2.8 and 3.2 mgd at buildout. As described in Chapter 3, Description of the Proposed Project, the Water Master Plan identifies the location of WRP #2 as the northeast corner of the CLSP area. Several alternative locations

Section 4.11, Public Utilities, Page 4.11-11 is revised as follows:

for WRP #2 are being considered by the City, however, and all of these locations are being evaluated in this EIR. If constructed, Water Master Plan WRP #3 would serve Stewart Tract (Sub-Plan Area #3), treating up to 4.5 mgd at buildout. Contingency provisions are included in the Water Master Plan for WRP #1 to treat all wastewater generated in Stewart Tract if development occurs there before development of WRP #2 or #3. This is the approach currently adopted by the City. ~~A similar contingency provision is available allowing wastewater generated in Sub-Plan Area #2 (including the CLSP area) to also be treated at WRP #1.~~

Each of the City's planned WRPs would be designed to meet all applicable regulations for Title 22 tertiary treatment and disposal. Effluent produced by the City's treatment plants is planned to be disposed of through land applications, with the option for eventual surface water discharge being pursued.

Central Lathrop Specific Plan Area

The CLSP area is not currently served by the City's municipal sewer system. At present, wastewater generated at the site is disposed of via private septic systems.

RECYCLED WATER

City of Lathrop

Currently, the City does not maintain a citywide recycled water system, and there is no recycled water system in the CLSP area. However, recycled water currently generated at WRP #1 is disposed of via crop irrigation at parcels comprising proposed recycled water storage and disposal site 5 (Exhibit 3-3), and a portion of the wastewater generated by the City is treated at the Manteca WQCF and used in Manteca for crop irrigation. In addition, the Mossdale Landing project, which is currently under construction, includes pipelines, storage ponds, and other facilities to allow delivery and use of recycled water from WRP #1. The Water Master Plan identifies the need to provide recycled water services to the City and forecasts that the recycled water demand in the City would be approximately 4,700 AFY in 2030. Under the Water Master Plan, wastewater generated in the City would be treated to Title 22 disinfected tertiary levels by the three proposed WRPs discussed above in the "Wastewater" subsection. The treated wastewater would then be delivered to public landscaped areas, agriculture, and open space in the City for use as irrigation water via a new municipal recycled water distribution pipeline system (purple pipe) (EDAW 2001). Operational storage would be provided at the treatment plants, at the project sites served by the treatment plants, and offsite areas to balance production and delivery requirements. All recycled water use would comply with applicable RWQCB and DHS water quality requirements. In the long term, the City is pursuing the option for tertiary-treated wastewater not used for irrigation under the Water Master Plan to be discharged to the San Joaquin River during the nonirrigation season (November through February).

Central Lathrop Specific Plan Area

The CLSP area is not currently served by a recycled water system. At present, no recycled water use occurs at the plan area, and no recycled water pipelines exist between the CLSP area and WRP #1 (EDAW 2001). However, recycled water pipelines are being installed as part of the Mossdale Landing development immediately south of the CLSP area.

Section 4.11, Public Utilities, Page 4.11-21 is revised as follows:

of wastewater treatment capacity at the end of Phase 1 (2010), and 2.17 mgd of wastewater treatment capacity at full project buildout (2020).

The proposed project includes development of WRP #2 to treat wastewater generated in the CLSP area. Three locations are being considered for WRP #2, ~~with two plant configurations considered at each location,~~ resulting in ~~six total~~ three alternatives available for WRP #2 (See Chapter 3.0, Description of the Proposed Project). Each alternative would provide 3.0 mgd of total treatment capacity; with the treatment capacity able to be brought into service in 0.75 mgd increments, similar to the City's existing WRP #1 Phase 1 Expansion project (see Section 4.11.2, Existing Conditions, above).

Any of the ~~six~~ three WRP #2 options would provide sufficient capacity to treat wastewater generated by the proposed project. Because treatment capacity at WRP #2 could be brought into service in 0.75 mgd increments, half of the total treatment capacity (1.5 mgd) could be brought into service to meet demand generated by Phase 1 (1.37 mgd). Use of another 0.75 mgd increment (2.25 mgd total treatment capacity) would be sufficient to treat project generated wastewater at full buildout (2.17 mgd). The last remaining 0.75 mgd of treatment capacity would then be brought into service as needed to treat wastewater generated elsewhere in the City, consistent with the citywide wastewater treatment scenario described in the Water Master Plan. If ~~one of~~ the WRP #2 South options is selected, pipelines installed to carry wastewater from the CLSP area to WRP #2 South would be sized to also accommodate wastewater from northern parts of the City identified in the Water Master Plan to be served by WRP #2. Potential growth inducing effects of additional treatment capacity provided by WRP #2 is evaluated in Chapter 6, Growth-Inducing Impacts.

~~As noted in Chapter 3.0, Description of the Proposed Project, as part of the two scalping plant scenarios considered for WRP #2, approximately 0.3 mgd of the solid constituent of wastewater entering WRP #2 would be diverted to WRP #1 for treatment. Because the solid constituent of wastewater is more difficult to treat than the liquid constituent, the 0.3 mgd of solids sent to WRP #1 would require more than 0.3 mgd of additional effective treatment capacity at this facility. Based on the planned expansion of WRP #1 to 6.0 mgd identified in the Water Master Plan, WRP #1 would be able to accommodate the additional effective treatment capacity needed to treat solids sent from a WRP #2 scalping plant. However, even if this were not the case, a portion of the approximately 0.75 mgd of additional treatment capacity at WRP #2 could be allocated to serve development planned to be served by WRP #1. Therefore, demand for treatment capacity at WRP #1 associated with a WRP #2 scalping plant option could be compensated for with a portion of the additional treatment capacity at WRP #2.~~

Although construction of WRP #2 would provide sufficient wastewater treatment capacity to serve the CLSP project, WRP #2 does not currently exist, and it cannot be assured that treatment capacity at WRP #2 would be brought into service concurrently with demand generated by the proposed project. The City's existing WRP #1, with its current 0.25 mgd treatment capacity, does not have sufficient capacity to support the proposed project. Even after the planned WRP #1 Phase 1 Expansion is brought into service, the 3.25 mgd of total treatment capacity at WRP #1 ~~may~~ would not be sufficient to serve the CLSP project and other development in the City, and the CLSP area ~~can not currently utilize~~ would not utilize the expanded WRP #1 capacity at this time. ~~As a matter of City policy and agreements with other developments.~~ Because sufficient wastewater treatment capacity is not currently available to support the proposed project, this impact is considered significant.

Section 4.11, Public Utilities, Page 4.11-22 is revised as follows:

~~**Impact** 4.11-e~~

~~**Environmental Impacts Associated with the Expansion of WRP #1.** *If either of the scalping plant options are selected for WRP #2, the solids portion of the wastewater generated by the proposed project would be treated at WRP #1. If the WRP #2 South (integrated) option is selected, operation of WRP #2 could be integrated with operation of WRP #1. According to the Water Master Plan EIR, and the EIR prepared for the WRP #1 Phase I Expansion Project, the expansion of WRP #1 and the potential discharges of treated wastewater to the San Joaquin River during later expansion phases could contribute to significant geotechnical, groundwater, flooding, air, odor, noise, land use, farmland, aesthetics/ views, terrestrial biology, cultural resources, and public utility emergency impacts. These impacts would be reduced to less-than-significant levels with implementation of the mitigation measures identified in the Master Plan EIR and the WRP #1 Phase I Expansion EIR, with the exception of odor impacts, cumulative surface water quality and fisheries impacts, and impacts associated with conversion of important farmland, which would be* ***significant and unavoidable****.*~~

~~As described in Chapter 3.0, Description of the proposed project, six options are being considered for WRP #2. Under three of these options, WRP #2 would be an entirely stand alone facility and all recycled water generated by WRP #2 would be disposed of on land via irrigation of landscaping in the CLSP area and irrigation of agricultural lands off site. Under two of the options considered, WRP #2 North (scalping) and WRP #2 Onsite (scalping), wastewater entering WRP #2 would be separated into a solid component and a liquid component. The liquid component (approximately 90% of the total effluent) would be treated at WRP #2 and the resulting recycled water would all be disposed of on land as described above. The solid component (approximately 10% of the total effluent) would be treated at WRP #1 and any residual materials (recycled water, sludge) would be disposed of consistent with the operation of that facility. Under the final WRP #2 option, WRP #2 South (integrated), WRP #2 would be located near WRP #1. The two WRPs would be connected via pipelines, allowing the treatment capacity of the two plants to be combined. Sufficient recycled water storage and disposal sites would still be provided under this scenario to dispose of all recycled water generated by the CLSP project. However, because of the integrated nature of the two WRPs, some recycled water disposed of on CLSP related sites may be generated by treating wastewater from elsewhere in the City, and some recycled water disposed of via WRP #1 may be generated by treating wastewater originating from the WLSP site.~~

~~The City's adopted Water Master Plan provides for expansion of WRP #1 over the next 30 years to serve forecasted growth in the City. The Master Plan calls for expansion of WRP #1 to between 0.46 mgd and 3 mgd during the near term (2001-2004) and to between 3.0 mgd and 6.1 mgd at buildout (2030), with potential disposal of treated wastewater during the later phases accomplished through discharges to the San Joaquin River. The EIR prepared for the Water Master Plan, and certified by the City in 2001 (EDAW 2001), evaluated the impacts of the Water Master Plan at a programmatic level, including impacts of expanding and improving WRP #1. According to the Water Master Plan EIR, the expansion and improvement of WRP #1 would result in the following potentially significant environmental effects:~~

- ~~exposure of soils to erosion and loss of topsoil during construction~~
- ~~facility damage or disruption of wastewater treatment service as a result of seismic events and/or shrink-swell of underlying soils~~
- ~~localized flooding~~

Section 4.11, Public Utilities, Page 4.11-23 is revised as follows:

- ~~surface water quality (cumulative impacts)~~
- ~~construction-related air emissions~~
- ~~odor impacts~~
- ~~construction-related noise~~
- ~~stationary-source noise~~
- ~~land use incompatibility~~
- ~~aesthetic degradation and view blockage~~
- ~~loss of burrowing owls or active nests~~
- ~~loss of elderberry shrubs and the associated valley elderberry longhorn beetle~~
- ~~loss of Swainson's hawk nests and other protected raptor nests~~
- ~~loss of jurisdictional waters of the United States~~
- ~~fisheries (cumulative impacts)~~
- ~~destruction of undiscovered/unrecorded cultural resource sites~~
- ~~exposure to pre-existing listed and unknown hazardous materials contamination~~
- ~~disruption of WRP operation during an emergency (power failure)~~

~~As identified in the Water Master Plan EIR, most of these impacts would be reduced to less-than-significant levels with the implementation of mitigation measures included in the EIR. The three exceptions would be odor impacts and cumulative surface water quality and fisheries impacts associated with discharges to the San Joaquin River. These impacts would be significant and unavoidable (EDAW 2001). However, if total maximum daily load limits (TMDLs) established by the RWQCB for the San Joaquin River (see Section 4.8, Hydrology and Water Quality) are effective in improving water quality in the river, cumulative impacts associated with surface water quality and fisheries may no longer be significant.~~

~~A project-level EIR was completed for the WRP #1 Phase 1 Expansion project and certified by the City in 2002 (EDAW 2002). That EIR evaluated the impacts of expanding WRP #1 to provide 3.0 mgd of additional treatment capacity, establishing recycled water storage and disposal sites, and installing necessary pipelines to carry wastewater to WRP #1 and to carry recycled water to the storage and disposal sites. Impacts identified in this project level EIR were generally consistent with those identified in the Water Master Plan EIR. However, some additional potentially significant/significant environmental effects were identified in the WRP #1 Phase 1 Expansion EIR:~~

- ~~construction related impairment of agricultural productivity~~

Section 4.11, Public Utilities, Page 4.11-24 is revised as follows:

- ~~conversion of important farmland~~
- ~~loss of special-status plants~~
- ~~disturbance of potential giant garter snake habitat (associated with pipelines to recycled water disposal sites)~~
- ~~loss or disturbance of nests for various bird species (i.e., northern harrier, loggerhead shrike, Cooper's hawk, white-tailed kite, common tree-nesting raptors)~~
- ~~Disturbance of suitable riparian brush rabbit habitat (associated with pipelines to recycled water disposal sites)~~
- ~~Potential health risks associated with storage of, and irrigation with, recycled water~~

~~As identified in the WRP #1 Phase 1 Expansion EIR, most of these impacts would be reduced to less-than-significant levels with the implementation of mitigation measures included in the EIR. The exception would be conversion of important farmland. This impact would be significant and unavoidable (EDAW 2002).~~

Impact 4.11-~~f~~e

Public Utilities – Demand for Recycled Water Storage and Disposal Capacity. *The proposed project would increase the demand for recycled water storage and disposal areas. Because adequate storage and disposal areas are available to accommodate the quantity of recycled water to be generated by the proposed project, this impact is considered* ***less than significant****.*

Wastewater generated by the CLSP project would be conveyed to WRP #2 (whichever of the ~~six~~ three options evaluated in this DEIR is selected) via wastewater pipelines, treated at WRP #2, and then delivered via pipeline as tertiary treated and disinfected recycled water to the CLSP area and potential offsite recycled water storage and disposal areas (see Exhibit 3-6). Recycled water systems proposed as part of the CLSP project would be designed in accordance with the Water Master Plan. The proposed project includes an amendment to the Water Master Plan to allow the use of recycled water for irrigation of front and back yards.

The volume of recycled water generated by the proposed project would be similar to the volume of wastewater sent for treatment. As described above in the discussion of Impact 4.11-d, the CLSP project is estimated to generate 1.37 mgd of wastewater at the completion of Phase 1 and 2.17 mgd of wastewater at full buildout. Therefore, it is assumed that the proposed project would generate approximately 1.37 mgd of recycled water at the completion of Phase 1 and 2.17 mgd of recycled water at full buildout.

Under the CLSP project, 100% of the recycled water generated by the proposed project is planned to be disposed of on land at the project site and at offsite disposal areas (Exhibit 3-6). No river discharge of recycled water is proposed at this time. Onsite land disposal would consist of irrigation of onsite public areas (e.g., parks, play fields, parkway strips, medians) and private landscaped areas (i.e., front and back yards). Offsite land disposal would consist of irrigation of agricultural crops. In both cases, the recycled water would be applied at agronomic rates so as to minimize percolation below the root zone and to avoid runoff or ponding at the surface. During periods when irrigation is not necessary or would not meet the

Section 4.11, Public Utilities, Page 4.11-26 is revised as follows:

Considering the area potentially covered by WRP #1 (7 acres), the existing use of Area 5 for WRP #1 recycled water disposal (56 acres), and the planned use of a portion of Area 6 for WRP #1 recycled water disposal (63 acres), the total offsite area available for recycled water storage and disposal in support of the CLSP is 700 acres.

The 700 acres of available offsite recycled water storage and disposal area is more than sufficient to accommodate recycled water storage and disposal demands for Phase 1 (201 acres) and project buildout (318 acres) (see Table 4.11-3). Even if no irrigation with recycled water was permitted in the CLSP area, there would be sufficient land available at Sites 1, 2, 3, 5, and 6 to accommodate recycled water storage and disposal demands at full project buildout (658 acres).

Potential recycled water storage and disposal area 4 is located within the CLSP area (Exhibit 3-6). This approximately 413 acre area is considered as a potential temporary recycled water storage/disposal site. Area 4 would be used for recycled water/disposal during development of Phase 1 of the proposed project, and would later be converted to development as Phase 2 is constructed. As Phase 2 is built out, the recycled water storage/disposal capacity provided by Area 4 would be shifted to Areas, 1, 2, 3, 5, and 6. Assuming the WRP #2 Onsite option is constructed, Area 4 would provide approximately 406 acres of recycled water storage/disposal capacity. The total recycled water storage/disposal demand for Phase 1 is estimated to be 201 acres (assuming use of recycled water for landscape irrigation in the CLSP area) (Table 4.11-1). Therefore, Area 4 provides sufficient acreage to accommodate the storage and disposal of recycled water generated by Phase 1 development.

Because adequate storage and disposal areas are available to accommodate recycled water generated by the proposed project at both Phase 1 and full buildout, this impact is considered less than significant. Potential use of these areas for storage and disposal is discussed where relevant throughout each of the subsections of Chapter 4.

Impact 4.11-~~gf~~

Public Utilities – Stormwater/Surface Runoff Management. *Implementation of the CLSP would increase the amount of impervious surface on site, producing increased stormwater runoff that would require collection and discharge. However, the CLSP project includes a stormwater management system, including detention facilities, to provide onsite stormwater storage and discharge capacity sufficient to protect the CLSP area during a 100-year/48-hour storm event. Therefore, this impact is considered* ***less than significant****.*

Implementation of the proposed project would increase the amount of impervious surface in the CLSP area, producing increased stormwater runoff that would require collection and discharge. General land use types that would result in the development of impervious surfaces include residential, office, commercial, public/semi-public, schools, and roadways; and to a lesser degree neighborhood and community parks. Although the entire surface area of these land uses would not be covered by impervious surfaces, a substantial amount of stormwater runoff would be generated in the area by the CLSP project.

As described in Chapter 3, Description of the Proposed Project, and Section 4.8, Hydrology and Water Quality, the CLSP project includes an extensive stormwater management system to collect, detain, and discharge stormwater runoff generated in the CLSP area. The system has been designed to meet the two key stormwater management criteria described above in Section 4.11.1, Regulatory Background:

- Discharge to the San Joaquin River cannot exceed 30% of the estimated 100-year peak post project runoff rate.

Section 4.11, Public Utilities, Page 4.11-28 is revised as follows:

The proposed stormwater collection system would function by discharging all stormwater runoff directly into the San Joaquin River up to the point where the rate would exceed the 30% peak runoff limit. The pumps would be designed to not allow discharges beyond this limit. During severe storm events where stormwater inflows exceed the pump's discharge capacity, water would begin to "back up" into the detention facilities until the precipitation rate decreases and stormwater inflow rates once again equal, or are less than, the capacity of the pump station. The water level in the detention facilities would then decrease, emptying completely within a City-mandated 24-hour period after the storm event has ended. As required by RD 17, no part of any detention facility would be located nearer than 200 feet to the base of the levee.

The five pump stations would discharge to the San Joaquin River through two outfall structures, as shown in Exhibit 3-5. The Stonebridge outfall at the end of Dos Reis Road, scheduled for completion in 2004, would serve Watersheds 3 and 5. A second outfall would be constructed to serve Watersheds 1, 2, and 4 in the southern portion of the CLSP area.

Although development under the CLSP would increase the amount of stormwater runoff, the stormwater management system is designed to provide sufficient onsite detention and discharge capacity to meet applicable design criteria. Therefore, this impact is considered less than significant.

Impact 4.11-~~hg~~

Public Utilities – Demand for Electricity and Natural Gas. *The proposed project would increase the demand for electricity and natural gas. PG&E is able to provide electricity and natural gas to the project, and the increase in demand for electricity and natural gas would not be substantial in relation to the existing electricity and natural gas consumption in PG&E's service area; therefore, this impact is considered* ***less than significant****.*

As indicated in Tables 4.11-5 and 4.11-6, buildout of the CLSP project would increase electricity and natural gas demand in the City by approximately 323,923 kilowatt hours per day (kWh/day) and 1,923,810 cubic feet (cf) per day, respectively. PG&E has acknowledged that it has adequate electricity and natural gas supplies to support the proposed project without affecting service to current users (Lang, pers. comm., 2004). The energy demands to be created by the proposed project cannot be considered "substantial" in relation to the total amount of energy supplied by PG&E in its northern and central California service area (estimated in 2000 to be 81,923 million kW per day of electricity and 887 million cf per day of natural gas [Palermo 2001]) and available energy expected in the future. Therefore, although PG&E has acknowledged that the CLSP project would experience the same possibility of electric service interruption attributable to a lack of statewide electric supply availability as any other development in the California Independent System Operator's jurisdiction, the project's potential impact on existing electricity and natural gas supplies are considered less than significant.

Electricity would be provided to the project site via construction of an electric substation and a 115-kV overhead transmission line across I-5, connecting ~~connections~~ to existing main electrical feeder lines in the developed portion of the City east of I-5. Natural gas would be delivered either directly from PG&E's existing Louise Avenue Feeder (located on Louise Avenue approximately 1,500 feet west of I-5), from natural gas lines installed to serve the Mossdale Landing project, or a combination of these two sources. PG&E would determine the precise locations and types of connections at the design stage of the proposed project. Because the proposed electrical and natural gas utility improvements would be required to comply with all existing City, PG&E, and applicable Uniform Building Code requirements, it is anticipated that the proposed electricity and natural gas utility improvements would be sufficient to serve the proposed project. The impact would be less than significant.

Section 4.11, Public Utilities, Page 4.11-30 is revised as follows:

4.11.4 MITIGATION MEASURES

No mitigation measures are provided for the following less-than-significant impacts and significant impacts summarized from the Water Master Plan, the WRP #1 Phase 1Expansion EIR, and the SSJID SCSWSP EIR.

- 4.11-b: Environmental Impacts Associated with the Development of New City Wells
- 4.11-c: Environmental Impacts Associated with the SSJID SCSWSP
- ~~4.11-e: Environmental Impacts Associated with the Expansion of WRP #1~~
- 4.11-~~f~~e: Demand for Recycled Water Storage and Disposal Capacity.
- 4.11-~~g~~f: Stormwater/Surface Runoff Management
- 4.11-~~h~~g: Demand for Electricity and Natural Gas

Although some of the specific subimpacts associated with Impacts 4.11-b ~~and 4.11-e~~, as described above, are significant, no mitigation measures are required of the CLSP for those impacts because the responsibility for mitigation, where it is feasible, lies with the agencies that are the proponents of the projects at issue (the City for the new City wells and SSJID for the SCSWSP), which are separate from the CLSP.

The following mitigation measures are provided for significant impacts:

4.11-a Demand for Potable Water. The applicant or its successor in interest shall comply with the requirements of Government Code Section 66473.7 for all small-lot tentative subdivision map applications of more than 500 lots. In addition, approval of small-lot tentative maps for a lesser number of lots, or for nonresidential projects requiring conditional use permits or similar discretionary entitlements, shall be conditioned to require a showing, prior to final map approval for residential projects or prior to building permit approval for nonresidential discretionary projects, that the City, for a 20-year planning period following the date of approval of the tentative map, conditional use permit, or similar discretionary entitlement, has a sufficient water supply to serve the project, in addition to existing and planned future uses, during normal, single-dry, and multiple-dry years. For purposes of this mitigation measure, "sufficient water supply" has the same meaning found in Government Code Section 66473.7.

Implementation of this mitigation measure would reduce Impact 4.11-a to a less-than-significant level.

4.11-d Demand for Wastewater Treatment Capacity. No element of the proposed project (i.e., housing subdivision, commercial area) shall be occupied until both adequate treatment capacity at WRP #2 or another comparable wastewater treatment facility is available and wastewater infrastructure (e.g., pipelines) is in place to serve that portion of the project site.

Implementation of this mitigation measure would reduce Impact 4.11-d to a less-than-significant level.

4.11.5 RESIDUAL SIGNIFICANT IMPACTS

As described under Impact 4.11-b, development of new City wells in accordance with the Water Master Plan would result in significant and unavoidable associated with conversion of important farmland. ~~As described under Impact 4.11-e, expansion of WRP #1 in accordance with the Water Master Plan and the WRP #1 Phase 1 Expansion Project would result in significant and unavoidable odor impacts, farmland conversion impacts, and cumulative surface water quality and fisheries impacts. However, if total maximum~~

Section 4.11, Public Utilities, Page 4.11-31 is revised as follows:

~~water quality in the river, cumulative impacts associated with surface water quality and fisheries would be no longer significant.~~

No other residual significant public utility impacts would occur with implementation of the recommended mitigation measures

Section 4.13, Agricultural Resources, Page 4.13-10 is revised as follows:

WILLIAMSON ACT CONTRACTS

In all, 1,626.1 acres of agricultural land under Williamson Act contract could be affected by the CLSP—1,139.3 acres within the CLSP area and 486.8 acres affected by the WRP#2 North site and storage/disposal areas. More than 70% of the CLSP area (11 parcels totaling 1,139.3 acres) is under Williamson Act contract (Table 4.13-3). Notices of nonrenewal were filed in 2001 for two parcels, totaling 413 acres, and their contracts will expire in 2011. Notices of nonrenewal were filed in 2002 for seven parcels, totaling 700.1 acres, and these contracts will expire in 2012. In 2003, a notice of nonrenewal was filed for one more parcel, 9.8 acres, and the contract will expire in 2013. One 16.4-acre parcel under Williamson Act contract has not filed for nonrenewal (Exhibit 4.13-3). The remaining 43 parcels in the CLSP area, totaling 321.31 acres, are not under Williamson Act contracts. In addition, 486.8 acres of the WRP #2 North site and northern recycled water storage and disposal areas are under Williamson Act contract (Table 4.13-3, Exhibit 4.13-3). Notices of nonrenewal were filed in 2001 for two of the parcels, totaling 413 acres, and their contracts will expire in 2011. Notices of nonrenewal were filed in 2004 for six parcels, totaling 487 acres, and their contracts will expire in 2014. The WRP #2 South site and southern recycled water storage and disposal areas are not under Williamson Act contract.

Table 4.13-3
CLSP Williamson Act Contract Lands

Owner	APN Number	Acreage	Status
CLSP Area			
Robinson	191-200-13	153.6	Nonrenewal Filed in 2002 – Will Expire in 2012
Robinson	191-210-04	130	Nonrenewal Filed in 2002 – Will Expire in 2012
Robinson	191-210-05	272.3	Nonrenewal Filed in 2002 – Will Expire in 2012
Robinson	191-210-06	3.8	Nonrenewal Filed in 2002 – Will Expire in 2012
Widmer	191-220-04	99.1	Nonrenewal Filed in 2001 – Will Expire in 2011
Widmer	191-220-05	313.9	Nonrenewal Filed in 2001 – Will Expire in 2011
Widmer	191-220-09	16.4	No Nonrenewal – Contract Would Not Expire Until at Least 2014
Robinson	191-220-14	89.8	Nonrenewal Filed in 2002 – Will Expire in 2012
Gray	191-220-17	9.8	Nonrenewal Filed in 2003 – Will Expire in 2013
Robinson	191-220-42	47.9	Nonrenewal Filed in 2002 – Will Expire in 2012
Robinson	191-220-43	2.7	Nonrenewal Filed in 2002 – Will Expire in 2012
Subtotal		1,139.3	
Offsite Utility Areas			
Lawrence	191-230-01	40	Non-Renewal Filed 2004 – Will Expire in 2014
Lawrence	191-230-02	29.3	Non-Renewal Filed 2004 – Will Expire in 2014
Lawrence	191-260-14	158.8	Non-Renewal Filed 2004 – Will Expire in 2014
Lawrence	191-270-13	108	Non-Renewal Filed 2004 – Will Expire in 2014
Rio Blanco	191-280-09	101.2	Non-Renewal Filed 2004 – Will Expire in 2014
Rio Blanco	191-280-10	49.5	Non-Renewal Filed 2004 – Will Expire in 2014
Subtotal		486.8	
TOTAL		1,626.1	

Source: Richland Planned Communities and MacKay & Somps, 2004

Section 4.13, Agricultural Resources, Page 4.13-13 is revised as follows:

Impact 4.13-a

Agricultural Resources – Conversion of Important Farmland. *Implementation of the proposed project would result in the permanent conversion of up to approximately 818 acres of Prime Farmland (713 acres on the CLSP site, up to 98 acres associated with construction of recycled water storage ponds, and up to 7 acres associated with WRP #2), 622 acres of Farmland of Statewide Importance, and 96 acres of Farmland of Local Importance (Table 4.13-1, Exhibit 4.13-2), as designated by the NRCS FPP and CDC's Important Farmland Inventory System and Mapping and Monitoring Program. This impact is considered* ***significant****.*

Development of the CLSP area would result in the permanent conversion of approximately 1,431 acres of Important Farmland (i.e., Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance) to nonagricultural, urban uses (Table 4.13-1, Exhibit 4.13-2). Although some agricultural lands not currently owned by or under contract to Richland Planned Communities (Richland) may remain in agricultural production, conversion of all agricultural land is assumed for this impact analysis.

Up to an additional 7 acres of existing agricultural land could be converted to development if the one of the WRP #2 North or WRP #2 South options is selected (see Section 3.4.4, Utilities). In addition, up to approximately 98 acres of recycled water storage ponds and up to approximately 220 acres of recycled water disposal sites (e.g., spray fields) would be located on the offsite recycled water storage/disposal areas (Exhibit 3-6). The disposal sites would consist of irrigation of agricultural lands with recycled water and are considered a continuation of the existing use. Therefore, establishment of the recycled water disposal sites would not result in a conversion of agricultural land. The recycled water storage ponds would consist of relatively large areas (1 acre or greater) surrounded by earthen berms to contain/store recycled water when irrigation is not possible (i.e., during rain events). For this analysis construction of the storage ponds is considered a conversion of the underlying agricultural land.

There are ~~various two~~ three options for the location of WRP #2 and various locations for the recycled water storage ponds (Section 3.4.4, Utilities) and it is unclear at this time the precise type and extent of important farmland that might be affected by these facilities. For the purposes of this analysis a worst case scenario is evaluated and it is assumed that WRP #2 and the storage ponds would all be located on Prime Farmland. Therefore, construction of these facilities would result in the conversion of up to 105 acres of Prime Farmland.

Up to 1,536 total acres of Important Farmland would be converted to development from implementation of the CLSP and associated utility development. This impact is considered significant.

Impact 4.13-b

Agricultural Resources – Conflict with Williamson Act Contracts. *Implementation of the proposed project would result in the cancellation of up to 1,244.3 acres of Williamson Act contracts. This impact is considered* ***significant****.*

Eleven parcels in the CLSP area, totaling 1,139.3 acres, are currently under Williamson Act contract (Exhibit 4.13-3). The remaining parcels within the CLSP area, totaling 380.7 acres, are not under Williamson Act contracts. Notices of nonrenewal have been filed for 10 of the 11 parcels under Williamson Act contract (Table 4.13-3). However, development of the proposed project would require cancellation of all Williamson Act contracts prior to their 2011, 2012, 2013, or 2014 expiration dates.

Section 4.13, Agricultural Resources, Page 4.13-14 is revised as follows:

Williamson Act contract would be required for this activity. Construction of recycled water storage ponds would preclude continued agricultural operations in these areas. Therefore, it is assumed that cancellation of any applicable Williamson Act contracts would be required for this activity. The same is true for construction of the proposed WRP #2 (7-acre disturbance area).

There are ~~various two~~ three options for the location of WRP #2 and various locations for the recycled water storage ponds (section 3.4.4, Utilities) and it is unclear at this time the precise extent to which these activities would occur on lands under Williamson Act contracts. For the purposes of this analysis a worst-case scenario is evaluated and it is assumed that WRP #2 and the storage ponds would all be located on lands under Williamson Act contracts, resulting in the need to cancel contracts on 105 acres of existing farmland. Therefore, the maximum total cancellation area associated with the CLSP project (CLSP area and offsite utilities) would be 1,244.3 acres.

The evaluation of Williamson Act contract cancellations assumes that all Williamson Act contracts in the CLSP area and offsite utility areas could be cancelled simultaneously, after annexation of these areas to the City, although a partial or staged contract cancellation process could still occur. Analysis of a single mass cancellation evaluates the scenario with the greatest potential impact.

Before construction could begin on Williamson Act lands in the project area, the City would be required to make findings supporting the cancellation of all Williamson Act contracts. As explained earlier, cancellation can be supported under either one of two possible scenarios. Under the first, the City would have to find that cancellation is "consistent with the purpose" of the Williamson Act (Gov. Code §51282[a]). Under the second, the City would have to find that cancellation is in "the public interest" (Gov. Code §51282[b]).

To support cancellation under the first scenario, the following findings would need to be made:

- *That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.* Notices of Nonrenewal have been filed (by the landowners to the County) for 10 of the 11 CLSP parcels that are under Williamson Act contract (Table 4.13-2). If the one parcel that still remains under contract (APN Number 191-220-09) does not file Notice of Nonrenewal, the City would have to serve written Notice of Nonrenewal to the landowner at least 60 days before the renewal date. Dated copies of all notices would be provided as attachments to the findings. The same process would be followed for offsite utility areas where notices of nonrenewal are required.

- *That cancellation is not likely to result in the removal of adjacent lands from agricultural use.* The cancellation of Williamson Act contracts in the CLSP area would not result in the removal of adjacent lands from agricultural use because the lands to the east are developed with I-5 and the urban areas of the City, the lands abutting the CLSP area to the south either are approved for urban development (i.e., the Mossdale Landing project, which is under construction) or are well into the approval process (i.e., the Mossdale Landing East project), and the lands to the west are separated from the project area by the San Joaquin River, which provides an extensive buffer (see discussion under Impact 4.13-c). Although no substantive physical barrier would separate the CLSP area from adjacent agricultural lands to the north, conversion of these lands to development (i.e., removal from agricultural use) would require various future legislative approvals such as General Plan amendments, annexations, rezones, etc. Because of these legislative and regulatory impediments, the cancellation of Williamson Act contracts in the CLSP is not considered likely to result in removal of adjacent lands to the north from agricultural use.

Section 4.18, Aesthetic Resources, Page 4.18-10 is revised as follows:

ensure that the general visual quality and character of development in the CLSP area would be consistent with that in the Mossdale Landing area. For these reasons, the conversion of agricultural land to urban development in the CLSP area is not considered to translate to a substantial degradation of visual character as seen from the Mossdale Landing project site; rather, it would be a continuation of urbanization in the area.

Where the CLSP area is visible from I-5, the plan area consists of a common agricultural viewshed found in many locations in San Joaquin County. After development of the CLSP area, visual conditions in the plan area would be similar to existing views of urban settings found elsewhere in the project vicinity as seen from I-5, I-205, and SR 120 (e.g., Tracy, Stockton, Manteca). Implementation of design, architectural, development, and maintenance standards in the CLSP would ensure that the general visual quality and character of development in the CLSP area would be consistent with viewer expectations for similar urban environments. Therefore, although views of the CLSP area from I-5 would be substantially altered as agricultural land is replaced by urban development, many travelers on this highway segment may not perceive this as a substantial degradation of the visual character or quality of the site because one common type of viewshed found in the area (agriculture) would be replaced by another common local viewshed (urban). The presence of urban development would also be consistent with, and appear as a continuation of development on the Mossdale Landing site to the south and the existing developed portion of Lathrop to the east.

However, reasonable people may also consider the conversion of agricultural land to urban development on this scale (1,521 acres) as a loss of an aesthetically pleasing and valuable viewshed. Agricultural lands can be considered a valuable aesthetic resource that is representative of the visual character of much of San Joaquin County. The City General Plan identifies agricultural lands to the west and south of the City as scenic resources. Because reasonable people may differ as to the aesthetic value of the agricultural lands in the CLSP area, and whether development of urban uses in the plan area would constitute a substantial degradation of the existing visual character or quality of the site and its surroundings, a conservative approach was taken for this analysis and the alteration of views of the CLSP area from I-5 is considered a significant impact.

Development in the northern portion of the CLSP area would be visible from a limited number of rural residences to the north of the plan area. These scattered residences range in distance from approximately 1,000 feet to over one mile from the plan area. Therefore, although views to the south from these homes would be altered by project development, project features would not constitute prominent foreground views, but would be seen as relatively distant structures in the midground or background. Similar to the discussion above, implementation of design, architectural, development, and maintenance standards in the CLSP would ensure that the general visual quality and character of development in the CLSP area would be consistent with viewer expectations for similar urban environments. Therefore, because of the distance from potential viewers and the nature of the project, conversion of agricultural land to urban development in the CLSP area would result in an alteration of the visual character as seen from rural residences to the north, but would not translate to a substantial degradation of visual character.

An overhead 115-kV electrical transmission line would be installed across I-5 in the northern portion of the CLSP area to connect an existing PG&E transmission line on the eastern side of I-5 to an electrical substation proposed in the Office Commercial area. The line would be supported by two new tubular steel poles, one on each side of I-5. The transmission line is necessary to provide sufficient electrical supply to the CLSP area to meet project demand. The overhead transmission line and associated poles would be highly visible from I-5 but would not contrast with the urban/commercial and highway setting in which they are located and would not translate to a substantial degradation of visual character.

The CLSP project also includes two potential offsite locations for WRP #2 and 5 potential offsite areas for recycled water storage ponds (Exhibit 3-6) (The WRP #2 Onsite location and potential recycled water storage/disposal Area 4 are considered part of the overall CLSP area discussion above). WRP #2 is estimated

Section 4.18, Aesthetic Resources, Page 4.18-11 is revised as follows:

The proposed site for the WRP #2 South ~~options (stand-alone or integrated)~~ option and the entirety of potential recycled water storage and disposal Area 5 (Exhibit 3-6) are in the existing Crossroads Industrial Park. These areas currently consist of agricultural fields surrounded by chain link fencing and are used for disposal of recycled water currently generated nearby at WRP #1 (Exhibit 4.18-5, Viewpoint 8). Development of WRP #2 or recycled water storage ponds at these sites is not considered to cause a substantial degradation in the visual character of the area as both types of facilities would be consistent with the existing industrial nature of surrounding area.

The visual condition at potential recycled water storage and disposal Area 6 (Exhibit 3-6) also has an industrial character because of the presence of railroad tracks and SR 120 to the north and south and existing industrial facilities to the east. Although Area 6 currently consists of agricultural fields and an orchard, the surrounding land uses do not provide an agricultural or open space context to the area. Therefore, development of recycled water storage ponds in Area 6 is not considered to cause a substantial degradation in the visual character of the area or its surroundings.

Potential recycled water storage and disposal Areas 1, 2, and 3, and the proposed location for the two WRP #2 North option ~~options (stand-alone and scalping)~~ (Exhibit 3-6) ~~are~~ is in an area that currently consists of agricultural fields and scattered rural residences. Because the exact location of the recycled water storage ponds has not been determined, there is potential for one or more ponds to be placed in close proximity to existing residences. Although the WRP #2 North site would not abut any existing residences, it would interject an industrial facility into a rural and agriculturally focused visual environment. Construction of either of the WRP #2 North option ~~options~~ or installation of recycled water storage ponds in close proximity to existing residences ~~are~~ is considered to cause a substantial degradation in the visual character of this area. This impact is considered significant.

Impact 4.18-d

Aesthetic Resources – Impacts from Lighting. *The proposed project would require lighting of new development that could inadvertently cause light and glare for motorists on I-5. In addition, the degree of darkness in the City of Lathrop and on the proposed project site would diminish as a result of development, effectively obscuring views of stars, constellations, and other features of the night sky. Implementation of lighting guidelines included in the CLSP would substantially reduce the potential level of light generated by the proposed project, thereby minimizing the potential for these effects. This impact is considered* ***less than significant.***

Under current conditions the CLSP project site has only scattered development that generates no significant sources of light, glare, or light trespass into the night sky. Development of the CLSP would require lighting of roadways, parks, schools, and other facilities. A substantial increase in the amount of nighttime light and glare would result from the development of the CLSP project, potentially obscuring views of stars, constellations, and other features of the night sky. In addition, nighttime lighting in the office/commercial areas, or the presence of reflective surfaces on buildings in this area (e.g., reflective window glazing), may result in light and glare shining onto motorists on I-5. However, lighting guidelines focus on balancing the safety of residents with the value of darkness. Accordingly, the guidelines require that light fixtures have light sources that are aimed downwards. In addition, the use of harsh mercury vapor, low-pressure sodium, or fluorescent bulbs is prohibited for public lighting in residential neighborhoods. Guidelines are also provided regarding appropriate building materials, lighting, and signage in the office/commercial areas to prevent light and glare from adversely affecting

Chapter 5, Cumulative Impacts, Page 5-19 is revised as follows:

would result in significant and unavoidable traffic, air quality, noise, and farmland conversion impacts (see Chapter 7). It would also contribute incrementally to significant and unavoidable cumulative traffic, air quality, and noise impacts (see Chapter 7). Therefore, the proposed project would result in cumulatively considerable incremental contributions to significant cumulative environmental effects associated with the development of new public service facilities required to serve the project and cumulative development, and thus would result in a cumulatively considerable incremental contribution to significant cumulative public services impacts.

Project impacts related to increased generation of solid waste would be considered less than significant. The receiving landfill, the Foothill Sanitary Landfill, has approximately 40 million tons of capacity remaining and is expected to remain open until 2048, including provision for growth in its service area (EDAW 2002). Because this landfill would have adequate capacity to serve the project and other development in its service area, impacts from the CLSP and related projects are not cumulatively significant, and the proposed project therefore would not cause an incremental impact on solid waste disposal that, by itself, is cumulatively considerable.

5.3.10 PUBLIC UTILITIES

As indicated in Section 4.11, the proposed project would generate less-than-significant impacts associated with development of new city wells, construction of SSJID's demand for recycled water storage and disposal capacity, stormwater/surface runoff management, and demand for electricity and natural gas. Without mitigation, however, significant impacts could occur with respect to demand for potable water and demand for wastewater treatment capacity. These potential impacts, however, can be reduced to less-than-significant levels with implementation of recommended mitigation measures. Mitigation for significant impacts involves limiting the amount of project development that would generate demand for these services until such time as the service is made available, including adequate water infrastructure and wastewater treatment capacity.

As indicated in Section 4.11, utility infrastructure projects currently being planned or under way in accordance with the City's adopted Water Master Plan would provide water~~, and potentially wastewater treatment and recycled water disposal~~ capacity ~~(if a WRP #2 scalping plant or integrated option is chosen),~~ to the proposed project. ~~These~~ This would include the City's Well #21–23 Development Project, and the SSJID SCSWSP~~, and the WRP #1 Phase 1 Expansion project~~. Project-level EIRs or mitigated negative declarations have been completed for all of these projects and each one (except for Wells #22 and #23) is under construction. These projects would provide sufficient ~~services and~~ water for the CLSP. When these facilities are complete, the environmental effects associated with providing these utility services would be expected to be the same as those described in their respective EIRs and as outlined in Impacts 4.11-b~~,~~ and 4.11-c~~, and 4.11-e~~ in this DEIR.

In terms of cumulative impacts, the City is responsible for ensuring that water, wastewater, and recycled water services are adequately provided within its jurisdictional boundaries and that development within the City can be adequately served by electrical and natural gas providers. The City General Plan identifies goals, policies, and mitigation measures associated with providing water, wastewater, recycled water, stormwater conveyance, electricity, and natural gas to new development, including many of the related projects identified in this chapter. The Water Master Plan provides for all the water and wastewater needs for cumulative City development (see discussion below). For this cumulative analysis, it has been assumed that the following current and future utility projects would be implemented: ~~WRP #1 Phase 1 Expansion,~~

Chapter 5, Cumulative Impacts, Page 5-20 is revised as follows:

SSJID SCSWSP~~,~~ and the Well #21–23 Development Project, ~~and~~ as well as, other projects outlined in the Water Master Plan.

WATER, WASTEWATER, AND RECYCLED WATER

In 2001, the City completed the Water Master Plan, which programmatically plans for the provision of adequate water and wastewater treatment/disposal capacity to serve City growth through 2030. Under this plan, Well #21 is currently under construction near the southwestern corner of Yosemite Avenue and McKinley Avenue in what is planned to be an expanded City well field to provide required water capacity to serve currently planned growth in the City. Other facilities are included in the Water Master Plan to provide for buildout of the City, and the Water Master Plan EIR evaluates related impacts. It is assumed that the development of related projects, and/or the development of the additional utility systems required to serve them, would be preceded by the required CEQA review. However, it cannot be assumed that all potential environmental impacts associated with the development of the additional water and wastewater capacity and infrastructure required to serve these related projects would necessarily be mitigated to less-than-significant levels. Therefore, potentially significant cumulative utilities impacts could occur related to water and wastewater treatment/disposal capacity.

As discussed in Section 4.11 of this DEIR, a Senate Bill (SB) 610 water supply assessment report has been prepared for the proposed project (Appendix J of this DEIR). The assessment evaluates the adequacy of existing and future water supplies to meet the water demand created by the CLSP project in conjunction with existing development in the City and future related projects: River Islands, Mossdale Landing, and Mossdale Landing East. The Water Master Plan addresses provision of water for full buildout of the City.

As indicated in the water supply assessment and Table 4.11-1 of this DEIR, future water supply for the City would consist of groundwater from the City's existing and planned municipal wells and surface water deliveries from the SCSWSP. Groundwater pumping during normal precipitation years would range from 2,700 AFY in 2005 to 5,100 AFY in 2025. Deliveries from the SCSWSP would begin in 2005 and, assuming normal precipitation years, would range from 8,007 AFY in 2005 to 11,791 AFY in 2025. Of the amount available in 2005, 5,200 ac-ft is anticipated to be required for use by the City. At the same time, it is projected that future water demand (i.e., proposed project plus existing plus future cumulative development) would range from 4,514 AFY in 2005 to 15,868 in 2025. As indicated in Table 4.11-1, future water supply available to the City during normal precipitation years, as well as multiple-dry years, would be adequate to meet future water demand during all horizon (2005, 2010, 2015, 2020, 2025) years. In addition, the SSJID SCSWSP provides a dependable water supply for Lathrop and then other cities in the region. Therefore, the CLSP and related projects would not result in cumulative impacts related to water supply.

STORMWATER CONVEYANCE

The CLSP project includes an extensive stormwater management system to collect, detain, and discharge stormwater runoff generated in the CLSP area. As evaluated in Impact 4.11-g, the project's planned stormwater system is sufficient to prevent flooding through detention, and pumping when necessary. As a result, no adverse project-specific impacts, significant or otherwise, would occur. Therefore, the proposed project would not incrementally contribute to any cumulative impacts relating to the provision of stormwater conveyance. In other new developments within the City, stormwater conveyance would also consist of surface runoff to detention ponds or other detention facilities, with subsequent conveyance to the San Joaquin River. Such new development, like the CLSP, would be required to comply with the policies

Chapter 5, Cumulative Impacts, Page 5-24 is revised as follows:

Potential fisheries impacts associated with construction activities in the CLSP area on the landward side of the San Joaquin River levee and at potential sites for recycled water storage ponds were all considered less than significant. The proposed project would result in several beneficial fisheries impacts resulting from implementation of BMPs to reduce the amount of sediments and contaminants in stormwater discharged from the CLSP area into the river, a reduction in the number of unscreened agricultural intakes used on the San Joaquin River, a reduction in the use of intakes supporting recycled water disposal areas, and an overall reduction in agricultural diversion volumes in the project area.

One or more of the related projects (e.g., River Islands, SLSP, Stonebridge) may require construction activities that could result in impacts on fisheries in the San Joaquin River, such as stormwater outfalls and utility crossings under the river. Any proposed construction activities and operation of stormwater outfalls or other devices on the river side of the levees would require regulatory review and/or permitting by DFG, NOAA Fisheries, USACE, and/or the RWQCB, with one of the intended goals being to protect sensitive fish species. Permits would likely be required from these same agencies for utilities bored under the river. Also, any such activities would be required to undergo CEQA review, which is anticipated to include the identification of mitigation measures (e.g., construction and operational BMPs) to avoid or minimize impacts on sensitive fish species. Even with such measures, activities under the related projects could result in the take of listed fish species, releases of sediment or contaminants into the Delta, and/or removal of riparian and aquatic habitat.

Although these impacts would likely not be significant on a project-by-project basis after the aforementioned regulatory review and implementation of associated permitting and mitigation, the combined effect of multiple such incursions into the river and the associated impacts on listed fish species and their habitat could result in a significant cumulative fisheries impact. However, the proposed project would not result in a cumulatively considerable contribution to this impact and, in fact, would serve to mitigate this cumulative impact to a small degree through the beneficial effects on water quality and fisheries habitat associated with the project. On a cumulative level, further mitigation would need to be developed in conjunction with the related projects that would contribute impacts or through ongoing large-scale regional efforts, such as CALFED.

Because the related projects would result in less-than-significant water quality impacts on the San Joaquin River associated with stormwater discharges and recycled water use, as evaluated in subsection 5.3.7, "Hydrology and Water Quality," of this chapter, any stormwater discharges to the San Joaquin River and/or the land application of recycled water associated with the related projects would result in less than cumulatively considerable impacts on fisheries resources.

The related projects could include the disposal of a portion of their treated wastewater via discharge to the San Joaquin River. As evaluated in the Water Master Plan EIR, the discharge of tertiary-treated wastewater to the river by cumulative development in Lathrop could add a small increment (calculable but likely not measurable) of biochemical oxygen demand (BOD) and other pollutants of concern to the San Joaquin River and consequently the Stockton Deep Water Ship Channel (where low dissolved oxygen [DO] levels occur). These discharges could incrementally contribute to significant cumulative surface water quality impacts and, hence, potentially significant cumulative impacts on fisheries. If a portion of the treated wastewater generated by the proposed project is <u>ever</u> disposed to the river instead of to land ~~(i.e., through treatment of wastewater at WRP #1 through the use of the scalping plant or integrated WRP #2 options)~~, the proposed project would contribute to these impacts. Regulatory agencies are currently

Chapter 5, Cumulative Impacts, Page 5-26 is revised as follows:

Results of a paleontological record search at the UC Berkeley Museum of Paleontology indicated no fossil remains within the immediate vicinity of the proposed project site, and no fossils have been observed on surface soils during various field visits. The closest identified vertebrate fossils to the proposed project site are located approximately 5 miles to the southeast near Manteca, approximately 7 miles north of the proposed project site in Stockton, and approximately 9 miles north of the proposed project site in Lincoln Village.

Important fossil finds in the project region have been isolated and rare. No concentrations of fossils or areas with relatively high densities of fossils have been identified in the project region. Although fossils may have been unknowingly disturbed or destroyed during past projects in the region, no evidence is available of this occurring with any frequency (as is the case with disturbance of many archaeological sites). Often fossil discoveries, and the subsequent opportunities for data collection and study, result from excavations and soil moving associated with development. Because of the low potential for projects to intersect fossils, and the ability to collect data from fossils when they are encountered, development of the related projects and other development in the region is not considered to result in a significant cumulative impact on paleontological resources.

As-yet-undiscovered subsurface paleontological resources might also underlie the CLSP area and related project sites. Mitigation measures are outlined in Section 4.17 of this DEIR, Paleontological Resources, to reduce impacts on previously undiscovered paleontological resources to less-than-significant levels. Implementing these mitigation measures also would ensure that implementing the proposed project would not incrementally contribute to cumulative impacts on important paleontological resources in the project region.

5.3.17 AESTHETIC RESOURCES

Past development along the I-5, I-205, and SR 120 corridors has increasingly changed the visual character along these corridors from agricultural and open space uses to urban uses, thus altering and limiting the views available to motorists on these roadways. This trend would continue as future projects are implemented in the region, and the proposed project would contribute to this cumulative change in views. As development proceeds in the project region as a whole, substantial changes in visual conditions would continue as agricultural lands and open space are replaced by urban development. Increased urban development would also lead to increased nighttime light and glare in the region and more limited views of the night sky. The cumulative effect of these changes on aesthetic resources from past and planned future projects, as well as the contribution from the proposed project, is considered significant. Although these cumulative impacts can be minimized to a degree through vegetative and topographic screening of structures, use of outdoor lighting that limits glare, appropriate building design, and other measures, the significant cumulative impact cannot be fully mitigated. Therefore, the cumulative change of agricultural and open space views in the project region to urban land uses and the associated increase in nighttime light and glare are considered significant and unavoidable impacts. In addition, the project's incremental contribution to these impacts is cumulatively considerable (i.e., significant in and of itself).

5.3.18 INDIRECT CUMULATIVE IMPACTS

The proposed CLSP project area would not be able to be constructed or occupied without previous or concurrent implementation of at least one~~, and potentially two,~~ of the related projects that would provide services to existing development, the CLSP area, and other projects: the Well #21–23 Development Project ~~and the WRP #1 Phase 1 Expansion Project (if one of the scalping plant options is selected for WRP #2)~~.

Chapter 5, Cumulative Impacts, Page 5-27 is revised as follows:

While not directly causing any cumulative impacts associated with implementation of ~~these projects~~ this project, the CLSP project would indirectly contribute to the cumulative impacts of ~~these~~ this project~~s~~ because ~~they~~ it would be needed to serve this area.

The ~~expansion of WRP #1 and~~ development of Wells #21-23 were evaluated in the Water Master Plan and its EIR. The Water Master Plan EIR indicated that ~~expansion of WRP #1, along with the development of two other WRPs planned for in the Water Master Plan, and the planned disposal of treated wastewater from all three of these WRPs to the San Joaquin River, would result in significant and unavoidable cumulative impacts on odor, surface water quality, and fisheries. The Water Master Plan EIR further indicated that~~ development of the planned wells would result in less-than-significant cumulative groundwater impacts as discussed below. Because the proposed project would not be able to be constructed or occupied without construction of the new City wells ~~and potentially the expansion of WRP #1,~~ the proposed project would indirectly contribute to ~~the significant and~~ this less-than-significant ~~impacts identified above (i.e.,~~ indirect cumulative impact~~s~~~~). Below is a summary of each of these cumulative impacts from the Water Master Plan~~.

~~**AIR QUALITY (ODORS)**~~

~~Expansion of WRP #1 would contribute to significant and unavoidable cumulative odor impacts associated with new storage and treatment processes. These impacts would occur at the existing and future land uses adjacent to WRP #1.~~

~~**SURFACE WATER QUALITY**~~

~~Expansion of WRP #1would contribute to minor and potentially immeasurable (downstream) amounts of mercury and BOD entering the San Joaquin River if and when tertiary-treated wastewater is discharged to the river. The inclusion of mercury in discharges would contribute to cumulative violations of mercury standards, and the BOD could contribute to low dissolved oxygen (DO) levels in the Stockton Deep Water Ship Channel. As to both waterwys, TMDL programs are being established that, if effective, would eliminate violations of water quality standards for these constituents. If the TMDLs are not effective, however, the contribution of mercury and BOD would represent a potentially cumulatively considerable contribution to a significant cumulative impact on surface water quality that would be unavoidable.~~

~~**FISHERIES**~~

~~Expansion of WRP #1would generate minor and less-than-significant surface water quality impacts on the San Joaquin River and the Delta once it discharges treated wastewater to the San Joaquin River. These impacts, as they relate to fisheries, would include a small reduction in downstream DO levels. TMDL programs that are being established, if effective, would eliminate violations of water quality standards for DO and other Section 303(d) listed constituents. If the TMDLs are not effective, however, the contribution to the cumulative reductions in DO would represent a potentially cumulatively considerable contribution to a significant cumulative impact on fisheries that would be unavoidable.~~

Chapter 6, Growth-Inducing Impacts, Page 6-3 is revised as follows:

ports that have sufficient capacity to serve a portion of the CLSP area. The NAPMPD identifies the need to construct a second outfall to serve remaining lands in the CLSP area not served by the Stonebridge Outfall. A formal stormwater management system is proposed for the CLSP area that would include a second outfall structure, as well as pump stations, filtration, and detention facilities to serve the project. Construction of the stormwater conveyance facilities serving the CLSP area would not be intended to serve other development outside the plan area, and therefore would not be growth inducing.

The CLSP area is currently served by municipal water pipes and onsite wells. The City's Water, Wastewater, and Recycled Water Master Plan (Water Master Plan) identifies the need for two water storage tanks with a combined capacity of 2.5 million gallons and a booster pump station in Sub-Plan Area #2, which is encompassed by the CLSP area and Mossdale Village. The Mossdale Landing project includes plans for a 1.0 million gallon water storage tank and a booster pump station. To provide the 2.5 million gallons of storage capacity in Sub-Plan Area #2 called for in the Water Master Plan, the CLSP project includes plans for an additional 1.5 million gallons of storage capacity and a booster pump station in the CLSP area. Construction of the facilities in the CLSP area would be intended to only serve the CLSP area, and would therefore not be growth inducing.

All properties in the CLSP area are currently served by septic systems; there are no connections to the municipal wastewater system. The project considers ~~six~~ three wastewater treatment plant/water recycling plant (WRP) options to serve development associated with the CLSP. Treatment capacity associated with the proposed WRP (WRP #2) ~~would be in addition to the City's existing WRP #1. WRP #2 itself, which~~ is planned for 3.0 million gallons per day (mgd) of total treatment capacity, and would provide approximately 0.83 mgd of treatment capacity beyond what is needed for the CLSP. Each of the WRP #2 options being considered would be designed to allow internal wastewater treatment infrastructure to be installed in 0.75 mgd increments as development in the CLSP area proceeds. Land disposal and temporary storage of recycled water sufficient to serve the project are also proposed. Various pipelines would be needed to move recycled water from the potential WRP #2 locations to the recycled water storage/disposal areas being considered. The 0.83 mgd of additional treatment capacity provided by WRP #2 would remove one barrier to planned growth in the City (i.e., wastewater treatment capacity). However, the provision of additional treatment capacity would not eliminate constraints related to recycled water storage and disposal. Construction of recycled water storage/disposal infrastructure to serve the CLSP project would not result in the development of excess capacity to serve any other development, and therefore would not be growth inducing.

The proposed project would involve a substantial construction effort over a 15-year period that during peak periods would bring up to 300 construction workers to the project site on a daily basis. Because construction workers typically do not change where they live each time they are assigned to a new construction site, it is not anticipated that there would be any substantial relocation of construction workers to the City of Lathrop associated with the proposed project. In addition, 628 residents in the City of Lathrop and 16,190 residents in San Joaquin County are employed in the construction industry (U.S. Census 2002). This existing number of residents in the City and County who are employed in the construction industry would likely be sufficient to meet the demand for construction workers that would be generated by the proposed project. Therefore, no substantial increase in demand for housing or goods and services would be created by project construction workers, and thus no growth inducement associated with these workers would occur.

The CLSP project would include the development of up to 6,790 residential units with an estimated population of 18,750. Although the project includes the provision of commercial and retail services, onsite

Chapter 7, Significant and Unavoidable Adverse Impacts, Page 7-4 is revised as follows:

a combination of habitat, open space, and agricultural lands; therefore, the overall compensation for the loss of agricultural land is less than a 1:1 ratio. Even if the ratio exceeded 1:1, up to 1,536 acres of farmland would still be lost. Full compensation for the loss of Important Farmland would not be achieved; therefore, the impact is considered significant and unavoidable.

As indicated in section 4.13, Impact 4.13-b, implementation of the proposed project would result in the cancellation of Williamson Act contracts on up to 1,244.3 acres of agricultural land, which is considered a significant impact. Mitigation Measure 4.13-b is identified to reduce this impact. It requires the project applicant to allow/promote farming operations to continue as long as feasible on portions of the CLSP area until the area is to be developed. Like Mitigation Measure 4.13-a, mentioned above, this mitigation measure also requires participation in the SJMSCP, which would contribute to the preservation of agricultural lands under Williamson Act contracts. Implementing this mitigation would substantially lessen overall impacts associated with Williamson Act contract cancellations, but not sufficiently to reduce the impact to a less-than-significant level. This impact is therefore considered significant and unavoidable.

7.2.5 TERRESTRIAL BIOLOGY

As indicated in section 4.14, Terrestrial Biology, in the discussion of Impact 4.14-q, implementation of the proposed project would result in the removal of several patches of occupied riparian brush rabbit habitat along the San Joaquin River in the CLSP area. The riparian brush rabbit is listed as endangered by both the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (DFG). Displacement of individual rabbits could result from habitat removal, and direct loss of individuals could result from construction activities. Because the range of the riparian brush rabbit is restricted to a few known populations and the project site is at the northern edge of the species' range, implementation of the CLSP could restrict the range of this endangered species, as well as reduce the species' numbers by removing the population in the CLSP area.

Mitigation Measure 4.14-q requires consultation with the USFWS and DFG under the federal and California Endangered Species Acts to identify specific actions to minimize and compensate for impacts on riparian brush rabbit. Measures to minimize direct take in conjunction with compensation for adverse effects through creation of habitat offsite are anticipated to avoid a net reduction in the number of riparian brush rabbits. However, the potential loss of the riparian brush rabbit population on the project site could still restrict the range of this species. Although implementation of Mitigation Measure 4.14-q would substantially lessen significant impacts on the riparian brush rabbit, it would not necessarily reduce such impacts to a less-than-significant level. For CEQA purposes, impacts to riparian brush rabbit are considered significant and unavoidable because an overall reduction in the range of this species would occur. However, because the project site under existing conditions is not thought to support a long-term viable population of riparian brush rabbits, offsite mitigation is anticipated to have an overall benefit to the species by contributing to enhancement and/or establishment of a riparian brush rabbit population at a more appropriate location.

7.2.6 AESTHETIC RESOURCES

As indicated in section 4.18, Aesthetic Resources, in the discussion of Impact 4.18-c, implementation of the proposed project would substantially alter the visual character of the CLSP area through conversion of agricultural land to developed urban uses. In addition, if ~~one of~~ the WRP #2 North options ~~(stand-alone plant or scalping plant)~~ is chosen, or recycled water storage ponds are constructed in areas identified north of the CLSP area, the visual setting for residents in the vicinity may be substantially degraded.

Chapter 7, Significant and Unavoidable Adverse Impacts, Page 7-4 is revised as follows:

site to the south and the existing developed portion of Lathrop to the east. However, reasonable people may also consider the conversion of agricultural land to urban development on the scale of the CLSP project (1,521 acres) as a loss of an aesthetically pleasing and valuable viewshed. Because reasonable people may differ as to the aesthetic value of the agricultural lands in the CLSP area and whether development of urban uses in the plan area would constitute a substantial degradation of existing visual character or quality of the site and its surroundings, a conservative approach was taken for the EIR analysis and the alteration of views of the CLSP area from I-5 is considered a significant impact.

The proposed location for WRP #2 North and areas identified as potential sites for recycled water storage ponds north of the CLSP area are in an area that currently consists of agricultural fields and scattered rural residences. Because the exact location of the recycled water storage ponds has not been determined, there is a potential for one or more ponds to be placed in close proximity to existing residences. Although the WRP #2 North site would not abut any existing residences, it would interject an industrial facility into a rural and agriculturally focused visual environment. Construction of ~~either of~~ the WRP #2 North options or installation of recycled water storage ponds in close proximity to existing residences are considered to cause a substantial degradation in the visual character in the area, and therefore result in a significant impact.

Mitigation Measure 4.18-c identifies measures to reduce aesthetic impacts related to WRP #2 North and installation of recycled water storage ponds to less than significant levels through installation of landscape buffers and visual screening with trees and shrubs. However, Mitigation Measure 4.18-c also identifies that because of the scale and location of the CLSP, there is no feasible mitigation available to address aesthetic resource impacts associated with the conversion of agricultural land to urban development. Although design, architectural, development, and maintenance standards are included in the CLSP to ensure that urban development in the plan area remains within certain aesthetic guidelines, there is no mechanism to allow implementation of the project while avoiding the conversion of the local viewshed from agriculture to urban development. This impact is therefore considered significant and unavoidable.

7.2.7 CUMULATIVE IMPACTS

As indicated in Chapter 5, Cumulative Impacts, implementing the CLSP project would result in direct and indirect cumulatively considerable incremental contributions to significant cumulative impacts related to transportation and circulation, air quality, noise, public services, public utilities, agricultural resources, terrestrial biology, ~~fisheries,~~ aesthetic resources, ~~odor, surface water quality[1],~~ and groundwater. Cumulative impacts related to terrestrial biology may be mitigated to less than significant levels through proposed creation of riparian brush rabbit habitat associated with the River Islands project. However, no feasible mitigation is available for the remainder of the cumulative impacts identified. Because these impacts are a product of cumulative growth, and because no feasible mitigation is available to reduce these impacts to less-than-significant levels, these significant impacts cannot be avoided and thus represent significant and unavoidable adverse impacts.

~~[1] The potentially significant and unavoidable cumulative surface water quality impact would occur only if the incremental increase in recycled water generated at WRP #2 1 potentially attributable to the CLSP (through implementation of the WRP #2 Integrated option or one of the WRP #2 Scalping options) was to be discharged to the San Joaquin River rather than disposed of on land. Even if river discharge did occur, a significant and unavoidable adverse surface water quality impact would occur only if the total maximum daily loads currently being reviewed by the regulatory agencies for dissolved oxygen (DO) are implemented and are ultimately not effective in reducing cumulative DO levels in portions of the San Joaquin River (e.g., the Stockton Ship Channel) to acceptable levels.~~

Chapter 8, Alternatives Analysis, Page 8-11 is revised as follows:

Under the No Project Alternative, no new development would be constructed or operated at the CLSP area. Therefore, there would be no additional demand for water, wastewater treatment, recycled water disposal, stormwater conveyance, electricity, or natural gas; and no need for new facilities and infrastructure to support additional demand. By comparison, the proposed project would create significant demand for potable water (3,248 acre feet per year at buildout) and wastewater treatment capacity. These impacts would be reduced to less-than-significant levels with mitigation. Several utility impacts would be less than significant before mitigation: recycled water storage and disposal, stormwater/surface runoff management, and demand for electricity and natural gas. In addition, the proposed project would contribute to the generation of significant environmental impacts associated with the development of planned new City wells (Wells #21–23 and Emergency Wells #1 and #2) ~~and the expansion of WRP #1~~. The ~~expansion of WRP#1 and the~~ construction of the City wells would result in significant unavoidable agricultural resources impacts ~~and odor impacts and significant unavoidable cumulative water quality and fisheries impacts~~. However, the facility expansion/construction activities that would generate these impacts would occur regardless of whether or not the CLSP project is developed since they also support other planned development in the City.

Because the proposed project would not result in direct residual significant utilities impacts after mitigation, and because the significant impacts associated with ~~expansion and~~ construction of ~~the WRP#1 and~~ the City wells would likely occur regardless of whether the CLSP project is developed, the No Project Alternative would not avoid any such impacts. However, the No Project Alternative would substantially reduce the demand for potable water, wastewater treatment, and recycled water storage and disposal capacity in the City; therefore, overall utilities impacts associated with the No Project Alternative are considered less than what would occur under the proposed project. *[Less]*

Recreation

The No Project Alternative would not include any new development. Therefore, this alternative would not generate increased demand for recreational facilities, reduce availability of any existing recreational opportunities, or create new recreation facilities/opportunities in the City. By contrast, the proposed project would include 6,790 new residences, generating a demand (based on the General Plan) for 37.5 acres of neighborhood parks and 56.25 acres of community parks. The proposed CLSP would exceed these standards by providing 40 acres of neighborhood park credit and 60.15 acres of community park credit. Whereas the No Project Alternative does not provide parkland, the CLSP would result in an overall benefit to the City by providing more parkland than needed to satisfy General Plan calculated demand. Because the proposed project would not result in any significant impacts related to recreation, and because beneficial impacts associated with the proposed project would not occur under the No Project Alternative, this alternative is considered to have greater impacts than the proposed project. *[Greater]*

Agricultural Resources

Under the No Project Alternative, agricultural operations would continue on the CLSP area with no loss of important farmland, no Williamson Act Cancellations, and no opportunities for conflicts between new development and agricultural operations. By comparison, the proposed project would result in significant or potentially significant impacts related to each of these three issues. Impacts related to conflicts between development and adjacent agricultural operations under the project would be reduced to less-than-significant levels with mitigation. However, impacts related to the loss of important farmland (up to 1,536 acres) and cancellations of Williamson Act contracts (up to 1,244 acres) would remain significant after mitigation. Implementation of the No Project Alternative, in contrast, would not result in these

Chapter 8, Alternatives Analysis, Page 8-17 is revised as follows:

Public Utilities

The proposed project would create significant demand for potable water and wastewater treatment capacity. These impacts would be reduced to less-than-significant levels with mitigation. With the Reduced Development (Phase 1 Only) Alternative, public utilities demands would be less. Potable water demands are estimated to be 1,562 acre feet per year (see Table 4.11-1), half the total project demand. Recycled water storage and disposal would be able to be accommodated on the project site, in the Phase 2 area. These impacts, as well as impacts to stormwater/surface runoff management, and demand for electricity and natural gas would be less than the project, but, like those of the project, would be less than significant or less than significant after mitigation. In addition, the proposed project would contribute to the generation of significant environmental impacts associated with the development of planned new City wells (Wells #21–23 and Emergency Wells #1 and #2) ~~and the expansion of WRP #1~~. The ~~expansion of WRP#1 and~~ the construction of City wells would result in significant unavoidable agricultural resources impacts ~~and odor impacts and significant unavoidable cumulative water quality and fisheries impacts~~. However, the facility expansion/construction activities that would generate these impacts would occur regardless of whether or not the CLSP project is developed since they also support other planned development in the City.

The Reduced Development (Phase 1 Only) Alternative would result in the same utility impacts described above, although to a lesser degree because of the development reduction associated with this alternative. As described above, with Phase 2 undeveloped under this alternative, it could be possible to store and dispose of all project generated recycled water onsite. This would minimize the potential for the project to contribute to significant and unavoidable water quality and fisheries impacts resulting from WRP#~~1~~2's potential disposal of treated wastewater to the San Joaquin River. Because the Reduced Development (Phase 1 Only) Alternative would result in a reduction in utility demand, and could potentially avoid contributing to a significant unavoidable impact, overall utility impacts associated with this alternative are considered less than for the proposed project. *[Less]*

Recreation

The proposed project would create parks and other recreational opportunities/facilities in excess of anticipated demand; therefore, it would have a beneficial impact on recreation in Lathrop considering that there is a deficit of park acreage in the City relative to General Plan standards. The Reduced Development (Phase 1 Only) Alternative would be expected to have reduced development of parks and other recreational opportunities/facilities compared to the proposed project, but project elements that generate demand for these facilities would be commensurately reduced. Therefore, the availability of parks and other recreational facilities would also exceed anticipated demand, but the net excess acreage would be less. Therefore, this beneficial impact would be less under this alternative. Because the Reduced Development (Phase 1 Only) Alternative would result in less overall improvements related to a beneficial impact, and would have similar effects relative to a less-than-significant impact, overall recreation impacts are considered slightly greater under this alternative relative to the proposed project. *[Greater]*

Agricultural Resources

The proposed project would result in the conversion of up to 1,536 acres of agricultural land. Mitigation would be provided through participation in the SJMSCP, which would result in agricultural land being preserved elsewhere in the County, and allowing agricultural production to continue on Williamson Act

Chapter 8, Alternatives Analysis, Page 8-24 is revised as follows:

stormwater/surface runoff management, and demand for electricity and natural gas would be less than the project, but, like those of the project, would be less-than-significant or less-than-significant after mitigation. In addition, the proposed project would contribute to the generation of significant environmental impacts associated with the development of planned new City wells (Wells #21–23 and Emergency Wells #1 and #2) ~~and the expansion of WRP #1~~. The ~~expansion of WRP#1 and the~~ construction of City wells would result in significant and unavoidable agricultural resources impacts ~~and odors impacts and significant and unavoidable cumulative water quality and fisheries impacts~~. However, the facility expansion/construction activities that would generate these impacts would occur regardless of whether or not the CLSP project is developed because they also support other planned development in the City.

The Reduced Development/Environmentally Constrained Alternative would result in the same utility impacts described above, although to a lesser degree because of the development reduction associated with this alternative. As described above, with a ¼-mile buffer (400 acres) undeveloped under this alternative, it could be possible to dispose of all project-generated recycled water onsite. This would minimize the potential for the project to contribute to significant and unavoidable water quality and fisheries impacts resulting from WRP#~~1~~2's potential disposal of treated wastewater to the San Joaquin River. Because the Reduced Development/Environmentally Constrained Alternative would result in a reduction in utility demand, and could potentially avoid contributing to a significant and unavoidable impact, overall utility impacts associated with this alternative are considered less than for the proposed project. *[Less]*

Recreation

The proposed project would create parks and other recreational opportunities/facilities in excess of anticipated demand; therefore, it would have a beneficial impact on recreation in Lathrop considering that there is a deficit of park acreage in the City relative to General Plan standards. The Reduced Development/Environmentally Constrained Alternative would be expected to have reduced development of parks and other recreational opportunities/facilities compared to the proposed project, but project elements that generate demand for these facilities would be commensurately reduced. Further, the 400-acre buffer would provide open space along the westerly edge of the project. Therefore, the availability of parks and other recreational facilities would also exceed anticipated demand, but the net excess acreage would be less. Therefore, this beneficial impact would be less under this alternative. Because the Reduced Development/Environmentally Constrained Alternative would result in less overall improvements related to a beneficial impact, and because the alternative would have similar effects relative to a less-than-significant impact, overall recreation impacts are considered slightly greater under this alternative than under the proposed project. *[Greater]*

Agricultural Resources

The proposed project would result in the conversion of up to 1,536 acres of agricultural land. Mitigation would be provided through participation in the SJMSCP, which would result in agricultural land being preserved elsewhere in the County, and allowing agricultural production to continue on Williamson Act lands as long as possible before development. However, these mitigation measures would not be sufficient to reduce the impacts to less-than-significant levels. Therefore, these impacts are considered significant and unavoidable. An additional impact resulting from potential conflicts between agricultural operations and nearby development is considered less than significant after mitigation.

APPENDIX A

FEASIBILITY OF TRAFFIC IMPROVEMENTS

Fehr & Peers (October 2004)

MEMORANDUM

Date: October 19, 2004

To: Bruce Coleman, City of Lathrop
Cary Keaton, City of Lathrop

From: Chris Gray, Fehr and Peers

Subject: Feasibility of Potential Improvements Identified in the CLSP EIR

1031-1985

This memorandum discusses the feasibility of certain mitigation measures addressing certain potential improvements identified in the Draft EIR for the Central Lathrop Specific Plan (CLSP). This EIR identified mitigation measures for many of the locations, which would be implemented through several different mechanisms. The first implementation mechanism is the Capital Facilities Fee (CFF), which was implemented in 2003 by the City of Lathrop. The second implementation measure was a less specific method by which the project would pay a fair share of the cost of the improvement and other projects would pay the remaining amount. This approach assumed that the City would expand an existing fee program or create a new one as a means of finding sources of funding other than the CLSP, since the CLSP could only be asked to pay its fair share of the costs of the contemplated improvements. This second implementation mechanism was generally applied to intersections located to the east of Interstate 5, (I-5), along roadways such as McKinley Avenue, Airport Way, and Yosemite Avenue. Some of these intersections are located in the City of Lathrop while others are located in the City of Manteca.

After completion of the Draft EIR, city staff, consultants, and applicant representatives have been reviewing various mitigation measures, including those related to traffic, to determine whether all of those measures are truly workable. During these discussions, several questions have been raised regarding the ability of the City and the CLSP proponents to fully implement proposed traffic mitigation measures that are not included in the CFF. Adopted mitigation, according to CEQA, should be "fully enforceable through permit conditions, agreements, or other measures." This formulation suggests that the mitigation should also be effective and feasible.

Based on a review of available data, implementing necessary improvements at intersections could be problematic for the following reasons:

- There is no current citywide free program in Lathrop that could provide funding for intersections not included in the CFF.
- In many cases, the CLSP project contributes only a small percentage of the anticipated trips at an impacted intersection, with the result that the project's fair share contribution will not be nearly large enough to assure the actual construction of the needed improvements.

- Some of the demand for needed improvements in the eastern portion of Lathrop can be attributed to existing and vested development that cannot be subjected to traffic impact fees.

- Certain intersections are located in the City of Manteca, whose development fee program does not include a mechanism to allow for projects in Lathrop to fund roadway improvements in the City of Manteca.

- There is no regional funding mechanism that includes the City of Lathrop, City of Manteca, and San Joaquin County that could fund improvements outside the City of Lathrop.

- There is a limited history of cost sharing and cooperation between the City of Lathrop and the City of Manteca to fund transportation improvements that might be of benefit to both jurisdictions. Cost sharing and cooperation would be needed to successfully implement several of the identified mitigation measures.

Each of these items is discussed in further detail below.

CITY OF LATHROP CAPITAL FACILITIES FEE (CFF)

The CFF, adopted in September 2003, is the primary mitigation funding mechanism for the CLSP project. The CFF collects funds from various development projects in the western area of Lathrop and allocates those funds to needed roadway improvements. However, the CFF only includes improvements in the western portion of the City, which includes interchanges with I-5 at Roth Road, Lathrop Road, and Louise Avenue, and other areas west of I-5 in Lathrop. Since the geographic area covered by this program does not include the eastern area of the City of Lathrop, the CFF cannot be relied up to fund improvements in this area. The following intersections are not included in the CFF document.

- Lathrop Road/Airport Way

- Louise Avenue/Airport Way

- Roth Road/McKinley Avenue

- Louise Avenue/McKinley Avenue

- Vierra Road/McKinley Avenue

- Lathrop Road/5th Street

- Louise Avenue/McKinley Avenue

- Louise Avenue/Airport Way

- Yosemite Avenue/McKinley Avenue

PROJECT CONTRIBUTION TO TOTAL TRIPS

Table 1 details the CLSP's contribution to traffic volumes at various intersections throughout the study area. As shown in the table below, the CLSP project contributes a small percentage of the total traffic (25 percent or less) to many of the intersections where a significant impact occurs.

The one exception is the intersection of Lathrop Road/Airport Way, where the project contributes 58 percent to the total volume at the intersection in the Existing Plus Project scenario. This high percentage is attributable to the lack of traffic from adjacent development that occurs in the Existing Plus Project scenario, which includes only traffic from CLSP added to existing traffic volumes. In 2020, the project will generate only 19 percent of the total volume at this intersection.

In general, the CLSP project is contributing a small percentage of the total volumes at each intersection and a payment of a fair share to the total cost of the intersection is not likely to guarantee that the necessary mitigation measures are completed in a timely fashion. Instead, the a potential scenario, if such fees are collected, is that they would sit idle in some account without being matched by funding from other sources, with the result that no new improvements will be built. The lack of available matching funds is either due to the fact that existing or vested development is creating much of the need for new facilities, but cannot be tapped for funding for such facilities, or due to the fact that much of the demand for the facilities derives from projects outside the City of Lathrop over which Lathrop has no control or meaningful influence.

TABLE 1

CLSP CONTRIBUTION TO TRAFFIC VOLUMES AT INTERSECTIONS WITH SIGNIFICANT IMPACTS

			Traffic Volumes		
Intersection	**Impact # (DEIR)**	**Scenario**	**No Project[1]**	**With Project[1]**	**Percent of Total[2]**
Lathrop/Airport	4.4-a8	Existing + Project	1,771	4,245	58%
Louise/Airport	4.4-a11	Existing + Project	2,923	3,575	18%
Roth/McKinley	4.4-a14	2010	1,905	2,545	25%
Louise/McKinley	4.4-a20	2010	5,140	6,210	17%
Vierra/McKinley	4.4-a21	2010	2,660	3,380	21%
Roth/McKinley	4.4-a22	2020	3,270	3,810	14%
Lathrop/5th Street	4.4-a27	2020	6,870	8,655	21%
Lathrop/Airport	4.4-a28	2020	8,500	10,445	19%
Louise/McKinley	4.4-a31	2020	7,190	7,885	9%
Louise/Airport	4.4-a32	2020	7,885	8,685	9%
Yosemite/McKinley	4.4-a33	2020	5,480	6,065	10%

Notes:

1- Sum of all volumes at intersection for AM and PM period for the scenario

2- Reflects contribution of project trips (With Project Minus No Project) to total projected volume at the intersection

Source: Fehr & Peers, 2004

CITY OF MANTECA PUBLIC FACILITIES IMPLEMENTATION PLAN (PFIP)

Like the City of Lathrop, the City of Manteca funds future improvements through a development fee program. The current fee program, known as the Public Facilities Implementation Plan (PFIP), was adopted in its current form in 1993. The PFIP funds a number of improvements in the City of Manteca, including the widening of Airport Way. The PFIP is currently being updated by the City of Manteca.

However, the City of Manteca PFIP only assesses fees on development projects located within the City of Manteca and does not include a mechanism to allow projects outside of Manteca to contribute to roadway improvements in the City of Manteca. Since the PFIP does not collect funds from projects in Lathrop, it cannot be relied upon to collect funds from the CLSP and then use these funds to successfully implement needed mitigation measures for the CLSP project.

REGIONAL FEE PROGRAMS

There are two regional fee programs that could potentially be employed to fund improvements not included in the CFF. These programs included the adopted 1997 West Lathrop Specific Plan Regional Transportation Impact Fee (RTIF) and the proposed San Joaquin Countywide Regional Traffic Fee. Further information about each fee program is included below.

1997 West Lathrop Specific Plan Regional Transportation Impact Fee (RTIF)

As stated in the Draft EIR, a regional fee mechanism was established in 1997 to collect funds from projects in the City of Lathrop and other areas of San Joaquin County to fund major freeway, interchange, regional roadway, and transit improvements. The City of Lathrop formally adopted this fee program on September 16, 1997 as Ordinance 97-146. However, this program cannot be used to assure implementation of the mitigation measures specified in the EIR for two reasons.

First, the needed improvements at the study area intersections not covered by the CFF are also not included in this program. Second, the City of Manteca, as well as other jurisdictions in San Joaquin County, does not participate in this fee program. Development projects in the outside of Lathrop do not pay into this fee program, except on a voluntary basis. Thus, even though development projects outside of Lathrop may contribute to the need for improvements within Lathrop; such projects do not contribute funds to mitigate their impacts.

San Joaquin County Regional Traffic Impact Fee

As an update to the 1997 RTIF, SJCOG staff and several consultants prepared technical studies to serve as the basis for a new regional traffic impact fee that would be accepted and adopted by all of the jurisdictions in San Joaquin County. Much of this technical work was completed in 2003. However, as of October 2004, no new regional fee program has been established and no timetable for its implementation is available at this time. Since this fee program has not been adopted by SJCOG and may never be implemented, it also cannot be used to fund intersection improvements identified in the Draft EIR.

As indicated above, there are no available regional fee programs that can fully fund improvements that are not included in the CFF.

OTHER COST SHARING MECHANISMS

Another option to fund improvements outside of the City of Lathrop would be for the CLSP project to pay funds for mitigations to the City of Manteca or to arrange for the City of Lathrop to serve as a conduit to transfer funds to the City of Manteca. However, such arrangements are not likely to result in successful implementation of needed mitigation measures.

According to Lathrop Community Development Director Bruce Coleman, there is an intermittent history of informal cost sharing between the City of Lathrop and the City of Manteca. Mr. Coleman, in a phone conversation, indicated that there have been only two instances where the City of Lathrop collected money from a project in Lathrop and then provided money to the City of Manteca to fund a roadway improvement in the Manteca. For example, the City of Lathrop collected several thousand dollars from the Crossroads project and provided these funds to the City of Manteca to fund a traffic signal on Airport Way.

However, Mr. Coleman confirmed that there is no formal agreement between the Cities of Lathrop and Manteca and that any cost sharing is done intermittently. In fact, the City of Manteca has never reciprocated by providing funds to the City of Lathrop to fund traffic impacts from Manteca projects in Lathrop. Notably, although Manteca received the Draft EIR for the CLSP, it did not comment on the document, and therefore expressed no interest in receiving money from the CLSP/City to mitigate impacts occurring within the borders of Manteca.

The lack of a formal cost-sharing mechanism appears to be the greatest impediment to ensure that mitigation measures not included in the CFF, especially those located in the City of Manteca, are successfully implemented. A formal mechanism would seem to be necessary to ensure that payments from CLSP (either directly to Manteca or through the City of Lathrop) result in the implementation of needed intersection improvements in the City of Manteca. Without a willing partner, Lathrop simply has no institutional means by which it can require the CLSP developer to make fair share payments for improvements that would be under the control of Manteca.

TABLE 2

EFFECTIVENESS OF PROPOSED FUNDING AND IMPLEMENTATION MECHANISMS

Intersection	Impact # (DEIR)	Included in Lathrop Fee Program (CFF)?[1]	Project Contributes Majority of Trips?[2]	CLSP can contribute to Manteca fee program?[3]	Can be funded by Regional fee program?[4]	Lathrop/ Manteca Cost Sharing Mechanism?[5]
Lathrop/Airport	4.4-a8	No	Yes	No	No	Maybe
Louise/Airport	4.4-a11	No	No	No	No	Maybe
Roth/McKinley	4.4-a14	No	No	N/A	No	N/A
Louise/McKinley	4.4-a20	No	No	N/A	No	N/A
Vierra/McKinley	4.4-a21	No	No	N/A	No	N/A
Roth/McKinley	4.4-a22	No	No	N/A	No	N/A
Lathrop/5th Street	4.4-a27	No	No	N/A	No	N/A
Lathrop/Airport	4.4-a28	No	No	No	No	Maybe
Louise/McKinley	4.4-a31	No	No	N/A	No	N/A
Louise/Airport	4.4-a32	No	No	No	No	Maybe
Yosemite/McKinley	4.4-a33	No	No	N/A	No	N/A

Notes:

1- Addresses whether intersection is included in the CFF.

2- Tests whether the project contribute more than one quarter (25 percent of all trips) of total volumes at intersection for each scenario

3- No mechanism exists to allow projects outside of City of Manteca to contribute to roadway improvement projects in the City of Manteca. This mechanism would only apply to roadway improvements in the City of Manteca.

4- Regional fee programs do not fund improvements at these locations and all jurisdictions in study area do not participate in regional fee program.

5- Only mitigation measures in the City of Manteca could be implemented through a formal or informal cost sharing mechanism between the City of Lathrop and the City of Manteca. Since there is nothing to preclude such an agreement, it is possible that implementation measures could be effectively implemented by a cost sharing mechanism.

Source: Fehr & Peers, 2004

Based on the above information, it is possible to conclude the following:

- A number of the intersections impacted by the CLSP project are not included in the CFF; therefore the CFF cannot be utilized to successfully implement the required mitigation measures.

- The EIR recommended that the CLSP project contribute a fair share portion of the total cost of certain proposed improvements for which there are no existing funding mechanisms to generate matching funds. In most cases, the CLSP project would contribute less than 25 percent of the total traffic volumes at each intersection where a significant impact occurs. Therefore, it is unlikely that payment of the project's fair share

cost would result in sufficient funds needed to assure construction of a needed mitigation measure. The likely result of requiring the CLSP to pay such funds would be that they would sit idle and not be spent for any actual on-the-ground improvements.

- Besides the CFF, there are no other regional or local fee programs that could guarantee the implementation of needed mitigation measures.

- There is no formal cost sharing mechanism between the City of Lathrop and the City of Manteca. Therefore, it is unlikely that any payments from the CLSP project to the City of Manteca (either through the City of Lathrop or direct payments to Manteca) would guarantee the implementation of needed mitigation measures.

- There is no existing or available funding mechanism that would allow the City to lawfully assess existing or vested development within Lathrop a new traffic impact fee beyond what approved projects were required to pay based on the best information available at the time such projects were processed and approved by the City. This reality limits the City's ability to fully fund improvements on the east side of I-5. The CLSP's fair share contributions to such improvements could not be matched by enough money to fully fund and construct the improvements in question.

For all of the reasons stated above, I believe that the Lathrop City Council could reasonably conclude that it may not be feasible to implement Mitigation Measures 4.4-a8, 4.4-a11, 4.4-a14, 4.4-a20, 4.4-a21, 4.4-a22, 4.4-a27, 4.4-a28, 4.4-a31, 4.4-a32, 4.4-a33. If you have any questions or require any additional information, please contact Chris Gray at telephone (925) 284-3200 or e-mail at cgray@fehrandpeers.com.