

**CEQA FINDINGS OF FACT  
AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

**CITY OF LATHROP ANNEXATION FOR  
A PORTION OF THE LATHROP GATEWAY BUSINESS PARK SPECIFIC PLAN  
PROJECT  
AND THE SOUTH LATHROP SPECIFIC PLAN PROJECT**

July 20, 2015

**I. INTRODUCTION**

The City of Lathrop (the “City”) is considering a resolution for annexation of approximately 464 acres of land located in San Joaquin County. The annexation will be applied to two projects that have been approved by the City: (1) the Lathrop Gateway Business Park Specific Plan project; and (2) the South Lathrop Specific Plan project. The City certified two environmental impact reports (“EIRs”), one for each project, pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). Collectively, the EIRs fully analyzed the potential environmental impacts related to the proposed annexation. It should be noted that there is no evidence that the proposed annexation *itself* would cause any direct environmental impacts. The EIRs support the conclusion that the annexation would not cause any direct environmental impacts because it would not authorize any development, nor change any of the applicable land use regulations. Nevertheless, these findings address the impacts identified in the EIRs, and do not attempt to discern the direct or indirect impacts that might be caused just by the annexation.

The City certified the Lathrop Gateway Business Park Specific Plan Final EIR and approved the Lathrop Gateway Business Park Specific Plan project on May 16, 2011. The Final EIR for the Lathrop Gateway Business Park Specific Plan, in its entirety, consists of the June 8, 2010, Draft EIR and the January 21, 2011, Final EIR (State Clearinghouse No. 2009062106). A portion of the Lathrop Gateway Business Park Specific Plan area (approximately 213.5 acres out of 384 acres) was annexed to the City on December 20, 2012. The City is now considering annexation of an additional 92 acres plus public right of way within the Lathrop Gateway Business Park Specific Plan area along with the South Lathrop Specific Plan area in order to avoid the creation of an unincorporated island bound by the City of Lathrop.

The City certified the South Lathrop Specific Plan Final EIR and approved the South Lathrop Specific Plan project on July 20, 2015. The Final EIR for the South Lathrop Specific Plan, in its entirety, consists of the October 2013 Draft EIR and the June 2014 Final EIR (State

Clearinghouse No. 2013012064). The City is considering annexation of the entire 315-acre South Lathrop Specific Plan area plus related public rights of way.

The South Lathrop Specific Plan EIR contemplated that the City would seek annexation of a portion of the Lathrop Gateway Business Park Specific Plan area at the same time it sought annexation of the South Lathrop Specific Plan area. The South Lathrop Specific Plan EIR therefore considered whether any new impacts not discussed in the Lathrop Gateway Business Park Specific Plan EIR would result from annexation of entire annexation area (i.e., annexation of both plan areas). The South Lathrop Specific Plan EIR concluded that there are no changed circumstances or changes to the Lathrop Gateway Business Park Specific Plan that would result in new significant impacts from those disclosed in the EIR for that project. (See South Lathrop Specific Plan Draft EIR, p. 3.10-21.) The EIR also concluded that there are no unexamined impacts that would result from including a portion of the Lathrop Gateway Business Park Specific Plan in the annexation of the South Lathrop Specific Plan area. (*Ibid.*)

The City served as lead agency under CEQA for both the Lathrop Gateway Business Park Specific Plan EIR and the South Lathrop Specific Plan EIR. Pursuant to CEQA, the “lead agency” is defined as the “public agency which has the principal responsibility for carrying out and approving or disapproving a project.” (Pub. Resources Code, § 21067.)

Although the City has already approved the Lathrop Gateway Business Park Specific Plan project and the South Lathrop Specific Plan project, the proposed annexation is a necessary component of those projects. Ultimate approval authority for the annexation, however, lies with the San Joaquin Local Agency Formation Commission (“San Joaquin LAFCO”). These findings are made in support of the City’s annexation resolution that will be submitted to San Joaquin LAFCO for final review and ratification. The City has independently reviewed and considered the environmental impacts of the proposed annexation. This document represents City’s own findings based on the City’s independent judgment, regarding the significant effects of the annexation. These findings have been prepared in accordance with CEQA and the CEQA Guidelines.

## **II. PROJECT DESCRIPTION**

The City is considering a resolution for annexation of approximately 464 acres of land located in San Joaquin County (the “annexation area”). The annexation area covers a portion of the Lathrop Gateway Business Park Specific Plan area (92 acres plus public right of way) and the entire South Lathrop Specific Plan area (315 acres). A summary of the project descriptions for the Lathrop Gateway Business Park Specific Plan project and the Lathrop Gateway Business Park Specific Plan project are set forth below.

## **A. Lathrop Gateway Business Park Specific Plan**

### **1. Project Summary**

The Lathrop Gateway Business Park Specific Plan project involved the adoption and implementation of the Lathrop Gateway Business Park Specific Plan. The Lathrop Gateway Business Park Specific Plan encompasses approximately 384 gross acres located in San Joaquin County. The specific plan area is bordered by Vierra Court and West Yosemite Avenue to the north, State Route (SR) 120 to the south, and two sets of Union Pacific Railroad tracks to the east and to the west. Access to the plan area is provided by Yosemite Avenue to the east; D'Arcy Parkway and McKinley Avenue to the north; and McKinley Avenue and the SR 120/Yosemite Avenue interchange to the south. The entire plan area is within the City's Sphere of Influence and is included in the City of Lathrop General Plan.

The Lathrop Gateway Business Park Specific Plan envisions development of a combination of new office commercial, limited industrial, and service commercial uses. Build-out of the project would result in the development of up to 56.7 net acres of new office commercial uses in the western sub-area, 167.6 net acres of limited industrial uses in the central sub-area, and 83.0 net acres of service commercial uses in the eastern sub-area. The primary plan area also includes 1.6 acres of open space, and 2.9 acres divided between three well sites and 15.6 net acres of detention area.

A complete description of the Lathrop Gateway Business Park Specific Plan project is included in Chapter 3.0 of the Lathrop Gateway Business Park Specific Plan Draft EIR.

As noted previously, the City certified the Lathrop Gateway Business Park Specific Plan Final EIR and approved the Lathrop Gateway Business Park Specific Plan project on May 16, 2011. Among other discretionary approvals, implementation of the specific plan requires annexation of the plan area into the City of Lathrop. As noted above, 213.5 acres of the Lathrop Gateway Business Park Specific Plan area have already been annexed to the City of Lathrop. Approximately 92 acres of the remaining 170.5-acre area, for which annexation is currently sought, is located directly adjacent to the City's existing boundaries and the South Lathrop Specific Plan area. This area currently falls under the jurisdiction of San Joaquin County. The entire 92 acres plus public right of ways is within the City's Sphere of Influence and is included in the City's General Plan.

## **2. Project Objectives**

Section 3.3 of the Lathrop Gateway Business Park Specific Plan Draft EIR identifies the Lathrop Gateway Business Park Specific Plan project's goals and objectives. The Lathrop Gateway Business Park Specific Plan project objectives include the following:

- A New Vision for South Lathrop – Establish a new vision for South Lathrop supporting the development of industrial/commercial/office uses that capitalize on the plan area's location attributes, and take advantage of market opportunities.
- Commercial Office Core – Establish a core of regional and local serving business and commercial uses that capitalize upon the visibility and access provided by SR 120, and augment City sales tax revenues.
- Employment Opportunities – Provide for local and regional employment opportunities in a business park setting that take advantage of the plan area's high level of accessibility, allow for expansion of the City's economic base, and reduce the need to commute to more distant services and jobs.
- Transportation Choices – Provide an efficient circulation system that satisfies public safety access standards and maximizes alternatives to the car including walking, biking, and public transit.
- Public Facilities and Services – Provide infrastructure and services that meet City standards, integrate with existing and planned facilities and connections, and do not diminish services to existing residents of the City.
- Phasing – Establish a logical phasing plan designed to ensure that each phase of development would include all necessary public improvements required to meet City standards.
- Environmental Mitigation – Create a “self-mitigating” plan that, to the extent practical, incorporates environmental mitigation measures into project design.
- Economic Contribution – Strengthen the City's economic base through Lathrop Gateway Business Park job creation; development related investment; disposable income from future employees; and increased property, sales, and transient occupancy taxes.

## **B. South Lathrop Specific Plan**

### **1. Project Summary**

The South Lathrop Specific Plan covers a 315-acre plan area located in the City of Lathrop's Sphere of Influence. The plan area is located south of State Route 120, north and west of the Union Pacific Railroad, and east of the San Joaquin River. The South Lathrop Specific Plan includes development of commercial office, limited industrial, park/open space, public facilities, and roads.

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

The majority of the plan area is comprised of Limited Industrial uses, which is envisioned as a major employment-generating land use. The Limited Industrial would allow for a broad range of use types including industrial, manufacturing, warehousing/distribution, office, retail sales, retail services, trailer and recreational vehicle sales, research and development, equipment and machinery repair, sales, rental and other such uses and services necessary to support them. For the purposes of truck transport of goods, easy access to the highway from Yosemite Avenue is essential. The South Lathrop Specific Plan provides a chart with the full range of permitted uses under this land use category. The Limited Industrial use comprises 222 acres and can accommodate up to an estimated maximum of 4,158,238 square feet of gross leasable space.

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

The Public/Quasi Public Facilities land use designation includes the storm water and potential onsite recycled water basins required for storage and treatment of the storm-water and recycled water within the plan area.

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

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

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

**Public Services & Infrastructure:** The provision of public services and the construction of onsite and offsite infrastructure improvements will be required to accommodate development proposed by the South Lathrop Specific Plan. It is an objective of the South Lathrop Specific Plan to provide services and infrastructure that meet City standards, integrate with existing and planned facilities and connections, and do not diminish services to existing residents or businesses within the City. The plan area was included in the City of Lathrop's Municipal Service Review (updated in 2009) and has been planned to be served by the City of Lathrop. The final design of all onsite and offsite infrastructure improvements is subject to the review and approval of the City of Lathrop.

A complete description of the South Lathrop Specific Plan project is included in Chapter 2.0 of the South Lathrop Specific Plan Draft EIR.

## **2. Project Objectives**

Chapter 2.0 of the South Lathrop Specific Plan Draft EIR identifies the South Lathrop Specific Plan project's goals and objectives. The South Lathrop Specific Plan project objectives include the following:

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

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

### **III. ENVIRONMENTAL REVIEW PROCESS**

The environmental impacts of the proposed annexation were analyzed in the Lathrop Gateway Business Park Specific Plan Final EIR and the South Lathrop Specific Plan Final EIR.

#### **1. Lathrop Gateway Business Park Specific Plan**

The Draft EIR was prepared for the Lathrop Gateway Business Park Specific Plan project by InSite Environmental Inc., under contract with the City of Lathrop. The document was prepared pursuant to the provisions of CEQA. The purpose of the Draft EIR is to evaluate the project and identify potential environmental impacts. The EIR is required by CEQA to be an informational document. (Pub. Resources Code, § 21061.) “The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (*Ibid.*) “CEQA does not require technical perfection

in an EIR, but rather adequacy completeness and a good-faith effort at full disclosure.” (CEQA Guidelines, § 15003, subd. (i).)

The City prepared and circulated a Notice of Preparation (NOP) of an EIR for the Lathrop Gateway Business Park Specific Plan project on July 1, 2009, for the required 30-day review period. Twelve comments on the NOP were received from public agencies and the general public.

The Draft EIR was circulated to the State Clearinghouse on June 10, 2010, for distribution to responsible agencies. A Notice of Availability was mailed to interested parties and posted in the local newspaper advising that the Draft EIR was available for public review and comment. The public review period for comments on the Draft EIR began on June 10, 2010 and ended on July 26, 2010. Fourteen comments on the Draft EIR were received from public agencies and the general public.

The Final EIR was issued on January 21, 2011. The Final EIR includes responses to comments pursuant to CEQA Guidelines sections 15025 and 15088. The City certified the Final EIR on May 16, 2011.

Under separate cover, a Mitigation Monitoring Plan was prepared pursuant to CEQA Guidelines section 15097.

## **2. South Lathrop Specific Plan**

The City circulated the NOP for the South Lathrop Specific Plan Draft EIR on January 25, 2013, to responsible agencies, trustee agencies, the State Clearinghouse, the Native American Heritage Commission, and the public. A public scoping meeting was held on February 6, 2013, to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR.

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

The City received eleven (11) comment letters on the Draft EIR during the public review period. After the public review period concluded, five additional comment letters were received. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the comments received during the public review period. Comments received after the public review period closed were also considered by the City of Lathrop in their review of the project. The late comments are also included in Final EIR.

Under separate cover, a Mitigation Monitoring Plan was prepared pursuant to CEQA Guidelines section 15097.

#### **IV. RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD**

In accordance with Public Resources Code section 21167.6, subdivision (e), the record of proceedings for the City's decision on the annexation includes, but is not limited to, the following documents:

- Public notices issued by the City in conjunction with the annexation;
- The NOPs and all other public notices issued by the City in conjunction with the Lathrop Gateway Business Park Specific Plan project and the South Lathrop Specific Plan project;
- The Draft and Final EIRs for the Lathrop Gateway Business Park Specific Plan project and South Lathrop Specific Plan project and all appendices, as well as all documents cited or referenced therein;
- The City's Findings of Fact and Statement of Overriding Considerations for the Lathrop Gateway Business Park Specific Plan project and the South Lathrop Specific Plan project and all appendices, as well as all documents cited or referenced therein;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with Lathrop Gateway Business Park Specific Plan project and the South Lathrop Specific Plan project;
- Any documentary or other evidence submitted to City at such information sessions, public meetings, and public hearings;
- Any and all resolutions adopted by the City regarding the Lathrop Gateway Business Park Specific Plan project, the South Lathrop Specific Plan project and/or the associated partial annexation, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- Any additional documents expressly cited in the Draft and Final EIRs, any findings related to any related project approvals, and these findings; and

- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e);

The City has relied on all of the documents listed above in reaching its decision on the proposed annexation, even if not every document was formally presented to the City or delivered to City staff and stored in the City's files specifically generated in connection with the Lathrop Gateway Business Park Specific Plan project, the South Lathrop Specific Plan project, and/or the proposed annexation. Without exception, any documents set forth above not found in the City's files fall into one of two categories. First, many of the documents reflect prior planning or legislative decisions with which the City was aware in taking its actions with respect to the annexation. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Second, other documents influenced the expert advice provided to City staff, which then provided advice to the City Council. For these reasons, such documents form part of the underlying factual basis for the City's decisions relating to the annexation. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

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

## **V. THE CITY'S CEQA OBLIGATIONS AND CONSIDERATION OF POTENTIAL NEED FOR ADDITIONAL ENVIRONMENTAL ANALYSIS**

For purposes of considering the proposed annexation, the City has independently reviewed and considered the EIRs prepared by the City for the Lathrop Gateway Business Park Specific Plan project and the South Lathrop Specific Plan project. The City has reached its own conclusions, which are expressed in this document. (See CEQA Guidelines, § 15096, subds. (g), (h).)

The City has also considered whether there are any grounds for the preparation of a subsequent EIR or supplement to either of the EIRs. (See Pub Resources Code, § 21166; CEQA Guidelines, §§ 15162, 15163.) Because neither project has changed since the City certified the Final EIRs and approved the specific plan projects, there can be no “[s]ubstantial changes in the project which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” (CEQA Guidelines, § 15162, subd. (a)(1).) Nor is the City aware of any new information of substantial importance, which was not known and could not have been

known with the exercise of reasonable diligence at the time the EIRs were certified as complete showing any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(CEQA Guidelines, § 15162, subd. (a)(3).)

Nor is the City aware of any “changes . . . with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” (CEQA Guidelines, § 15162, subd. (a)(2).) No such circumstances have been brought to the attention of the City.

For all of these reasons, the City concludes that the Lathrop Gateway Business Park Specific Plan Final EIR and the South Lathrop Specific Plan Final EIR, without any need for supplementation or augmentation, remain adequate CEQA documents on which the City can base its decisions with respect to the proposed annexation.

## **VI. EXPLANATION OF FINDINGS REQUIRED UNDER CEQA**

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Further, the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” (*Id.*) Section 21002 also provides that “in the event specific economic, social, or other conditions

make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles established by the Legislature in Public Resources Code section 21002 are implemented, in part, through the requirement in Public Resources Code section 21081 that agencies must adopt findings before approving projects for which an EIR is required. CEQA Guidelines section 15091 provides the following direction regarding findings:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

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

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

As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15126.6(f)(1) [determining the feasibility of alternatives].) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a “reduced herd” alternative to a proposed dairy as infeasible because the alternative failed to meet the “fundamental objective” of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1508 [agency decision-makers, in rejecting alternatives as

infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002 (*City of Santa Cruz*.)

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

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

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

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

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

## **VII. FINDINGS REGARDING IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT**

For the Lathrop Gateway Business Park Specific Plan project and the South Lathrop Specific Plan project, the City determined that the following potential environmental effects were not

significant following the preparation and distribution of the NOPs and analysis in the EIRs. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

#### A. Aesthetics and Visual Resources

##### **1. Lathrop Gateway Business Park Specific Plan**

- Effects on scenic routes, vistas, and off-site lands
- Effects on existing visual characteristics of the site
- Effects of off-site storm-water pipeline and outfall structure on surrounding areas
- Effects of light and glare

##### **2. South Lathrop Specific Plan**

- Effects on scenic vistas (Impact 3.1-1)
- Effects on scenic resources within a State Scenic Highway (Impact 3.1-2)
- Effects of light and glare (Impact 3.1-4)

#### B. Agricultural Resources

##### **1. Lathrop Gateway Business Park Specific Plan**

- Conflicts with current zoning
- Impacts of the project to existing land uses
- Impact of project on existing agricultural land and adjacent land uses

##### **2. South Lathrop Specific Plan**

- Conflict with existing zoning or Williamson Act Contracts (Impact 3.2-2)
- Conflicts with adjacent agricultural lands or indirect conversion of agricultural lands (Impact 3.2-3)
- Conversion of Prime Farmland, as defined under California Government Code Section 560643 (Impact 3.2-4)

#### C. Air Quality

##### **1. Lathrop Gateway Business Park Specific Plan**

- Odors

##### **2. South Lathrop Specific Plan**

- Carbon monoxide hotspot impacts (Impact 3.3-3)
- Public exposure to toxic air contaminants (Impact 3.3-4)
- Exposure to odors (Impact 3.3-5)

## D. Biological Resources

### **1. Lathrop Gateway Business Park Specific Plan**

- Impacts on specific special status plant and wildlife species
- Impacts on wildlife corridors
- Project consistency with applicable plans

### **2. South Lathrop Specific Plan**

- Conflict with an Adopted Habitat Conservation Plan (Impact 3.4-9)
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Impact 3.4-10)

## E. Geology and Soils

### **1. Lathrop Gateway Business Park Specific Plan**

- Impacts of ground-shaking on plan area
- Impacts of other potential seismic events on plan area
- Impacts of project resulting in soil erosion or loss of topsoil

### **2. South Lathrop Specific Plan**

- Expose people or structures to potential substantial adverse effects involving strong seismic ground shaking or seismic related ground failure (Impact 3.6-1)
- Substantial soil erosion or the loss of topsoil (Impact 3.6-2)
- Potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse (Impact 3.6-3)

## F. Global Climate Change

### **1. Lathrop Gateway Business Park Specific Plan**

- Project consistency with applicable greenhouse gas (GHG) reduction plans
- Impact of climate change on project

### **2. South Lathrop Specific Plan**

- None

## G. Hazards and Hazardous Materials

### **1. Lathrop Gateway Business Park Specific Plan**

- Use of hazardous materials in construction and operation
- Potential public health impacts associated with recycled water
- Potential hazard associated with railroad adjacent to plan area

## **2. South Lathrop Specific Plan**

- Potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (Impact 3.8-2)
- Potential to result in impacts from being included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Impact 3.8-3)
- Potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (Impact 3.8-4)

## H. Hydrology and Water Quality

### **1. Lathrop Gateway Business Park Specific Plan**

- Changes in volume or flow in surface water resources
- Exposure of proposed development to flooding hazards
- Effects of project operation on surface water quality
- Effects of recycled water use on surface and groundwater quality

### **2. South Lathrop Specific Plan**

- Potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge (Impact 3.9-3)
- Potential to alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, or polluted runoff (Impact 3.9-4)
- Place housing or structures that would impede/redirect flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map (Impact 3.9-6)
- Potential to expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, seiche, tsunami, or mudflow (Impact 3.9-7)

## I. Land Use, Population, and Housing

### **1. Lathrop Gateway Business Park Specific Plan**

- Consistency with San Joaquin County LAFCO
- Consistency with City of Lathrop General Plan
- Consistency with the Land Use and Resource Management Plan
- Consistency with existing zoning

- Conflict between existing agricultural lands and future non-agricultural proposed land uses within the plan area
- Project effects on population growth
- Project impacts on employment
- Project impacts on housing

## **2. South Lathrop Specific Plan**

- Potential to physically divide an established community (Impact 3.10-1)
- Potential to conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted to avoid or mitigate an environmental effect (Impact 3.10-2)
- Potential to conflict with an applicable habitat conservation plan or natural community conservation plan (Impact 3.10-3)
- Potential to induce substantial population growth in an area (Impact 3.10-4)
- Potential to displace substantial numbers of people or existing housing (Impact 3.10-5)

## J. Noise

### **1. Lathrop Gateway Business Park Specific Plan**

- None

### **2. South Lathrop Specific Plan**

- Potential to increase traffic noise levels at existing receptors (Impact 3.12-1)
- Potential to increase noise levels associated with construction activities (Impact 3.12-2)
- Potential to increase noise vibration association with construction activities (Impact 3.12-3)
- Potential to increase railroad noise at sensitive receptors (Impact 3.12-4)

## K. Public Services and Recreation

### **1. Lathrop Gateway Business Park Specific Plan**

- Impacts of project on solid waste generation
- Impacts of project on schools
- Impacts of project on parks and recreation

### **2. South Lathrop Specific Plan**

- Potential to require the construction of fire department facilities which may cause substantial adverse physical environmental impacts (Impact 3.13-1)
- Potential to require the construction of police department facilities which may cause substantial adverse physical environmental impacts (Impact 3.13-2)

- Potential to require the construction of school facilities which may cause substantial adverse physical environmental impacts (Impact 3.13-3)
- Potential to have effects on other public facilities (Impact 3.13-4)
- Potential to require the construction of park and recreational facilities which may cause substantial adverse physical environmental impacts (Impact 3.13-5)
- Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated (Impact 3.13-6)

#### L. Traffic and Circulation

##### **1. Lathrop Gateway Business Park Specific Plan**

- Impacts on bicycle and pedestrian facilities

##### **2. South Lathrop Specific Plan**

- Under Existing Plus Project Conditions, project implementation would add traffic to the Louise Avenue/McKinley Avenue intersection which currently operates at unacceptable levels of service (Impact 3.14-3)
- Impacts on pedestrian and bicycle facilities (Impact 3.14-5)
- Potential impacts to at-grade rail crossings (Impact 3.14-8)

#### M. Utilities and Services Systems

##### **1. Lathrop Gateway Business Park Specific Plan**

- Project impacts on water supplies
- Project impacts on water supply infrastructure, including city wells and treatment facilities
- Project impacts from recycled water generation
- Project impact on electrical service
- Project impact on natural gas supplies

##### **2. South Lathrop Specific Plan**

- Potential to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (Impact 3.15-1)
- Potential to require construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 3.15-4)
- Potential to have insufficient water supplies available to serve the project from existing entitlements and resources (Impact 3.15-5)

- Potential to be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, State, and local statutes and regulations related to solid waste (Impact 3.15-7)

N. Cumulative Impacts (*Not Cumulatively Considerable*)

**1. Lathrop Gateway Business Park Specific Plan**

- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Human Health
- Hydrology and Water Quality
- Land Use
- Noise
- Population and Housing
- Public Utilities Storm-water Conveyance
- Cumulative Impacts on bicycle and pedestrian transportation

**2. South Lathrop Specific Plan**

- Aesthetics
  - Project implementation may substantially damage scenic resources within a State Scenic Highway (Impact 4.1)
  - Project implementation may result in light and glare impacts (Impact 4.3)
- Biological Resources
  - Cumulative Loss of Biological Resources Including Habitats and Special Status Species (Impact 4.6)
- Cultural Resources
  - Cumulative Impacts on Known and Undiscovered Cultural Resources (Impact 4.7)
- Geology and Soils
  - Cumulative Impact on Geologic and Soils Resources (Impact 4.8)
- Greenhouse Gas Emissions
  - Cumulative Impact on Climate Change from Increased project-Related Greenhouse Gas Emissions (Impact 4.9)
- Hazards and Hazardous Materials
  - Cumulative Impact Related to Hazards and Hazardous Materials (Impact 4.10)
- Hydrology and Water Quality
  - Cumulative Increases in Peak Stormwater Runoff from the plan area (Impact 4.11)
  - Cumulative Impacts Related to Degradation of Water Quality (impact 4.12)

- Cumulative Impacts Related to Flooding (Impact 4.14)
- Land Use and Population
  - Cumulative Impact on Communities and Local Land Uses (Impact 4.15)
  - Cumulative Impacts on Population and Housing (Impact 4.16)
- Noise
  - Cumulative Exposure of Existing and Future Noise- Sensitive Land Uses to Increased Noise Resulting from Cumulative Development (Impact 4.18)
- Public Services and Recreation
  - Cumulative Impact on Other Public Services (Impact 4.20)
- Utilities and Service Systems
  - Cumulative Impact on Solid Waste Facilities (Impact 4.25)

## **VIII. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS WHICH CAN BE MITIGATED TO LESS THAN SIGNIFICANT LEVEL**

Based on the City’s review of the Lathrop Gateway Business Park Specific Plan Final EIR and the South Lathrop Specific Plan Final EIR, and the entire record before the City, the City has determined that several potentially significant impacts would be reduced to a level of less than significant with the implementation of feasible mitigation measures that are identified in the FEIRs. These measures have been adopted by the City as conditions of project approval for each project and are included in the Mitigation Monitoring Plans for each project.

### A. Aesthetics and Visual Resources

#### **1. Lathrop Gateway Business Park Specific Plan**

For the Lathrop Gateway Business Park Specific Plan project, there are no potentially significant aesthetics and visual resources impacts in this category of impacts (i.e., impacts that are less than significant with mitigation).

#### **2. South Lathrop Specific Plan**

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** The majority of the plan area has been intensively disturbed through urban development, agricultural operations, and other activities. As a result, limited natural scenic areas can be found within the plan area. The natural scenic resources that do exist are typically scattered and of nominal quality. The key exception is the San Joaquin River and its associated environs, which is adjacent to the western edge of the plan area and is considered the most significant visual resource in the vicinity. The South Lathrop Specific Plan includes provisions to leave this portion of the plan area in tact as Open Space with the exception of a storm drainage outfall and trail system. The storm drainage outfall located near the southwest corner of the plan area is located within riparian habitat.

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

## B. Air Quality

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. IMPACTS OF PROJECT CONSTRUCTION ON AIR QUALITY

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 6.0 of the Draft EIR, demolition and construction activities would generate emissions of ozone precursors and particulate matter from heavy equipment operations, and particulate matter produced by land clearing, earth moving, and wind erosion. The air quality analysis assumed a construction period of 20 years and development in accordance with the maximum square footage based on net acreage for each proposed land

use and the applicable floor area ratio (see Table 3.1 in Chapter 3.0, Project Description of the Draft EIR).

The Air Pollution Control District (APCD) has determined that suspended particulate matter (PM10) and fine particulate matter (PM2.5) are the pollutants of greatest concern for construction projects. Build-out of the plan area is anticipated to occur over a 20-year period and will include multiple, stand-alone projects throughout the plan area over that time period. Mitigation Measures 6-1 through 6-3 have been identified to reduce dust emissions generated by each individual construction project in the plan area to less than significant levels. A Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, would apply to any project in the plan area that exceeds 40 acres in size or involves more than 2,500 cubic yards per day of excavation. In addition Visible Dust Emissions from all phases of demolition and/or construction in the plan area shall be limited to 20% opacity or less. Finally, dust control practices identified in the *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI) Tables 6-2 and 6-3, will constitute sufficient mitigation to reduce PM10 impacts to less than significant. Appropriate measures from these tables are identified in Mitigation Measure 6-3. Therefore, with implementation of Mitigation Measures 6-1 through 6-3, dust emissions generated by project construction would be reduced to a less than significant level.

Mitigation Measures 6-4 through 6-6 address construction related concerns associated with diesel particulate matter (PM) volatile organic compounds (VOCs) associated with architectural coatings applied to all structures in the plan area and oxides of nitrogen (NO<sub>x</sub>). Implementation of mitigation measures will reduce potential short-term construction impacts related to these pollutants of concern to less than significant levels.

## 2. PROJECT IMPACTS ON CARBON MONOXIDE HOT SPOTS

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Potential CO concentrations at impacted intersections based on the analysis presented in the project traffic study, available in Appendix F and described in Chapter 18.0, Transportation. The analysis considered whether CO emissions from project-generated traffic would exceed the GAMAQI's screening threshold for potentially significant project contributions to CO concentration impacts. That is, it considered whether the project would cause the predicted level of service at these intersections to degrade to LOS E or F or substantially worsen traffic at intersections already predicted to function at these levels.

GAMAQI significance thresholds indicate that intersections that operate at LOS E or F may involve significant concentrations of carbon monoxide, and the presence of such concentrations at intersections where sensitive receptors exist would constitute a significant environmental effect.

The potential for CO hot spot impacts was first considered for Existing plus Project conditions, based on traffic data described in Chapter 18.0, Transportation. Under Existing conditions without the project, these two intersections operate at LOS E or F:

- Interstate 5 southbound ramps/Lathrop Road
- Main Street/Louise Avenue

Under Existing plus Project conditions, an additional three intersections would operate at LOS E or F:

- Interstate 5 northbound ramps/Lathrop Road
- McKinley Avenue/Lathrop Road
- McKinley Avenue/Yosemite Avenue

Mitigation measures described in Chapter 18.0, Transportation, would improve operations at all these intersections to LOS D or better, which would avoid potential CO hot spot impacts.

### 3. GENERATION OF OR EXPOSURE TO TOXIC AIR CONTAMINANTS (TACS)

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** The Lathrop Gateway Business Park Specific Plan project would involve the development of commercial office and industrial land uses. The industrial uses proposed in the plan area would be “limited industrial.” According to the Lathrop Gateway Business Park Specific Plan, land use activities included in the “limited industrial” designation are office, research and development, light manufacturing, warehousing, distribution, and service commercial. The specific plan explicitly prohibits certain industrial activities that would be likely to generate air toxics. In contrast, the limited industrial uses the specific plan proposes to allow would be less likely to generate air toxics. New business that could involve such emissions would be subject to APCD regulations that would prohibit operations unless risks to vulnerable sensitive receptors (i.e. residential land uses) were below significance criteria. This restriction would apply whether those receptors were located in or outside of the plan

area. The Lathrop Gateway Business Park Specific Plan does not propose any sensitive land uses as defined in the Air Resources Board (ARB) Handbook. However, some residential units do exist within the plan area that will exist and eventually phased out as development progresses over the 20-year build out period. Implementation of Mitigation Measure 6-10 will reduce the potential risk to sensitive receptors to less than significant by requiring the preparation of a Health Risk Assessment should certain distance criteria be met regarding future distribution centers, dry cleaning operations and/or gas stations in relation to existing residential uses.

## 2. South Lathrop Specific Plan

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Project construction air quality impacts will be mitigated to a less than significant level as Mitigation Measures 3.3-5, 3.3-6, 3.3-7, 3.3-8, 3.3-9, and 3.3-10 would ensure that construction activities implement required SJVAPCD construction related mitigation measures and best available control measures to reduce construction-related air emissions. It should be noted that annual emissions do not exceed the SJVAPCD thresholds of significance for construction. However, regardless of emission quantities, the SJVAPCD requires construction related mitigation in accordance with their rules and regulations. Any remaining impacts after implementation of mitigation measures 3.3-5, 3.3-6, 3.3-7, 3.3-8, 3.3-9, and 3.3-10 would not be significant.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to expose the public to toxic air contaminants will be

mitigated to a less than significant level as Mitigation Measure 3.3-11 would ensure that each future business is assessed for TACs in accordance with the requirements of the Air Toxics “Hot Spots” Program, Facility Prioritization Guidelines (July 1990) and the Air Toxics “Hot Spots” Information and Assessment Act. Mitigation is required for facilities that are identified to have the potential to expose the public to toxic air contaminant levels that would be considered significant. The mitigation will ensure that the toxic air contaminants are reduced to levels below the identified threshold. Any remaining impacts after implementation of Mitigation Measure 3.3-11 would not be significant.

## C. Biological Resources

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. IMPACTS ON FEDERALLY PROTECTED WETLANDS AND WATERS OF THE U.S.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 7.0 of the Draft EIR, potential jurisdictional waters of the U.S. were identified as a seasonal pond in the eastern part of the plan area adjacent to the Union Pacific railroad tracks and the east bank of the San Joaquin River in the area of the proposed storm drain outfall structure. Areas that may fall outside the Army Corps of Engineers jurisdiction include a small fire suppression pond and adjacent low area in the western portion of the plan area and two seasonal wetlands along the railroad tracks near the storm drain alignment due to their isolated conditions. If these areas could not be avoided as result of development of the plan area, implementation of Mitigation Measure 7-1, which would require the preparation of a Wetland Delineation and acquisition of appropriate federal permit(s) would reduce potential impacts to waters of the U.S. to a less than significant level. The necessary waters of the U.S. regulatory Permits and State of California Streambed Alteration Agreement will include attached conditions designed to reduce the environmental impact of a project on an affected water body or wetland.

### **2. South Lathrop Specific Plan**

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status, candidate, and sensitive invertebrate species and their habitat will be less than significant. No special-status invertebrates were observed within the plan area or offsite improvement corridors during field surveys and none are expected to be affected by the South Lathrop Specific Plan. Therefore, the South Lathrop Specific Plan, including the offsite improvements (i.e. storm drainage outfall) would have a less than significant impact on special-status invertebrate species. While there are no special status invertebrate species that are anticipated to be affected by the South Lathrop Specific Plan, participation in the SJMSCP will provide the coverage for the incidental take of a species if it were to occur. Mitigation measure 3.4-1 would require participation in the SJMSCP even though no special status invertebrate species are anticipated to be affected by the South Lathrop Specific Plan.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status, candidate, and sensitive reptile or amphibian species and their habitat will be less than significant. No special-status reptiles or amphibians were observed within the plan area or offsite improvement corridors during field surveys and none are expected to be affected by the South Lathrop Specific Plan. Therefore, the South Lathrop Specific Plan would have a less than significant impact on special status reptile or amphibian species. While there are no special status reptiles or amphibians species that are anticipated to be affected by the South Lathrop Specific Plan, participation in the SJMSCP will provide the coverage for the incidental take of a species if it were to occur. Mitigation Measure 3.4-1 would require participation in the SJMSCP even though no special status reptile or amphibian species are anticipated to be affected by the South Lathrop Specific Plan.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Mitigation Measure 3.4-1 requires participation in the SJMSCP. Coverage under the SJMSCP involves compensation for habitat impacts on covered species through payment of development fees for conversion of open space lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. In addition, coverage includes incidental take avoidance and minimization measures for species that could be affected as a result of the project. There are a wide variety of incidental take avoidance and minimization measures contained in the SJMSCP that were developed in consultation with the USFWS, CDFW, and local agencies. The applicability of incidental takes avoidance and minimization measures are determined by SJCOG on a project basis. The process of obtaining coverage for a project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a) and California Fish and Game Code Section 2081. The Section 10(a) permit also serves as a special-purpose permit for the incidental take of those species that are also protected under the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. The SJMSCP includes the implementation of an ongoing Monitoring Plan to ensure success in mitigating the habitat impacts that are covered. The SJMSCP Monitoring Plan includes an Annual Report process, Biological Monitoring Plan, SJMSCP Compliance Monitoring Program, and the SJMSCP Adaptive Management Plan SJCOG.

Mitigation Measure 3.4-2 requires a preconstruction survey of the plan area and immediate vicinity to be completed prior to construction to prevent impacts to nesting birds. If nesting birds are found, an appropriate buffer will be developed around active nests as deemed appropriate in coordination with the CDFW to ensure that the nesting birds are not disrupted during the breeding season. Any remaining impacts species after implementation of mitigation measures 3.4-1 and 3.4-2 would not be significant.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the

Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status, candidate, and sensitive mammal species and their habitat will be less than significant. Nevertheless, the special-status species are covered species under the SJMCP and participation in the SJMSCP will provide the coverage for the incidental take of a species if it were to occur. SJCOG, as administrator of the SJMSCP will impose appropriate avoidance and minimization measures as part of the incidental take permit. Mitigation Measure 3.4-1 will ensure coverage under the SJMSCP.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Based upon the EIR and the entire record before this City Council, this City Council finds that the impacts to special-status, candidate, and sensitive plant species and their habitat will be less than significant. No special-status plants are expected to be affected by the South Lathrop Specific Plan. No special-status plants were observed within the plan area or offsite improvement corridors (i.e. storm drainage outfall, etc.) during field surveys and habitat evaluations. The surveys were conducted within the blooming period for all species. Moreover, mitigation measure 3.4-1 would require participation in the SJMSCP, which will ensure that any impacts related to special-status, candidate, and sensitive species after implementation of mitigation measure 3.4-1 would not be significant.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Implementation of the South Lathrop Specific Plan, including the storm drainage outfall, would impact a limited amount of jurisdictional area (i.e. wetlands). This is a potentially significant impact. Mitigation Measure 3.4-3 requires the appropriate

permits/authorizations to be obtained prior to any activities that could disturb wetlands. All requirements of these authorizations shall be adhered to throughout the construction phase. Mitigation Measure 3.4-4 requires compensation for any authorized disturbance to protected wetlands and/or jurisdictional areas to ensure no net loss of habitat functions and values. Any remaining impacts after implementation of Mitigation Measures 3.4-3 and 3.4-4 would not be significant.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** None of the sensitive natural communities identified in the EIR occur within the portion of the plan area that will be developed with commercial and industrial uses. The strip of riparian habitat along the San Joaquin River will remain in open space to preserve the biological functions of the area, with the exception of the area affected by the storm drainage outfall construction. The riparian habitat contains elements of the above referenced sensitive natural communities, but is not identified as such in any local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and is not high quality habitat that is commonly associated with these sensitive natural community designations. Nevertheless, the majority of the riparian habitat will remain intact. The storm drainage outfall located near the southwest corner of the plan area is located within riparian habitat. The exact design and placement of the storm drain outfall has not been identified in the South Lathrop Specific Plan; therefore the impact acreage on riparian habitat cannot be precisely quantified. There are, however, areas where the outfall could be placed that would avoid or minimize the impact on riparian habitat because the riparian vegetation along the San Joaquin River frontage is discontinuous. For example, the storm drainage outfall should be located in an area with low vegetation density and sparse tree coverage to minimize impacts on riparian habitat.

Implementation of Mitigation Measures 3.4-5 and 3.4-6 would ensure that this potential impact is reduced to a less than significant level. Mitigation Measure 3.4-5 requires the outfall to be designed and placed such that it avoids and minimizes the impacts on riparian habitat to the extent feasible (i.e. place outfall in one of the areas along the San Joaquin River with minimal existing riparian habitat and low vegetation density). Mitigation Measure 3.4-6 requires compensation/replacement for any disturbance to riparian habitat along the San Joaquin River in association with the storm drainage outfall. Compensation/replacement ratios shall be at a minimum ratio of 1 acre restored, created, and/or preserved for every 1

acre of riparian disturbed. The acreage impacted shall be calculated based on the final design of the storm drainage outfall. Any remaining impacts after implementation of mitigation measures 3.4-5 and 3.4-6 would not be significant.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** No documented wildlife corridors or wildlife nursery sites are located on or adjacent to the project site. The San Joaquin River, however, is a natural movement corridor for native fish that are documented in the region. The land uses within the plan area would not have any direct disturbance to the San Joaquin River or its tributaries, and therefore, would not have any direct disturbance to these fish species. The stormwater outfall would require limited construction activities on the bank of the San Joaquin River. These activities would not be expected to have a direct impact on these fish species as it would not interfere with movement or use of the San Joaquin River during or after the construction activities.

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

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

stormwater. Structural BMPs include items such as drop inlet filters, vault filters, hydrodynamic separators, surface detention basins, and underground detention facilities.

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

#### D. Cultural Resources

##### **1. Lathrop Gateway Business Park Specific Plan**

###### 1. POTENTIAL IMPACTS ON PREHISTORIC AND PALEONTOLOGICAL CULTURAL RESOURCES

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 8.0 of the Draft EIR the present evaluation is based on the findings of an inventory-level surface survey only. There is always the possibility that important unidentified cultural materials could be encountered on or below the surface during the course of future development or construction activities. This possibility is particularly relevant considering the constraints generally to archaeological field surveys and particularly where past development and farming activities have either completely (development) or partially (agricultural fields) obscured ground surface visibility as in the present case. Proper treatment of any resources encountered during construction would be necessary to avoid significant environmental effects. Evidence of human burial, scattered human remains related to prehistoric occupation of the area, or unidentified historical cultural material could be inadvertently encountered during actions involving disturbance to the ground surface and subsurface components. If unidentified cultural resources are encountered construction activities will be halted until a qualified archaeologist is obtained to review the material. As a result implementation of Mitigation Measures 8-1, 8-2, and 8-4 that would suspend any

construction activity upon the discovery of subsurface cultural resources, would reduce potential impacts to cultural resources to a less than significant level.

## 2. IMPACT OF PROJECT ON HISTORICAL RESOURCES

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 8.0 of the Draft EIR, twenty-six buildings from the historic period (more than 50 years) old were identified on the project site and include single-family residences duplexes, quadplexes, and industrial buildings. These structures were recorded with the Central California Information Center. The project will result in the removal of all of the 26 potentially historic buildings within the plan area as phases of the project are developed. Implementation of Mitigation Measure 8-3 would require evaluations of all potentially historic buildings and structures within the plan area to determine if any of them qualify as historical resources. For buildings or structures determined through the evaluation to not qualify as historical resources demolition would result in no impact. For any building or structure determined to qualify as an historical resource the mitigation measure requires documentation of the resource by a qualified architectural historian and the dissemination of the documentation to the appropriate repositories in order to reduce the impact on an historical resource to a less than significant level.

## 2. South Lathrop Specific Plan

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** There are no known cultural and/or historical resources, human remains, or submerged resources on the project site. However, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural and/or historical resource or human remains. Mitigation Measure 3.5-1 provides requirements to be implemented in the event of discovery of a previously unknown

cultural and/or historical resource or human remains, or submerged resources that will ensure that this impact is less than significant. Any remaining impacts related to historical resources after implementation of mitigation measure 3.5-1 would not be significant.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussions:** There are no known significant archeological resources or sites in the plan area. However, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural resource or human remains. Mitigation Measure 3.5-1 provides requirements to be implemented in the event of discovery of a previously unknown cultural and/or historical resource or human remains, or submerged resources that will ensure that this impact is less than significant. Any remaining impacts related to archaeological resources after implementation of mitigation measure 3.5-1 would not be significant.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussions:** Field surveys did not reveal any surface evidence of paleontological resources in the plan area. The plan area is not expected to contain subsurface paleontological resources, although it is possible. Mitigation Measure 3.5-2 provides requirements to be implemented that will reduce impacts to paleontological resources in the event that they are discovered during construction. Any remaining impacts related to paleontological resources after implementation of mitigation measure 3.5-2 would not be significant.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Indications are that humans have occupied San Joaquin County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials. Mitigation Measure 3.5-3 requires all construction activities that inadvertently discover human remains to implement state required consultation methods to determine the disposition and historical significance of any discovered human remains. Any remaining impacts related human remains after implementation of mitigation measure 3.5-3 would not be significant.

## E. Geology and Soils

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. IMPACTS OF LIQUEFACTION ON PLAN AREA

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 9.0 of the Draft EIR ground shaking or related secondary effects such as liquefaction or settlement could affect any part of development within the plan area. Soils most susceptible to liquefaction are clean loose saturated uniformly graded fine sands below the groundwater table. Boring tests revealed loose sand to a depth ranging from approximately 1½ to 10 feet in the plan area. The preliminary liquefaction analyses for the plan area suggest that the potential for liquefaction is low for most of the plan area, due to the cohesive nature of the subsurface material and the dense nature of the sands encountered in the borings below the groundwater table. However, some of the granular materials on the Terra Ranch and Mendes No. 2 properties in the portion of the plan area east of McKinley Avenue were characterized as loose to medium dense and potentially liquefiable. It was estimated that from ½ to 1 inch of settlement may occur on these properties as a result of liquefaction-induced densification. Compliance with the provisions of the California Uniform Building Code would reduce the potential impact associated with seismic-related ground failure including liquefaction. In addition, implementation of Mitigation Measure 9-1 would

further reduce the potential impact to a less-than-significant level by requiring the preparation of design-level geotechnical studies.

## 2. IMPACTS OF EXPANSIVE SOILS ON PROJECT

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 9.0 of the Draft EIR, the proposed off-site storm water pipeline would go through soils identified as having a moderate to high shrink-swell potential. If left in place, the shrinking and swelling of these soils could possibly damage the pipeline. This would be a potentially significant impact. Implementation of Mitigation Measure 9-2 would reduce the potential shrink-swell risk to the pipeline by requiring the preparation of a design-level geotechnical study.

## 2. South Lathrop Specific Plan

### 1. IMPACT 3.6-2: IMPLEMENTATION AND CONSTRUCTION OF THE PROJECT MAY RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Mandated by Congress under the Clean Water Act, the NPDES Stormwater Program is a comprehensive two-phased national program for addressing the non-agricultural sources of stormwater discharges which adversely affect the quality of our nation's waters. The program uses the National Pollutant Discharge Elimination System (NPDES) permitting mechanism to require the implementation of controls designed to prevent harmful pollutants, including soil erosion, from being washed by stormwater runoff into local water bodies. The construction activities for the project would be governed by the General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ). To ensure that construction activities are covered under General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ), projects in California must prepare a Stormwater Pollution Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and

traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP is reviewed by the Regional Water Quality Control Board as part of the permitting process. The SWPPP, once approved, is kept on site and implemented during construction activities and must be made available upon request to representatives of the RWQCB and/or the lead agency.

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

In accordance with the NPDES Stormwater Program, an SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities, must be approved. The specific controls are subject to the review and approval by the RWQCB and are existing regulatory requirements. Therefore, this impact would be less than significant. Mitigation Measure 3.6-1 ensures that the South Lathrop Specific Plan complies with the regulatory requirements described above.

2. IMPACT 3.6-4: POTENTIAL FOR EXPANSIVE SOILS TO CREATE SUBSTANTIAL RISKS TO LIFE OR PROPERTY

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** The California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 requires specific geotechnical evaluation when a preliminary geotechnical evaluation determines that expansive or other special soil conditions are present, which, if not corrected, would lead to structural defects. The City of Lathrop also requires a final geotechnical evaluation to be performed at a design-level to ensure that the foundations, structures, roadway sections, sidewalks, and other improvements can accommodate the specific soils, including expansive soils, at those locations. Mitigation Measure 3.6-3 provides the requirement for a final geotechnical evaluation in accordance with the standards and

requirements outlined in the California Building Code, Title 24, Part 2, Chapter 16, Chapter 17, and Chapter 18, which addresses structural design, tests and inspections, and soils and foundation standards. The final geotechnical evaluation will include design recommendations to ensure that soil conditions do not pose a threat to the health and safety of people or structures. The grading and improvement plans, as well as the storm drainage outfall and building plans, are required to be designed in accordance with the recommendations provided in the final geotechnical evaluation. Any remaining impacts after implementation of mitigation measure 3.6-2 would not be significant.

## F. Greenhouse Gas and Climate Change

### **1. Lathrop Gateway Business Park Specific Plan**

For the Lathrop Gateway Business Park Specific Plan project, there are no potentially significant Greenhouse Gas and Climate Change impacts in this category of impacts (i.e., impacts that are less than significant with mitigation).

### **2. South Lathrop Specific Plan**

1. IMPACT 3.7-1: POTENTIAL TO GENERATE GREENHOUSE GAS EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT OR POTENTIAL TO CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GREENHOUSE GASES

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** With the implementation of Mitigation Measure 3.7-1 and those presented in the Air Quality section of the Draft EIR, the overall annual GHG emissions associated with the South Lathrop Specific Plan would be reduced by over 36.3 percent by the year 2020, consistent with applicable standards and threshold of a 29 percent reduction. Because the South Lathrop Specific Plan would meet and exceed the City's 29 percent minimum reduction threshold, the South Lathrop Specific Plan would not hinder the State's ability to reach the GHG reduction target.

Moreover, the Final Staff Report for the SJVAPCD's Climate Change Action Plan provides a table of GHG emission reduction measures for development projects, along with a point value that corresponds to a percentage decrease in GHG emissions when available.

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

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

## G. Hazards and Hazardous Materials

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. EXPOSURE OF CONSTRUCTION WORKERS, EMPLOYEES AND OTHERS TO EXISTING HAZARDOUS MATERIALS

**Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussions:** As shown in Section 11.0 of the Draft EIR, past agricultural and farming operations as well as existing industrial and commercial types of uses in the western northern and eastern portions of the plan area could have resulted in contamination of soil and/or groundwater in some locations. Excavation and other subsurface construction activities in the plan area could result in the exposure of construction workers to undocumented hazardous materials including petroleum hydrocarbons. In addition, several onsite structures could include asbestos-containing building materials and lead-containing materials (e.g. paint

sealants, pipe solder) which could become friable or mobile during demolition activities and come into contact with construction workers. Implementation of Mitigation Measures 11-1 and 11-2 would reduce potential impacts to less than significant levels by requiring the notification of the San Joaquin County Environmental Health Department upon the discovery of soil or groundwater contamination during excavation activities; and requiring the evaluation of on-site structures for the presence of asbestos-containing materials and lead-containing materials prior to demolition.

## **2. South Lathrop Specific Plan**

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussions:** Mitigation Measures 3.8-1 requires that a Soils Management Plan (SMP) shall be submitted and approved by the San Joaquin County Department of Environmental Health prior to the issuance of a grading permit. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. Mitigation Measures 3.8-2 and 3.8-3 require Phase 2 Environmental Site Assessments under specified conditions and sets forth specific requirements to mitigate potential impacts. Mitigation Measure 3.8-4 sets forth requirements for septic tank and domestic water supply wells and ensures that any destruction of these facilities will be in accordance with in accordance with the San Joaquin County Well Standards. Lastly, Mitigation Measure 3.8-5 requires preparation of a Hazardous Materials Business Plan that must be reviewed and approved by the San Joaquin County Department of Environmental Health. The BMPs and other requirements of these mitigation measures will ensure that any impacts are less than significant during the construction and operational phases of the Project. Any remaining impacts after implementation of mitigation measures 3.8-1, 3.8-2, 3.8-3, 3.8-4, and 3.8-5 would not be significant.

## H. Hydrology and Water Quality

### **1. Lathrop Gateway Business Park Specific Plan**

## 1. DIRECT EFFECTS ON SURFACE WATER FEATURES

**Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussions:** As shown in Section 13.0 of the Draft EIR, proposed limited industrial office commercial and service commercial uses associated with the Lathrop Gateway Business Park Specific Plan would be developed within upland areas and would not involve direct effects on existing natural surface water resources. Development within the plan area consist of a system having the following three integrated components: (1) gravity lines that collect and deliver surface runoff; (2) “watershed” detention facilities that hold the collected runoff; and (3) two pump stations and an off-site force main that conveys water to a proposed San Joaquin River outfall structure. The San Joaquin River channel and floodplain are separated from the areas proposed for development by the river’s existing levee system.

The outfall structure would be located within the San Joaquin River levee system and would involve a new direct discharge to the river. As described in Chapter 3.0 of the Draft EIR, the outfall facility would include pipelines that would extend above the 100-year flood elevation to discharge gates set in a concrete headwall flows would be released to energy dissipation structures or rock slope protection. With respect to hydrologic effects, outfall structures are required to be engineered to avoid impacts on the operation of the floodway, and these facilities would be subject to the same design constraints permitting requirements and mitigation measures for any structure encroaching into a regulated water body.

As noted in Mitigation Measure 13-1, elements constructed within the levee system that involve potential effects on peak flows would be subject to review and approval of the City of Lathrop as well as several agencies with jurisdiction, including the Central Valley Flood Protection the Regional Water Quality Control Board, the San Joaquin County Flood Control and Water Conservation District, the California Department of Fish and Wildlife, and the U.S. Army Corps of Engineers.

## 2. PROJECT CONSTRUCTION EFFECTS ON SURFACE WATER QUALITY

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 13.0 of the Draft EIR, construction activities within the plan area would be extensive. Grading earth moving excavation and utility installation infrastructure development and building construction would disturb the existing vegetative cover soil and drainage systems over the entire plan area. Although the plan area is relatively flat and the potential for soil erosion is considered low intense rainfall and associated storm water run-off could result in short periods of sheet erosion within areas of exposed or stockpiled soils. If this erosion is uncontrolled, these soil materials could cause sedimentation and blockage of drainage channels. Further, the compaction of soils by heavy equipment may reduce the infiltration capacity of soils and increase the potential for runoff and erosion.

The City of Lathrop has adopted a Storm Water Management Plan (SWMP) to minimize the potential storm water quality impacts of development, including construction. The principal SWMP control on construction storm water quality is the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which is required for any development project exceeding one acre in size; this is a requirement of both the state general permit system and the City's SWMP. The SWPPP identifies potential construction pollution sources, identifies needed construction BMPs, and specifies maintenance and monitoring activities needed to prevent violation of applicable water quality standards. Construction BMPs include provisions for erosion control including limitations on disturbance and temporary soil stabilization through the use of mulch, seeding, soil stabilizers, and fiber rolls and blankets. BMPs may also include filtration devices, silt fences, straw bale barriers, and sediment traps or temporary basins.

As noted in Mitigation Measures 13-2 and 13-3, the SWPPP must be prepared prior to construction, be implemented during construction, and be available on the construction site. A Notice of Intent (NOI) describing the status of individual projects with the plan area and their associated SWPPP must be filed with the SWRCB, which then issues a Waste Discharger Identification Number (WDID).

## **2. South Lathrop Specific Plan**

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

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

In accordance with the NPDES Stormwater Program, Mitigation Measure 3.6-1, ensures compliance with existing regulatory requirements to prepare a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The RWQCB has stated that these erosion control measures are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement.

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

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the

Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** The management of water quality through obtaining a General Industrial Stormwater Permit and implementing BMPs is intended to ensure that water quality does not degrade to levels that would violate water quality standards. These are existing regulatory requirements. Mitigation Measures 3.4-7 and 3.4-8 would that the South Lathrop Specific Plan complies with these regulatory requirements which will ensure that BMPs are implemented to reduce the amount of pollution in stormwater discharged from the plan area into the San Joaquin River during the operational phase of the project.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** The South Lathrop Specific Plan is required to comply with several existing regulatory requirements that will ensure that this impact is less than significant. Mitigation Measures 3.6-1, 3.4-7, 3.4-8, and 3.9-1 are all existing regulatory requirements. Mitigation Measure 3.6-1 requires an approved SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP is reviewed by the Regional Water Quality Control Board as part of the permitting process. The SWPPP, once approved, is kept on site and implemented during construction activities and must be made available upon request to representatives of the RWQCB and/or the lead agency. The RWQCB has stated that these erosion control measures are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. The specific controls are subject to the review and approval by the RWQCB.

Mitigation Measures 3.4-7 and 3.4-8 contained in Section 3.4 Biological Resources would ensure that BMPs are implemented to reduce the amount of pollution in stormwater discharged from the plan area into the San Joaquin River during the operational phase of the project. There are various non-structural and structural stormwater BMPs that can be

implemented to reduce water pollution. Non-structural BMPs are typically aimed at prevention of pollution through public education and outreach. Non-structural BMPs identified in the City's Storm Water Master Plan (SWMP) include: school educational programs, newsletters, website information, commercial, billboards/advertisements, river cleanups, and storm drain stenciling. Structural BMPs are aimed at the physical collection, filtering, and detaining of stormwater. Structural BMPs include items such as drop inlet filters, vault filters, hydrodynamic separators, surface detention basins, and underground detention facilities. The management of water quality through obtaining a General Industrial Stormwater Permit and implementing BMPs is intended to ensure that water quality does not degrade to levels that would violate water quality standards.

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

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

## I. Noise

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. TRANSPORTATION-RELATED NOISE EXPOSURE IN THE PLAN AREA

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 14.0 of the Draft EIR, the noise study identified exposure to traffic noise from SR 120 as potentially significant. Noise exposure from SR 120 traffic may exceed 70 dB Ldn along the southern portion of the plan area. Office uses or other noise sensitive commercial/industrial buildings constructed within the 70 dB Ldn contour may experience interior traffic noise exposure in excess of the applicable 45 dB Ldn standard. It would be expected that the use of standard commercial construction practices would provide the needed interior noise mitigation. Implementation of Mitigation Measure 14-2, which requires the installation of upgraded acoustically rated exterior windows and doors in structures with line-of-sight of SR 120 and within the 70 dB contour, will ensure reduction of interior noise levels to a less than significant level.

## 2. CONSTRUCTION NOISE IMPACTS

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 14.0 of the Draft EIR, activities associated with the plan area construction would result in elevated noise levels, with maximum noise levels ranging from 77 to 85 dB Lmax. Such noise would likely be audible at the nearest existing residences, both within and adjacent to the plan area. It is understood that construction noise is temporary in nature and would cease once construction work is completed. Moreover, construction activities would likely occur during normal daytime working hours not during nighttime when noise would be most disturbing to residents. Nonetheless, because construction activities would result in short-term periods of elevated noise levels and since nearby residences would likely be exposed to these elevated noise levels this impact is considered potentially significant. Compliance with Lathrop Municipal Code Section 8.20.110, which limits hours of construction, and implementation of Mitigation Measures 14-3 and 14-4 that require proper maintenance of equipment and restrictions on the location of staging and storage areas in relationship to any residential uses, will reduce construction noise impacts to a less than significant level.

## 2. South Lathrop Specific Plan

1. IMPACT 3.12-5: THE PROJECT HAS THE POTENTIAL TO INCREASE STATIONARY NOISE AT SENSITIVE RECEPTORS

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

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

## J. Public Services and Recreation

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. IMPACTS ON POLICE PROTECTION SERVICES

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 16.0 of the Draft EIR, the project would involve the development of limited industrial uses, office/commercial uses and service commercial uses, which would increase the demand for police protection in the plan area as it is built out. The existing police station maintains some capacity for new development. However, at some point during development, a new police station or other facility would be required to accommodate the additional officers and administrative staff. According to the City's Municipal Service Review, any new facility would likely be located adjacent to the new government center at 390 Towne Center Drive (City of Lathrop 2009).

It is City policy that development will pay for all City services that it requires. According to the Municipal Service Review, capital costs for new police facilities would be funded

through development impact fees, while operational costs would be funded through the increased tax base (City of Lathrop 2009). Implementation of Mitigation Measure 16-1 would reduce impacts associated with an increased demand on police protection services in Lathrop by requiring that the applicant pay fees that would go toward the hiring and training of new police officers and purchase of equipment. With an adequate number of police staff, levels of service for police protection would not be adversely affected by the project. Mitigation Measures 16-2 and 16-3 would facilitate responses by emergency vehicles including police patrol cars and reduce the demand for police services during the construction phase of a project in the plan area.

## 2. IMPACT OF PROJECT ON FIRE PROTECTION SERVICES

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 16.0 of the Draft EIR, the Lathrop Gateway Business Park Specific Plan proposes the development of industrial, office commercial and service commercial land uses, all of which would require fire protection services to be provided by the Fire District. The increase in demand for fire protection services could result in the need for additional staff and equipment to maintain current levels of service and standard response times.

The Fire District determines appropriate locations for new fire stations using guidelines for maximum travel distance based on fire flow requirements. These guidelines require that areas with high fire flow requirement be no further than  $\frac{3}{4}$  mile from an engine company and one mile from a ladder company. Areas with low fire flow requirements should be no more than  $\frac{1}{2}$  mile from an engine company and two miles from a ladder company. The plan area includes commercial and industrial areas, which have a high fire flow requirement. Since the plan area is two miles from the nearest fire station, response times could be adversely affected and may not meet the Fire District's response time standard of three to four minutes in urban areas. This may require the construction of a fire station closer to the plan area to ensure adequate response times. The Fire District Master Plan and the City's General Plan have identified a couple locations just north of the plan area for a future fire station. Possibly not meeting the Fire District's response time standard is considered a potentially significant impact, however, construction of a new fire station along Yosemite Avenue, somewhere in the area between D'Arcy Parkway and McKinley Avenue would reduce impacts to less than significant levels. Until the future fire station site is constructed, if development within the plan area exceeds the Fire District guidelines for response times, this will remain a

potentially significant impact. Implementation of Mitigation Measure 16-4 would require the ODS to confirm response times can be provided using Fire District methodologies prior to authorizing occupancy of new structures.

The Fire District has the authority to ensure that adequate fire flow - including water volume, pressure, and quantity - is maintained within its service area. Minimum fire flow is calculated based on a number of factors, including structure density, height, number of stories, square footage, building materials, and structural design. Generally, industrial/commercial development would have a minimum fire flow requirement of 3,000 gpm. If fire flow is not adequate, fire protection services within the plan area could be impacted. It is not known if fire flow would be adequate within the plan area. This is considered a potentially significant impact as new water facilities may need to be constructed or existing water facilities would need to be improved. Implementation of Mitigation Measure 16-6 would require the installation of appropriately rated facilities to provide adequate fire flow thus reducing potential impacts to a less than significant level.

According to the Municipal Service Review, capital costs for new fire facilities would be funded through development impact fees (City of Lathrop 2009). Implementation of Mitigation Measure 16-5 would reduce impacts associated with an increased demand on fire protection services in Lathrop by requiring that the applicant pay fair share fees that would go toward the hiring and training of new firefighters and purchase of equipment. Mitigation Measure 16-7 would restrict the development of any structures in the plan area greater than 50 feet in height until the Fire District possesses appropriate equipment that can serve such heights. The mitigation measure requires the ODS to pay fees toward its fair share of this equipment. In addition, Mitigation Measure 16-1 would require the creation of a special assessment district that would provide adequate funding for area-specific fire services that the plan area would receive.

### 3. IMPACTS OF PROJECT ON ANIMAL CONTROL SERVICES

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 16.0 of the Draft EIR, the plan area contains several existing residences that would become part of the City of Lathrop upon annexation of the plan area. As plan area development progresses, existing residences would be removed thereby reducing, but not eliminating, the main source of demand for animal control services over time. While office, commercial and industrial land uses at full build out may require

particular services such as removal of wild animals, these occurrences would likely be infrequent. However, until build out of the plan area occurs, the existing residences and the introduction on new businesses into a rural setting will have a potentially significant impact on Animal Control services. Implementation of Mitigation Measures 16-8 would require the creation of a special assessment district that would provide adequate funding for area-specific services that the plan area would receive, including Animal Control.

## 2. South Lathrop Specific Plan

For the South Lathrop Specific Plan project, there are no potentially significant public services and recreation impacts which can be mitigated to a less than significant level.

### K. Transportation and Traffic

#### 1. Lathrop Gateway Business Park Specific Plan

##### 1. STAA TERMINAL ACCESS

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 18.0 of the Draft EIR, STAA stands for Surface Transportation Assistance Act of 1982. STAA is a symbol that helps drivers of large vehicles (i.e. Trucks) know that they are on an approved highway interstate local and/or state road for such vehicles. Roads that display the symbol are part of the STAA Network which includes all the previously mentioned categories. An STAA truck is a truck with a 48-foot semi-trailer, an unlimited overall length, and an unlimited kingpin-to-rear-axel (KPRA) distance. A California Legal truck has an overall maximum length of 65 feet and a maximum KPRA of 40 feet. Federal law requires that states allow STAA trucks reasonable access to terminals. In the 1980's, California evaluated all State routes and allowed STAA vehicles on those routes that could accommodate them. These are called Terminal Access (TA) routes which SR 120 is designated as one.

Currently the majority of the turning movements at the SR 120/Yosemite Avenue interchange ramps do not meet the STAA Terminal Access requirements associated with "off-tracking." Off-tracking is the tendency for rear tires to follow a shorter path than the front tires when turning. Off-tracking is the primary concern with longer vehicles because rear tires may clip street signs drive onto unpaved shoulders walkways or bike lanes or cross

the centerline on a curve creating a safety hazard for adjacent and oncoming traffic. Existing deficient truck turning movements on the SR 120/Yosemite Avenue ramps include the eastbound off-ramp, westbound off-ramp, and westbound on-ramp.

As development occurs within the Specific Plan area, it will introduce new truck traffic to the area that will utilize the SR 120/Yosemite Avenue interchange ramps. Improvements to these ramps will be necessary to meet the STAA Terminal Access requirements. The STAA design guidance is included in *Caltrans Highway Design Manual Topic 404*. The STAA design vehicle has a 48-foot semi-trailer. Mitigation Measure 18-4 identifies the requirement for the first phase of development that introduces semi-trailers for operational purposes with a length of 48 feet to improve ramp conditions at the SR 120/Yosemite Avenue interchange to meet STAA Terminal Access requirements. These improvements will reduce potential impacts to less than significant levels.

## 2. PUBLIC TRANSIT IMPACTS

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 18.0 of the Draft EIR, the nearest SJRTD bus stop is within a mile of the project site, near the Airport Way/Yosemite Avenue intersection. An extension of the intercity SJRTD Route 95 is encouraged to serve the project site. Mitigation Measure 18-5 acknowledges the need to extend Route 95 (or another route) to the plan area and for the ODS to provide at least one on-site bus stop for this extended route. Implementation of this measure will reduce public transit impacts to less than significant levels.

## 3. IMPACTS ON RAILROAD FACILITIES

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 18.0 of the Draft EIR, development of projects within the Plan Area would increase the amount of traffic at railroad crossings in the vicinity, thereby increasing the potential for accidents. Most crossings in the area are at-grade and some accidents have occurred in the area. General statistical information indicates the risk of accidents or incidents at railroad crossings near the plan area vicinity are relatively low.

Some of the crossings near the plan area are part of the 2007 SJCOG RTP (Lathrop Road at UPRR, Louise Avenue at UPRR, and Airport Way at UPRR) and were identified as Tier I funded improvement projects. The project's pro-rate payment of local traffic impact fees and the SJCOG regional traffic impact fee program are considered adequate mitigation for project impacts to the railroad crossings identified above which are located in the vicinity of the Specific Plan area.

Any modifications to the other four railroad crossings (D'Arcy Parkway, Yosemite Avenue, and two at McKinley Avenue) as a result of project build-out will be subject to review by both the City of Lathrop and the Public Utilities Commission (PUC). The PUC's approval is required to modify an existing railroad crossing. As identified Mitigation Measure 18-6, improvement plans will be required to include sufficient safety measures to maintain (or improve) on the relatively low incident rate at the existing railroad crossings. The inclusion of safety measures and review and approval of such plans by the City of Lathrop and the Public Utilities Commission will continue to maintain a relatively low incident rate at existing crossings, thus project impacts would be reduced to a less than significant level.

## **2. South Lathrop Specific Plan**

1. IMPACT 3.14-6: THE PROJECT DOES NOT IDENTIFY SPECIFIC TRANSIT FACILITIES (SUCH AS SHELTERED TRANSIT STOPS OR PULLOUTS)

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** The project would not disrupt existing or planned transit services or facilities or create an inconsistency with a General Plan policy relating to transit. Mitigation Measure 3.14-5 would require the project applicant to incorporate bus turnouts and shelters into the South Lathrop Specific Plan as required by the City's General Plan. Any remaining impacts after implementation of mitigation measure 3.14-4 would not be significant.

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

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the

Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Mitigation Measure 3.14-7 would require the project applicant to pay its fair share toward improvements to the City of Lathrop for the Lathrop Road/McKinley Avenue intersection, which is currently under contract. The project's fair share traffic contribution to these improvements is estimated to be 0.8% would be necessary to provide acceptable operations under cumulative conditions: Install traffic signal control; and provide for protected eastbound to southbound left-turn signal phasing. When the City of Lathrop constructs the proposed improvements described in Mitigation Measure 3.14-8, the intersection will operate at an acceptable LOS A with 10 seconds of delay in the AM peak hour and LOS B with 12 seconds of delay in the PM peak hour. This improvement is under contract and the intersection will be signalized by December 2014. Any remaining impacts after implementation of mitigation measure 3.14-8 would not be significant.

## L. Utilities and Service Systems

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. PROJECT IMPACT ON WASTEWATER TREATMENT FACILITIES

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 17.0 of the Draft EIR, build-out of the plan area would increase the amount of developed land uses and population in the City resulting in additional wastewater requiring treatment at the Manteca-Lathrop WQCF, WRP-1 and/or WRP-2 facilities. The project would generate an average flow of approximately 318,900 gpd or approximately 0.32 mgd. The City currently has 1.85 mgd of available wastewater capacity, of which it currently uses 0.9 mgd ADWF. The City's Wastewater Collection Master Plan, Wastewater Treatment and Disposal Master Plan (prepared in 2000 and updated in 2004) and the 2006 Lathrop 5-Year Plan have identified the requirements anticipated to be necessary for the conveyance and treatment of wastewater. As of the time this document was prepared, all wastewater flows in the City of Lathrop at buildout of the General Plan would be treated at WRP-1, WRP-2, or the Lathrop-Manteca WQCF.

Although several disposal options exist, the timing of improvements associated with these facilities is unknown at this time. Construction of WRP-2 would provide sufficient

wastewater treatment capacity to serve the Lathrop Gateway Business Park project. However, WRP-2 does not currently exist and it cannot be assured that treatment capacity at WRP-2 would be brought into service concurrently with demand generated by the project. In addition, until further phases are constructed at WRP-1, treatment capacity at WRP-1 may not be sufficient to serve the Lathrop Gateway Business Park project and other development in the City. Because sufficient wastewater treatment capacity is not currently available to support the project, this impact is considered significant. Implementation of Mitigation Measure 17-1 would ensure that adequate treatment capacity is identified prior to occupancy of any of the planned land uses within the plan area, thus reducing potential impacts related to the City's ability to provide adequate wastewater treatment to a less than significant level.

## 2. PROJECT IMPACT ON WASTEWATER CONVEYANCE SYSTEMS

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 17.0 of the Draft EIR, current wastewater disposal in the plan area is limited to private septic systems used by existing residences and other development. Since future development in the plan area would be connected to the City's wastewater system, the septic systems would no longer be used and the San Joaquin County Environmental Health Department recommends all existing septic systems be destroyed as part of developing the plan area and connecting to public sewer. Since leaving septic systems in place could have adverse impacts such as soil and water contamination, this would be a potentially significant impact if the existing septic systems were not systematically removed prior to development associated with the Specific Plan land uses. Implementation of Mitigation Measure 17-2 requires the removal of existing septic systems as development occurs within the plan area.

## 2. South Lathrop Specific Plan

1. IMPACT 3.15-2: THE PROJECT HAS THE POTENTIAL TO RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT AND/OR COLLECTION PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IS DOES NOT HAVE ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the

Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** Mitigation Measure 3.15-1 would require the project proponent to secure adequate wastewater treatment capacity prior to occupancy of any building that would require wastewater treatment services. The wastewater treatment capacity may come from a variety of existing facilities including the Lathrop Consolidated Treatment Facility, Crossroads POTW, and/or Lathrop-Manteca WQCF. These existing plants are permitted facilities that have undergone the appropriate environmental review. Alternatively, the wastewater treatment capacity may come from a variety of future facilities or expansions to existing facilities including a newly constructed wastewater treatment plant at the Lathrop Consolidated Treatment Facility, or a capacity expansion at Lathrop Consolidated Treatment Facility, Crossroads POTW, or Lathrop-Manteca WQCF. The second wastewater treatment plant at the Lathrop Consolidated Treatment Facility has undergone environmental review and is permitted under the City's waste discharge permit. The expansion of an existing facility would require the appropriate environmental review and waste discharge permits. Additionally, the project proponent would be required to install/connect the necessary collection/transmission infrastructure to ensure the appropriate treatment of all wastewater. Any remaining impacts after implementation of mitigation measure 3.15-1 would not be significant.

## M. Cumulative Impacts

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. CUMULATIVE IMPACTS ON INTERSECTION OPERATIONS

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Based upon the Final EIR and the entire record before the City, the City finds that the potentially significant effect will be mitigated to a less than significant level.

**Discussion:** As shown in Section 19.0 of the Draft EIR, "Cumulative Base Plus Project" traffic volumes were developed by incrementally superimposing proposed Specific Plan-generated trips at full build-out on top of "Cumulative Base (Current Project Site Condition)" traffic volumes. As shown in Table 19-3 of the Draft EIR, 10 signalized and one unsignalized study intersections are projected to operate at AM and PM peak hour LOS E or worse under the Cumulative Base Plus Project condition. Another seven signalized intersections are projected to operate at PM peak hour LOS E or worse. Therefore, the project would have cumulatively considerable impacts on LOS at specific intersections. Mitigation Measures 19-

1 and 19-2 specifically address these cumulative conditions and with their implementation through payment of fair share costs and construction of specific improvements (Mitigation Measure 19-2), potential cumulative impacts will be reduced to less than considerable.

## **2. South Lathrop Specific Plan**

For the South Lathrop Specific Plan project, there are no potentially significant cumulative impacts which can be mitigated to a less than significant level.

## **IX. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The EIRs for the Lathrop Gateway Business Park Specific Plan and the South Lathrop Specific Plan identified a number of significant environmental impacts, some of which can be reduced, although not to a less than significant level, through implementation of feasible mitigation measures identified in the EIRs and adopted by the City in connection with the approval of the specific plans. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and as more fully described in the EIRs, the City finds that the following impacts of the specific plan projects are significant and unavoidable and that no feasible mitigation measures or alternatives are available to reduce these impacts to a less than significant level. The city also finds that the environmental, economic, social, and other benefits of the project, override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

### A. Agricultural Resources

#### **1. Lathrop Gateway Business Park Specific Plan**

##### 1. CONVERSION OF AGRICULTURAL LAND

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** The Development of the plan area would result in the permanent conversion of approximately 60 acres of Prime Farmland, 135 acres of Farmland of Statewide Importance, and 40 acres of Farmland of Local Importance. The loss of Important Farmland as classified under the FMMP is considered a significant environmental impact. The SJMSCP provides policies recommendations or other direction dealing with the loss of farmland. The SJMSCP

establishes mitigation measures for such a loss (including the payment of a fee). However, fees contributed to the SJMSCP would only partially offset conversions of Important Farmland associated with project impacts. In addition, no new farmland would be made available, and the productivity of existing farmland would not be improved as a result of the SJMSCP mitigation. Therefore, full compensation for losses of Important Farmland would not be achieved resulting in a significant and unavoidable impact.

It should be noted that the Lathrop Comprehensive General Plan Environmental Impact Report, dated December 17, 1991, and amended twice (June 24, 1992 and May 20, 1997) evaluated the plan area as part of the overall evaluation of the build out of the City of Lathrop. The City of Lathrop Comprehensive General Plan EIR (1997) has documented that the level of impact related to the conversion of productive agricultural land to urban use within the Lathrop planning area (which includes the Lathrop Gateway Business Park Specific Plan area) would be irreversible.

There are no mitigation measures available that would reduce impacts related to the conversion of agricultural land to less than significant. Any remaining significant effect on the environment is unavoidable, but is acceptable due to overriding concerns as set forth below in the Statement of Overriding Considerations.

## **2. South Lathrop Specific Plan**

1. IMPACT 3.2-1: THE PROJECT HAS THE POTENTIAL TO RESULT IN THE CONVERSION OF FARMLANDS, INCLUDING PRIME FARMLAND, UNIQUE FARMLAND, AND FARMLAND OF STATEWIDE IMPORTANCE, TO NON-AGRICULTURAL USES

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Implementation of Mitigation Measure 3.2-1 would require the project proponents to participate in the City of Lathrop agricultural mitigation program and the SJMSCP prior to conversion of important farmland in the plan area by paying the established fees on a per-acre basis for the loss of important farmland. Fees paid toward the City of Lathrop's program must include half of the mitigation (\$1,000/acre) to be paid to the Central Valley Farm Trust (CVFT). The CVFT would use these funds to purchase conservation easements on agricultural lands to fulfill the compensatory mitigation. The other half (\$1,000/acre) will be collected by the City of Lathrop and may be passed to the CVFT or

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

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

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

## B. Air Quality

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. EFFECTS OF PROJECT OPERATIONS ON CRITERIA POLLUTANT EMISSIONS INCLUDING OZONE PRECURSOR

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Project build-out would involve unmitigated emissions of ROG, NO<sub>x</sub>, and particulate matter that would substantially exceed the established significance thresholds of

10, 10, and 15 tons per year, respectively. ROG and NO<sub>x</sub> emissions would contribute significantly to existing ozone nonattainment and PM emissions would contribute significantly to particulate matter nonattainment. There are no separate significance thresholds for PM<sub>10</sub> and PM<sub>2.5</sub>. Without mitigation, development of the project would result in significant air quality effects and would contribute to adverse health effects associated with these pollutants. The project would include several design features that would contribute to potential reductions in ozone precursor emissions as recognized in the URBEMIS model. The URBEMIS model was run again, incorporating the applicable mitigation options built into the model. The mitigation options are displayed explicitly in the model output shown in Appendix D of the Draft EIR. The assumed mitigation measures generated reductions in ROG, NO<sub>x</sub>, and particulate matter emissions of approximately 9%. Even with the incorporation of these design features, emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> would exceed the defined significance thresholds.

Unmitigated project emissions would contribute to countywide totals for ROG, NO<sub>x</sub>, and particulate matter in a range from 0.44% to 0.70%. Although small by percentage, these increases would contribute to local and regional pollutant levels, which would in turn have potential health effects on the general population and portions of the population with pollution-related health issues.

In addition to any design features that may be incorporated into the project, the required application of the APCD's adopted Rule 9510 Indirect Source Rule to the project would also result in substantial mitigation of NO<sub>x</sub> and PM emissions. The required NO<sub>x</sub> and PM reductions required by Rule 9510 amount to 33.3% and 50% reductions, respectively, from the unmitigated levels associated with the project. To fulfill the requirements of the Rule, the project applicant must pay the required Indirect Source Rule fee for any required reductions that have not been accomplished through project mitigation commitments (i.e. design features). The actual fees will be calculated by the APCD and the project applicants as individual projects (i.e. portions of the Specific Plan) are brought forward to the APCD for approval under Rule 9510.

Because the exact land use activities that would be established in the plan area is not known, it cannot be stated with certainty that the project emissions would decrease below the significance thresholds contained in GAMAQI. Therefore, as a conservative conclusion, individual project impacts throughout the plan area are considered significant and unavoidable.

## 2. South Lathrop Specific Plan

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

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

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

Implementation of Mitigation Measure 3.3-3 would require the project proponent to prepare and implement a transportation demand management (TDM) plan that includes numerous measures prior to the approval of improvement plans. These include: Provide secure bicycle parking in conjunction with commercial and office development; Provide designated vanpool parking spaces close to the employment center entry locations; Provide preferential carpool parking spaces close to the employment center entry locations; Provide on-site amenities that encourage alternative transportation modes such as locker, shower, and secure bike storage facilities; Provide on-site services such as personal mail boxes and day care that reduce mid-day trip generation; Provide information to business owners regarding the benefits of telecommuting options; Provide transit vouchers; Provide information to employees

regarding carpooling, ride sharing and other available programs; and Coordinate SJCOG's Commute Connection Program.

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

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

## C. Global Climate Change

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. GENERATION OF PROJECT-RELATED GREENHOUSE GAS EMISSIONS

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Development of the industrial, office commercial and service commercial land uses pursuant to the adoption of the Lathrop Gateway Business Park Specific Plan would generate greenhouse gas (GHG) emissions. These emissions would be long-term, continuing indefinitely. Direct GHG sources would include emissions from the combustion of natural gas for water and space heating in industrial type structures. Vehicle travel associated with the three land uses would produce continuing GHG emissions by internal combustion engines. The use of electrical energy for heating lighting and other services would also generate indirect GHG emissions from electrical generation. Water usage and waste disposal associated with the project would generate additional GHG emissions. Total projected annual emissions associated with Specific Plan development would be 0.189 MMT CO<sub>2</sub>e, which would amount to approximately 0.04% of the 2004 statewide GHG emissions, and approximately 0.044% of the 2020 statewide GHG emission goal of 427 MMT CO<sub>2</sub>e.

Design features built into the Specific Plan would reduce mobile source CO<sub>2</sub> emissions from 89,346.71 tons to 80,675.73 tons - a reduction of approximately 9.7%. Overall, CO<sub>2</sub>e emissions (excluding construction emissions) would decrease from 196,328.37 tons to 169,696.09 tons - a reduction of approximately 13.5%. In addition, implementation of the Mitigation Measures 10-1, 10-2, and 10-3 along with the use of green building techniques, would further reduce the amount of GHG emitted by development with the plan area. However, it cannot be stated with certainty that such measures would reduce GHG emissions from unmitigated levels by the 29% threshold set by the APCD. Therefore, as a conservative conclusion, project impacts on GHG emissions are considered significant and unavoidable.

### **2. South Lathrop Specific Plan**

For the South Lathrop Specific Plan project, there are no Global Climate Change impacts that are significant and unavoidable.

## D. Mineral Resources

### **1. Lathrop Gateway Business Park Specific Plan**

For the Lathrop Gateway Business Park Specific Plan project, there are no Mineral Resources impacts that are significant and unavoidable.

### **2. South Lathrop Specific Plan**

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Implementation of the South Lathrop Specific Plan would permanently convert the plan area to urban uses and would preclude the recovery of mineral resources from the plan area. While mitigation requiring the reclamation of mineral resources prior to urbanization of the site has been considered, this mitigation would conflict with project objectives identified in Chapter 2, Project Description, individually and collectively. Project objectives that would be in conflict are reprinted below.

- Establish a core of regional and local serving business and commercial uses that capitalize upon the visibility and access provided by SR 120, and augment City sales tax revenue.
- Provide for local and regional employment opportunities that take advantage of the plan area's high level of accessibility, allow for the expansion of the City's economic base, help create a jobs/housing balance, and reduce the commute for regional residents.
- Provide access to the San Joaquin River Trail, connecting to the City of Lathrop.
- Provide an efficient circulation system that includes not only automobile transportation but also pedestrian, bicycle and public transit.
- Provide infrastructure and services that meet City standards, integrate with existing and planned facilities and connections and do not diminish services to existing residents of the City.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.

- Strengthen the City’s economic base through South Lathrop Specific Plan’s job creation; development related investment; disposable income from future employees; and increased property, sales, and transient occupancy taxes.
- Development of land use densities and intensities at quantities that maximize the use of the land to meet the demands of the market while considering zoning and land uses restrictions. The quantifiable objectives include the development of up to 222 acres of limited industrial, 10 acres of commercial office, 31.5 acres of open space, 36 acres of related public facilities and 15.5 acres of right-of-way at ultimate build out, with a projected potential of approximately 4,288,918 square feet of employment-generating development.

A mitigation measure that would require recovery of mineral resources prior to urbanization of the plan area would be in conflict with the project objectives described above individually and collectively. Additionally, because of the high groundwater levels in the area, due in part to the proximity of the plan area to the San Joaquin River, recovery of the mineral resources would result in a mine pit filled with water that would effectively become a manmade lake. Two examples are present on neighboring properties—the Brown Sand mining facility directly to the south of the plan area, and the Oakwood Lakes Subdivision to the southeast. The Brown Sand facility is an active mine that has resulted in a large pit filled with water. The water filled pit is undevelopable for urban uses in the future. The Oakwood Lakes Subdivision is a reclaimed mine, that includes a large lake (the result of a mine pit) that is surrounded by residential homes. The large lake was deemed undevelopable at the time the property was reclaimed and developed. Similar to these two examples, mining of the plan area would result in a pit filled with water which would make the majority of the plan area undevelopable for urban uses. A mitigation measure that would require recovery of mineral resources prior to urbanization of the site would be in conflict with the project objectives, and would significantly reduce the area that could be developed with urban uses. There are no feasible alternatives or mitigation measures available that would reduce the impact to a less than significant level. Therefore, this impact is considered significant and unavoidable.

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** The plan area is designated as MRZ-2 by the City’s General Plan and the City’s General Plan includes policies in support of the reclamation of MRZ-2 mineral resources and specifically includes those resources in the project area. The City’s General Plan indicates that the lands classified as MRZ-2 are considered important to the area and of regional and statewide significance. Specifically, the General Plan identifies Mineral Resources Policy 1 which indicates that MRZ-2 lands should be mined and reclaimed, if determined practical and feasible, prior to their use for various urban purposes. Mineral Resources Policy 2 indicates that the depth of the known sand deposits of regional significance is considerable and that potential for mining to the depth is recognized for the lands between the I-5/SR 120 merge and the UPRR, which is where the plan area is located. Mineral Resources Policy 3 requires lands classified MRZ-2 with potential to mine to depth to have the combining “mineral resource open space zone.” While Policies 1 through 3 encourage the mining and reclamation of MRZ-2 lands, which includes those in the plan area, Policy 4 provides for development of such lands with urban uses without first being mined if compelling reasons can be stated by the City in support of such actions and the requirements of the relevant Public Resources Code sections are fulfilled. The analysis in the Draft EIR is limited to the environmental impacts of the South Lathrop Specific Plan and is not focused on the project’s social or economic merits. The project has significant social and economic benefits from the job opportunities and tax revenue that would be generated through the project. These social and economic merits are especially beneficial to and desirable by the City of Lathrop during the current economic climate.

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

## E. Noise

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. TRAFFIC NOISE EXPOSURE AT EXISTING NOISE-SENSITIVE LAND USES

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Residential uses on Yosemite Avenue between Swanson Road and Airport Way and McKinley Avenue between the south border of the plan area and just south of Bronzan Road would experience increased noise levels resulting from the project that would be noticeable to local residents. Typical measures to reduce the significant impact of the noise increases along these off-site roadway segments would be to construct a noise barrier along the property line in form of a masonry sound wall. However, because the applicant and/or their successors do not control these property lines, and the residential uses front the roadways and require driveway access, the construction of sound walls is not feasible. An alternative construction method of utilizing rubberized asphalt may be considered as a viable option to mitigate project-related traffic noise exposure increases at existing noise-sensitive receiver locations along the impacted roadway segments. Studies conducted for the Sacramento County Department of Environmental Review and Assessment and the Transportation Department to determine the noise reduction provided by rubberized asphalt have been completed. The studies show an average traffic noise level reduction of approximately 4 dB over that provided by conventional asphalt. The use of noise-reducing paving materials in the impacted areas appears to be a feasible means of achieving a 3 to 5 dB decrease in traffic noise and reducing the potential for adverse public reaction to future traffic noise levels along the impacted roadway segments identified above.

The use of rubberized asphalt through the implementation of Mitigation Measure 14-1 would reduce impacts along the Yosemite Avenue segment to a less than significant level. However, the impacted section of McKinley Avenue would still experience a noise level increase of approximately 5-7 dB under Existing plus Project conditions. Therefore, even after mitigation, the noise impacts along McKinley Avenue would be significant and unavoidable.

## **2. South Lathrop Specific Plan**

For the South Lathrop Specific Plan project, there are no Noise impacts that are significant and unavoidable.

### F. Transportation and Traffic

#### **1. Lathrop Gateway Business Park Specific Plan**

##### **1. EXISTING PLUS PROJECT (YEAR 2012/PHASE 1) INTERSECTION OPERATIONS IMPACTS**

As documented in the Draft EIR, development of the first phase of the specific plan is projected to generate 9,629 daily trips, with 763 AM peak hour trips (581 inbound, 182

outbound) and 889 PM peak hour trips (217 inbound 672 outbound) that could be characterized as incremental “new” trips on the adjacent off-street system.

The following significant impacts were identified:

- The unsignalized study intersection at I-5 SB Ramps/Lathrop Road is projected to operate at AM and PM peak hour LOS F conditions. While the LOS would be the same as existing conditions, the delay time would increase substantially more than five seconds.
- The unsignalized I5 NB Ramps/Lathrop Road intersection is projected to operate at PM peak hour LOS F condition - a worsening from its existing LOS E condition.
- The unsignalized McKinley Avenue/Lathrop Road intersection is projected to operate at PM peak hour LOS E condition - a worsening from its existing LOS D condition. This intersection is also projected to operate at AM peak hour LOS D condition. While this LOS would be the same as existing conditions, the delay time would increase more than five seconds.
- The Louise Avenue signalized intersection with Main Street is projected to operate at PM peak hour LOS E condition. While this LOS would be the same as existing conditions, the delay time would increase more than five seconds.
- The unsignalized Yosemite Avenue intersection with McKinley Avenue is projected to operate at PM peak hour LOS E condition - a worsening from its existing LOS B condition.
- The signalized Yosemite Avenue intersections with Union Road and Main Street are projected to operate at PM peak hour LOS D conditions. While this LOS would be the same as existing conditions, the delay time would increase more than five seconds.

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Recommended improvements and/or requirements to pay fair share to these identified intersections are incorporated into Mitigation Measures 18-1 and 18-2. LOS at the intersections after implementation of Mitigation Measure 18-1 would meet the appropriate minimally acceptable standards. However, although impact fee payments to the City of Manteca required under Mitigation Measure 18-2 would discharge project responsibilities toward the proposed improvement, there is no certainty that the improvement would be constructed. Since this improvement is outside the scope of the project (i.e. an improvement located in the City of Manteca), the project would result in significant and unavoidable

cumulative traffic impacts at the Main Street/Louise Avenue intersection until necessary improvements are completed by the City of Manteca.

## 2. EXISTING PLUS PROJECT ROADWAY SEGMENT OPERATIONS IMPACTS

All studied local roadway segments are projected to meet at least minimally acceptable LOS standards under Existing Plus Project conditions. However, the following regional segments will have significant impacts under Existing Plus Project conditions:

- The segment of I5 from the I-205 interchange to the SR 120 interchange is projected to operate at LOS F condition. While the LOS would be the same as existing conditions the project would add traffic to a freeway segment that does not currently operate at an acceptable LOS.
- The segment of I-5 from the SR 120 interchange to the Lathrop Road interchange is projected to operate at LOS E condition - a worsening from its existing LOS D condition.
- The segment of SR 120 from the I-5 interchange to the Yosemite Avenue/Guthmiller Road interchange is projected to operate at LOS F condition - a worsening from its existing LOS E condition, which already does not meet minimally acceptable standards.
- The segment of SR 99 south of the SR 120 interchange is projected to operate at LOS E condition - a worsening from its existing LOS D condition.

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Mitigation Measure 18-3 identified regional improvements and notes that project contribution towards regional traffic impact fees would cover project responsibility for identified freeway segment improvements. Because the needed improvements are not scheduled to be completed by Caltrans by the time demand is anticipated under (Existing Plus Project Year 2012/Phase 1) conditions and because the development of these improvements is outside the scope of the Lathrop Gateway Business Park project (i.e. these are regional improvements), the project would result in significant and unavoidable traffic impacts at the identified freeway segments until necessary improvements are completed by Caltrans. Since project contribution towards regional traffic impact fees would cover project responsibility for these improvements, no further project mitigation measures would be required once the improvements are completed.

## 2. South Lathrop Specific Plan

1. IMPACT 3.14-1: UNDER EXISTING PLUS PROJECT CONDITIONS, PROJECT IMPLEMENTATION WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SR 120/YOSEMITE AVENUE UNSIGNALIZED RAMP-TERMINAL INTERSECTIONS (#1 & 2)

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** The ramp-terminal intersections at SR 120/Yosemite Avenue currently operate at LOS A during both the AM and PM peak hours for the side-street approach (i.e., the SR 120 off-ramps) and do not satisfy the peak hour volume signal warrant under existing conditions. The addition of project traffic (existing plus 100% and 50% project conditions) would impact the ramp-terminal intersection operations from acceptable LOS A to unacceptable LOS F during both peak hours, as well as cause the intersection to meet the peak hour signal warrant. Implementation of the improvements outlined in Mitigation Measure 3.14-1 would reduce the impact to a less than significant level. As shown in Table 3.14-12 in the Draft EIR, the SR 120 EB Ramps intersection would operate at LOS A with 9 seconds of delay in the AM peak hour and LOS C with 22 seconds of delay in the PM peak hour. The SR 120 WB ramp intersection would operate at LOS B with 17 seconds of delay in the AM peak hour and LOS C with 21 seconds of delay in the PM peak hour. However, these identified improvements in Mitigation Measure 3.14-1 are within the jurisdiction of Caltrans and beyond the control of the City of Lathrop to implement without Caltrans involvement and approval. Due to the fact that the implementation of improvements within the identified measure are beyond the control of the City of Lathrop and that full improvement funding has not yet been secured, the impact is considered to be significant and unavoidable.

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

Alternative was rejected because the City determined that it was not feasible and would not meet the South Lathrop Specific Plan project objectives.

It should also be noted that the City's General Plan designates Light Industrial land uses on the south side of the SR 120 and Light Industrial, General Industrial and Freeway Commercial on the north side of SR 120. These General Plan land use designations have been planned for more than a decade and are the primary reason the SR 120 / Yosemite Avenue interchange is planned in San Joaquin Council of Governments (SJCOG) Tier II list of improvements in the 2013 Final Regional Transportation Plan (RTP). In order to initiate the programming of Tier II (unfunded) improvements at the SR 120 / Yosemite Avenue interchange, an analysis of both Existing Plus Project and Existing Plus 50% Build-out of the SLSP was completed based on a scoping meeting request by Caltrans District 10. Under Mitigation Measure 3.14-1, a phased analysis of improvements needed to accommodate 50% Build-out of the SLSP were identified. Under Mitigation Measure 3.14-1 and 3.14-10, the City of Lathrop in coordination with Caltrans will prepare a Project Study Report – Project Development Support (PSR-PDS) document. The PSR-PDS document will be used to develop encroachment permit designs and cost estimates at the SR 120 / Yosemite Avenue interchange based on the analysis contained in Chapter 3.14 Transportation and Circulation. In addition, the PSR-PDS document will be used by the City of Lathrop, Caltrans and SJCOG to identify the SR 120 / Yosemite Avenue interchange as a Tier 1 project. It should be noted that with build out of 50% of the South Lathrop Specific Plan, improvements identified in Mitigation Measure 3.14-1 must be constructed; thus coordination and processing through Caltrans must be completed.

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** The Yosemite Avenue/Airport Way intersection currently operates at LOS D with 51 seconds of delay in the PM peak hour. The addition of project traffic would result in unacceptable LOS E operations with 56 seconds of delay. Implementation of the improvements outlined in Mitigation Measure 3.14-2, would reduce the impact to a less than significant level. As shown in Table 3.14-12, the Yosemite Avenue/Airport Way intersection would operate at LOS C with 32 seconds of delay in the AM peak hour and LOS D with 50

seconds of delay in the PM peak hour with mitigation. However, as implementation of these measures is beyond the control of the City of Lathrop. There are no other feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, this impact is considered to be significant and unavoidable.

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** The addition of project traffic would exacerbate unacceptable operations (LOS E or F) on the following freeway facilities: Eastbound SR 120 between I-5 and Yosemite Avenue, Eastbound SR 120 diverge at Yosemite Avenue, Eastbound SR 120 merge at Yosemite Avenue, Eastbound SR 120 mainline between Yosemite Avenue and Airport, Eastbound SR 120 diverge at Airport Way, Eastbound SR 120 merge at Airport Way, Westbound SR 120 diverge at Airport Way, Westbound SR 120 mainline between Airport Way and Yosemite Avenue, Westbound SR 120 diverge at Yosemite Avenue, Westbound SR 120 mainline between Yosemite Avenue and I-5, and Westbound SR 120 diverge at the I-5 NB on-ramp. Implementation of the improvements outlined in Mitigation Measure 3.14-4 would require the project applicant to pay the appropriate San Joaquin Regional Traffic Impact Fee (RTIF), which is collecting fees from new developments to help fund widening of SR 120 to six lanes. The widening of SR 120 to six lanes would potentially improve operations at each impacted location to an acceptable level. Implementation of this mitigation measure would reduce the significance of the impact. However, this improvement is within the jurisdiction of Caltrans and is not scheduled to be completed by the time demand is anticipated to be under Existing Plus Project conditions. There are no feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Therefore, the impact is significant and unavoidable.

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project

override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

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

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

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

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

- Consideration of San Joaquin County Approvals (existing development): The potential vehicular access across the elevated railroad tracks to the south was included in the General Plan to provide connectivity to future development to the south of Lathrop in unincorporated San Joaquin County. However, a residential neighborhood (Oakwood Shores Subdivision) was approved by San Joaquin County and has been developed

without a connection to the plan area as shown in the Lathrop General Plan. The current roadway layout in the Oakwood Shores subdivision includes developed houses fronting on Chiavari Way, which fronts the railroad tracks. This approvals for this existing development occurred without acknowledgement or consistency with the City of Lathrop's General Plan.

- **Consideration of Physical Constraints:** Construction of the conceptual vehicular access as shown on the Lathrop General Plan Map is not ideal from a land use planning perspective now that Oakwood Shores is developed because it would require industrial traffic to travel through a residential neighborhood. Engineering of a ramped secondary access is not feasible because there is a significant elevation difference between the tracks and the adjacent ground with a short distance between the tracks and the lake within the Oakwood Shores Subdivision. Engineering an undercrossing is also not feasible because of the high groundwater.
- **Consideration of Permit/Approval Requirements:** A railroad crossing would require approvals/permits from Union Pacific Rail Road and the Public Utilities Commission, as well as an agreement with Oakwood Shores (a private gated residential community) given that San Joaquin County approved the Oakwood Shores development without the connection.
- **Consideration of Population Density:** The majority of the industrial land use within the plan area is anticipated to consist of large logistical warehouses. This land use will not generate population center where people reside. While the industrial development will create employment opportunities it is not anticipated to require the number of employees or create the amount of vehicle trips that retail, office or other types of non-residential uses might. Because the population density for the proposed uses is substantially lower compared to other urban uses within the City of Lathrop, the need for a secondary access is considered a lower priority to ensure the health and safety of people in the event of an emergency.
- **Consideration of Non-roadway Public Safety Measures:** The project includes a looped water system to provide fire flow rates and pressure to meet city and fire district requirements. Additionally, the City of Lathrop and the Lathrop-Manteca Fire Protection District (LMFPD) is committed to maintaining and updating emergency service plans, including plans for managing emergency operations, the handling of hazardous materials and the rapid cleanup of hazardous materials spills. The City continues to cooperate with the LMFPD, the County of San Joaquin, and other agencies in predisaster planning activities such as evacuation required in the event of a serious fire, hazardous spill, or breach of an upstream dam capable of flooding the community.

- Consideration of Other Alternative Secondary Access: The preparation of the South Lathrop Specific Plan included consideration of an alternative secondary access across the San Joaquin River via a bridge, connecting to Mancuso Road; however, a new bridge across the San Joaquin River was determined to be cost prohibitive rendering the industrial development economically infeasible. Additionally, because the City has not planned for growth in this area to the south, southwest of the plan area, a bridge in this location could induce unplanned growth if constructed. This alternative secondary access is considered infeasible. The preparation of the South Lathrop Specific Plan also included consideration of an alternative secondary access onto I-5 or SR 120; however, due to the distance between interchanges on these freeway segments relative to the location of the plan area it is not a feasible option.

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

- Entry Road Design: The entry road will be designed as a divided arterial with a raised median. The design will allow for continued circulation if one side becomes blocked during an emergency condition.
- Access to Levee Road: Two points of connection will be provided from the development to the existing levee road allowing for non-public secondary access.
- Internal Loop Road: Internal circulation will be designed with an emergency vehicle access road that will create a loop. The emergency road will also allow for public use under an emergency condition.
- Land Use & Site Plan: The industrial land use is anticipated to consist primarily of large logistical warehouses, which will not create a population (residents, employees, or visitors) or vehicle trips that residential, retail, office or other non-residential uses would.
- Eliminate GP Conceptual Crossing at UPRR: The UPRR crossing is proposed to be eliminated for the following reasons:
  - The Oakwood Shore Subdivision was approved by the County without the connection. It is presumed that San Joaquin County did not desire the connection to the plan area by this approval and it is unlikely that existing residents would agree to the access from an industrial project.

- The proposed South Lathrop Specific Plan uses (mostly industrial) would generate truck traffic that would not be compatible with the travel characteristics of the existing Oakwood Shores Subdivision (private gated residential community).
  - The physical constraints, including ground elevation difference, short distance between the tracks and the lake and high groundwater, make the engineering and constructability of the secondary access infeasible.
  - A railroad crossing would require approvals/permits/agreements, which may not be possible.
- Other Non-Roadway Public Safety Measures: The project will construct a looped water system and the developer will work with the City to prepare an emergency service and evacuation plan.

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

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** The SR 120 EB Ramps/Yosemite Avenue intersection would operate at an unacceptable LOS F during the AM and PM peak hours under both Cumulative No Project and Cumulative Plus Project conditions. The addition of project traffic would exacerbate unacceptable operations and would increase average control delay for the critical turn movement at the intersection by more than five seconds. The SR 120 WB Ramps/Yosemite Avenue intersection would operate at an acceptable LOS C and B in the AM and PM peak hours, respectively under Cumulative No Project conditions. The addition of project traffic would result in unacceptable LOS F operations during both peak hours. Both intersections would satisfy the peak hour signal warrant of installation of traffic signal control. Implementation of the improvements outlined in Mitigation Measure 3.14-7 would reduce the impact to a less than significant level. The SR 120 Eastbound Ramps/Yosemite Avenue

intersection would operate at LOS B with 12 seconds of delay in the AM peak hour and LOS C with 24 seconds of delay in the PM peak hour. The SR 120 Westbound Ramps/Yosemite Avenue intersection would operate at LOS A with 8 seconds of delay in the AM peak hour and LOS B with 17 seconds of delay in the PM peak hour. However, these measures are within the jurisdiction of Caltrans and beyond the control of the City of Lathrop to implement without Caltrans approval. Furthermore, funding for the remaining share of the cost has not been secured. If Caltrans does not approve the proposed improvements and/or full funding is not secured, then the intersections would continue to operate at an unacceptable level of service, and the projects contribution to this impact would be considered a significant impact. Due to the fact that the implementation of these measures is beyond the control of the City of Lathrop and that full improvement funding has not been secured, the impact is considered to be significant and unavoidable.

7. IMPACT 3.14-12: UNDER CUMULATIVE CONDITIONS, PROJECT IMPLEMENTATION WOULD EXACERBATE CUMULATIVELY UNACCEPTABLE LEVELS OF SERVICE AT THE LOUISE AVENUE/MCKINLEY AVENUE INTERSECTION

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** The intersection of Louise Avenue/McKinley Avenue would operate unacceptably at LOS D and LOS F in the AM and PM peak hour, respectively, under Cumulative No Project conditions. The addition of project traffic would exacerbate unacceptable operations and result in LOS E and LOS F conditions in the AM and PM peak hours, respectively. If the City of Lathrop constructs the proposed improvements described in Mitigation Measure 3.14-9, the intersection operations would improve to acceptable service levels. Mitigation Measure 3.14-9 requires the project applicant to pay its fair share toward the improvements. However, funding the remaining share of the cost of this improvement has not secured. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level. Therefore, this impact is considered significant and unavoidable.

8. IMPACT 3.14-13: UNDER CUMULATIVE CONDITIONS, PROJECT IMPLEMENTATION WOULD EXACERBATE CUMULATIVELY UNACCEPTABLE LEVELS OF SERVICE AT THE SR 120/AIRPORT WAY RAMP-TERMINALS INTERSECTIONS AND THE AIRPORT WAY/DANIELS STREET INTERSECTION

**Findings:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

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

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** The addition of project traffic would exacerbate unacceptable LOS in the AM and PM peak hours at 17 of the 23 study freeway facilities on SR 120 and I-5. Mitigation Measure 3.14-11 would require the project applicant to pay appropriate San Joaquin County

Regional Traffic Impact Fee (RTIF), which is collecting fees from new development to help fund improvements to SR 120. The cumulative conditions analysis assumed the programmed widening of SR 120 from four to six lanes. These improvements are partially paid for with the RTIF, which the development will be subject to. Without these assumed improvements, freeway operations would be worse than described. In addition, the commercial components of the project will generate additional revenues through the Measure K sales, which help fund SR 120 improvements. Additional improvements, beyond widening the SR 120 mainline to six lanes, are not currently planned or fully funded. However, implementation of planned parallel arterial roadway improvements and system-wide operational improvements such as ramp metering and auxiliary lane improvements will benefit SR 120 mainline operation during peak travel periods. Operational improvements will be developed through coordination with Caltrans during the Encroachment Permit process associated with improvements. However, the impact is considered significant and unavoidable because the improvements on SR 120 are within the jurisdiction of Caltrans and because implementation of operational improvements, while beneficial, would not reduce the impact to a less than significant level. There are no feasible alternatives or mitigation measures that would reduce this impact to a less than significant level.

## G. Utilities and Service Systems

### **1. Lathrop Gateway Business Park Specific Plan**

For the Lathrop Gateway Business Park Specific Plan project, there are no Utilities and Service Systems impacts that are significant and unavoidable.

### **2. South Lathrop Specific Plan**

1. IMPACT 3.15-3: THE PROJECT HAS THE POTENTIAL TO REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WASTEWATER TREATMENT OR COLLECTION FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Changes or alterations have been required in, or incorporated into, the project which will substantially lessen, but not to a less than significant level, the significant

environmental effect as identified in the Final EIR. Since no feasible mitigation measures or alternatives are available to reduce this impact to a less than significant level, this impact remains significant and unavoidable.

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

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

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

With development of the plan area, both the total volume of runoff and the peak discharge rate into the San Joaquin River will increase. New drainage infrastructure improvements will be constructed to meet these needs. Development of the storm drainage infrastructure within the plan area would contribute to the conversion of designated Important Farmland within the plan area to nonagricultural use. The loss of Important Farmland is considered a potentially significant environmental impact. Mitigation Measure 3.2-1 contained in Section 3.2 Agricultural Resources requires payment of fees to SJMSCP in order to fund the purchase of

conservation easements on agricultural and habitat lands in the project vicinity. The conservation easements ensure protection of land for agricultural uses in perpetuity, although it does not result in the creation of new farmland. As such, the development of storm drainage infrastructure within the plan area would contribute to the loss of Important Farmland which would be a significant and unavoidable impact.

## H. Cumulative Impacts

### **1. Lathrop Gateway Business Park Specific Plan**

#### 1. CUMULATIVE (AESTHETICS)

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Planned urban development in the Lathrop area as envisioned in the General Plan would result in extensive changes in viewsheds as lands surrounding the existing urban area are converted from rural agricultural to urban use. Both the Specific Plan and General Plan include policies that would influence the appearance and design of future development and which would address the related community design issues. However, these measures do not address the basic effect of urbanization on the aesthetic values of existing open space consequently the aesthetic effects associated with urbanization of rural agricultural lands were considered significant and unavoidable. The Lathrop Gateway Business Park Specific Plan would cumulatively contribute to the impact of converting agricultural open space land to urban development there is no known mitigation for this effect, which is therefore considered unavoidable, but is acceptable due to overriding concerns as set forth below in the Statement of Overriding Considerations.

#### 2. CUMULATIVE (AGRICULTURE)

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Development of the project and additional development within the Cities of Lathrop and surrounding cities would result in the conversion of Important Farmland. The conversion of Important Farmland as a result of the project is considered cumulatively considerable when considered in connection with the significant cumulative losses that will occur as a result of planned future development proposed in the City of Lathrop, surrounding cities, and the County as a whole. There is no known mitigation for this effect, which is therefore considered unavoidable, but is acceptable due to overriding concerns as set forth below in the Statement of Overriding Considerations.

### 3. CUMULATIVE (AIR QUALITY)

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** The potential air quality impacts of planned urbanization in the City of Lathrop including ozone precursor emissions, were addressed in the General Plan EIR and found to be significant. The General Plan EIR identified mitigation measures including source controls and transportation management systems. Even with the adopted mitigation measures, the General Plan EIR found that the cumulative impact of planned urbanization on ozone precursor emissions would be significant and unavoidable. As noted in Chapter 6.0 of the Draft EIR for the Lathrop Gateway Business Park project, the proposed Specific Plan would have a significant impact on ozone precursor and particulate matter emissions. These would result from increases in motor vehicle use as well as emissions from area-wide sources associated with development in the plan area.

The Specific Plan includes a detailed Air Quality Mitigation Plan that sets forth a range of mitigation measures that would reduce the potential air quality impacts of the Lathrop Gateway Business Park development. In addition, as a result of required conformance with Rule 9510, developments within the plan area will either include air quality mitigation measures that will substantially reduce air emissions to the levels specified in the Rule or they will be required to pay a fee that will be used to accomplish the same end. Despite these mitigation measures, it cannot be stated with certainty that they would reduce the Specific Plan's cumulative contribution to ozone and particulate matter emissions to a less than considerable level. This is especially the case when related projects are considered, since they can be expected to contribute significant amounts of these pollutants. Therefore, the Lathrop Gateway Business Park Specific Plan would likely make a considerable contribution to a significant cumulative air quality impact. Any remaining significant effect on the

environment is unavoidable, but is acceptable due to overriding concerns as set forth below in the Statement of Overriding Considerations.

#### 4. CUMULATIVE (GLOBAL CLIMATE CHANGE)

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** As documented in Chapter 10.0 of the Draft EIR, development under the proposed Lathrop Gateway Business Park Specific Plan would result in increased emissions of greenhouse gases (GHGs) and therefore potentially contribute to global climate change. Features of the Specific Plan plus the mitigation measures set forth in Chapter 10.0 would provide some reduction in GHG emissions. However, the emission reduction cannot be determined to meet the significance threshold set in the APCD's Climate Change Action Plan - a reduction of GHG emissions by at least 29% below business-as-usual conditions when combined with GHG emissions from other projects in the region. Therefore, the Lathrop Gateway Business Park Specific Plan, despite project-level mitigation and reductions in GHG emissions, would still make a considerable contribution to cumulative impacts on global climate change. Any remaining significant effect on the environment is unavoidable, but is acceptable due to overriding concerns as set forth below in the Statement of Overriding Considerations.

#### 5. CUMULATIVE (PUBLIC SERVICES)

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** At this time, it is unclear whether sufficient police, fire, animal control, and school facilities are planned to serve all of the related projects identified in the Draft EIR. It is a City policy to ensure that balanced fiscal resources are available to fund public services for new development. While some of the related projects include proposals for the construction of service facilities, others do not.

A cumulative shortage of public services and facilities would not by itself represent a significant environmental impact because these are not strictly speaking environmental effects. However, such a shortage would lead to the need to develop additional public services facilities, which could lead to significant environment effects related to their construction and operation. It is assumed that the development of the related projects and/or development of the additional public service facilities required to serve them would be preceded by the required CEQA review. However, conducting the required CEQA review would not necessarily guarantee that significant environmental effects associated with construction of new fire police animal control and school facilities would not occur. Hence, significant cumulative environmental effects associated with the development of new fire, police, animal control, and school facilities would potentially occur. Although the project would not create a significant demand for public services after implementation of the mitigation measures identified in the Draft EIR, it is considered to make a cumulatively considerable incremental contribution to significant cumulative public services impacts. Any remaining significant effect on the environment is unavoidable, but is acceptable due to overriding concerns as set forth below in the Statement of Overriding Considerations.

6. CUMULATIVE (PUBLIC UTILITIES WATER WASTEWATER AND RECYCLED WATER)

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** 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. The Water Master Plan provides for all the water and wastewater needs for cumulative City development. Needed facilities are included in the Water Master Plan to meet the needs of build-out of the City and the Water Master Plan EIR evaluates related impacts of constructing and operating these facilities. 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.

7. CUMULATIVE (CUMULATIVE IMPACTS ON ROADWAY SEGMENT OPERATIONS)

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** As shown in Table 19-4 of the Draft EIR, 11 study segments are projected to operate at LOS E or worse under the Cumulative Base Plus Project condition. Therefore, the project would have cumulatively considerable impacts on LOS at these 11 specific roadway segments.

Implementation of Mitigation Measure 19-3 would reduce the cumulative impacts of the project to a level that is less than cumulatively considerable. However, because the interchange improvements named in Mitigation Measure 19-4 and the roadway segment improvements on I-5, SR 120, and SR 99 described previously are outside the scope of the project (i.e. these are regional improvements), the project would result in significant and unavoidable cumulative traffic impacts at the identified freeway segments until necessary improvements are completed by Caltrans. In addition, although impact fee payments to a Joint Traffic Impact Fee established by the Cities of Lathrop and Manteca required under Mitigation Measure 19-5 would discharge project responsibilities toward the proposed improvement, there is no certainty that the improvement would be constructed. Since this improvement is outside the scope of the project (i.e. this is an improvement located in the City of Manteca), the project would result in significant and unavoidable cumulative traffic impacts at the Main Street/Yosemite Avenue intersection until necessary improvements are completed by the City of Manteca. Any remaining significant effect on the environment is unavoidable, but is acceptable due to overriding concerns as set forth below in the Statement of Overriding Considerations.

## **2. South Lathrop Specific Plan**

### **1. IMPACT 4.2: CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION**

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Implementation of the South Lathrop Specific Plan would convert the plan area from its existing agricultural character to a developed industrial and commercial complex with various buildings, landscaping, and parking areas. South Lathrop Specific Plan implementation would alter the existing visual character of the plan area; however, the guidelines and standards within the South Lathrop Specific Plan would ensure consistent development that is in line with the City's vision for the community's identity. Under cumulative conditions, buildout of the Lathrop General Plan and Manteca General Plan and surrounding areas of San Joaquin County could result in changes to the visual character and quality of the City of Lathrop through development of undeveloped areas and/or changes to the character of existing communities. Development of this South Lathrop Specific Plan, in addition to other future projects in the area, would change the existing visual and scenic qualities of the City. There are no mitigation measures or alternatives that could reduce this impact to a less than significant level except a ceasing of all future development, which is not a feasible option. As such, the Projects' contribution to this impact is cumulatively considerable and the impact is significant and unavoidable.

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Implementation of Mitigation Measure 3.2-1 would require the project proponents to participate in the City of Lathrop agricultural mitigation program and the SJMSCP by paying the established fees on a per-acre basis for the loss of farmland. Fees also include \$1,000/acre to be paid to the Central Valley Farm Trust (CVFT) for use to purchase conservation easements on agricultural lands, \$1,000/acre paid to the City of Lathrop to either be passed to the CVFT or other trust, or to be retained by the City of Lathrop to be applied to local easements or other agricultural mitigation. In addition to the \$2,000/acre paid through the City's program, fees paid toward the SJMSCP will benefit both habitat and agriculture. Fees paid toward the SJMSCP will be in accordance with the fees established at the time they are paid (2013 fees for Agricultural Habitat is \$12,711/acre). The SJCOG will use these funds to purchase conservation easements on agricultural habitat lands to fulfill the compensatory mitigation. Written proof of payment to SJCOG and CVFT must be provided to the City. The combination of the City's mitigation program and the SJMSCP will provide compensatory mitigation at a ratio of 1:1 or more.

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

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

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Changes or alterations have been required in, or incorporated into, the project which will substantially lessen, but not to a less than significant level, the significant environmental effect as identified in the Final EIR. Since no feasible mitigation measures or alternatives are available to reduce this impact to a less than significant level, this impact remains significant and unavoidable. Mitigation Measures 3.3-1, 3.3-2, and 3.3-3, could result in substantial mitigation of emissions. The reductions are accomplished by the incorporation of mitigation measures into projects and/or by the payment of an Indirect Source Rule fee for any required reductions that have not been accomplished through project mitigation commitments. The current fees are \$9,350 per ton of NO<sub>x</sub> and \$9,011 per ton per of PM. The actual calculations will be accomplished by the SJVAPCD and project applicants as individual projects (i.e. portions of the Specific Plan) are brought forward for approval under Rule 9510. However, even with the application of the ISR and the mitigation measures described above, emissions levels would remain above the defined thresholds of significance. As such, operation of the South Lathrop Specific Plan would have a significant and unavoidable impact relative to operational air emissions. Additionally, Mitigation Measure 3.3-4 requires the applicant to add policy language into the Specific Plan that addresses the

potential use of a VERA as a method to achieve emissions reductions in excess of District Rule 9510 (Indirect Source Review) requirements. The policy also requires consideration of the benefits of improved air quality with the costs of implementation in the decision making process. Because a VERA is a voluntary contractual agreement that is negotiated, it cannot be certain that both parties will agree to acceptable terms. The inclusion of this policy language does not guarantee that the impact would be reduced to a less than significant level. As such, the Projects contribution to this impact is cumulatively considerable and the impact is significant and unavoidable.

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** According to the City of Lathrop Municipal Services Review and Sphere of Influence Plan, with groundwater pumping projected to increase in the City and in Manteca, absolute preservation of groundwater supply does not appear possible (City of Lathrop, 2009). The impact, however, will be mitigated through: 1) the implementation of the SCWSP and the subsequent blending of groundwater with low-TDS surface water; 2) water treatment; and, 3) pursuit of alternative water supplies in accordance with WSS findings. In addition, regional implementation of the integrated conjunctive use program presented in the ESJGB-GMP (including groundwater recharge, increased surface water use, and reduced rates of groundwater pumping) could slow or reverse the migration of the groundwater salinity front.

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

The demand on groundwater cannot, at this time, keep up with the supply. While the South Lathrop Specific Plan would not increase the demand on groundwater above the City of Lathrop allocation, future development projects or those outside of the City's jurisdiction may increase the demand for groundwater. Because of projected future growth in the ESJGB,

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

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Implementation of the South Lathrop Specific Plan would permanently convert the plan area to urban uses and would preclude the recovery of mineral resources from the plan area. For the reasons described above under Impacts 3.11-1 and 3.11-2, this was determined to be a significant and unavoidable impact because there are no feasible mitigation measures or alternatives. Because mineral resources are a finite resource, the loss of this mineral resource in the plan area would result in a cumulatively considerable contribution to this impact and the impact is significant and unavoidable.

6. IMPACT 4.19: CUMULATIVE IMPACT ON FIRE SERVICES

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Implementation of the South Lathrop Specific Plan would contribute toward an increased demand for fire service within the Lathrop-Manteca Fire Protection District and a new fire station site at the northeast corner of McKinley Boulevard and Yosemite Avenue is planned. This new station will provide service to the project within the City's and LMFPD's

response times; however, until the fire station is constructed, development within the plan area and surrounding will exceed City and LMFPD guidelines for response times. Development in the South Lathrop Specific Plan will pay all applicable fire service fees and assessments required to fund its fair share of LMFPD facilities and services. This funding would assist in the development of fire facilities in order to meet the City's and LMFPD response time standards.

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

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

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** The SR 120 EB Ramps/Guthmiller Road intersection would operate at an unacceptable LOS F during the AM and PM peak hours under both Cumulative No project and Cumulative Plus project conditions. The addition of project traffic would exacerbate unacceptable operations and would increase average control delay for the critical turn movement at the intersection by more than five seconds. The SR 120 WB Ramps/Guthmiller Road intersection would operate at an acceptable LOS C and B in the AM and PM peak hours, respectively under Cumulative No project conditions. The addition of project traffic would result in unacceptable LOS F operations during both peak hours. Both intersections would satisfy the peak hour signal warrant of installation of traffic signal control. Implementation of the improvements outlined in Mitigation Measure 3.14-10 would make the SR 120 Eastbound Ramps/Guthmiller Road intersection operate at LOS B with 12 seconds of delay in the AM peak hour and LOS C with 24 seconds of delay in the PM peak hour. The SR 120 Westbound Ramps/Guthmiller Road intersection would operate at LOS A with 8 seconds of delay in the AM peak hour and LOS B with 17 seconds of delay in the PM peak hour. However, these measures are within the jurisdiction of Caltrans and beyond the control of the City of Lathrop to implement without Caltrans approval. Furthermore, funding

for the remaining share of the cost has not been secured. If Caltrans does not approve the proposed improvements and/or full funding is not secured, then the intersections would continue to operate at an unacceptable level of service, and the projects contribution to this impact would be cumulatively considerable. Due to the fact that the implementation of these measures is beyond the control of the City of Lathrop and that full improvement funding has not been secured, the impact is considered to be significant and unavoidable.

The Lathrop Road/McKinley Avenue intersection operates at LOS F during the PM peak period under Cumulative No project conditions. The addition of project traffic would exacerbate unacceptable LOS F conditions at this intersection and increase control delay during the PM peak hour by more than five seconds. This intersection satisfies the Peak Hour Signal Warrant for installation of traffic signal control under both cumulative scenarios. Implementation of the improvements outlined in Mitigation Measure 3.14-11 would make the intersection operate at an acceptable LOS A with 10 seconds of delay in the AM peak hour and LOS B with 12 seconds of delay in the PM peak hour. However, the impact would remain significant and unavoidable and would be a cumulatively considerable contribution because funding the remaining share of the cost of this improvement has not secured.

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

The SR 120/Airport Way ramp-terminal intersections and Airport Way/Daniels Street intersections are projected to operate at unacceptable LOS F conditions during both peak hours under Cumulative No project. The addition of project traffic would exacerbate unacceptable operations at these intersections. Implementation of the improvements outlined in Mitigation Measure 3.14-13 would make the Airport Way/Daniels Street intersection operate at LOS C with 31 seconds of delay in the AM peak hour and LOS D with 53 seconds of delay in the PM peak hour. The SR 120 WB Ramps/Airport Way intersection would operate at LOS B with 13 seconds of delay in the AM peak hour and LOS D with 36 seconds of delay in the PM peak hour. The SR 120 EB Ramps/Airport Way intersection would operate at LOS B with 12 seconds of delay in the AM peak hour and LOS D with 42 seconds of delay in the PM peak hour. However, these measures are within the jurisdiction of Caltrans and City of Manteca and beyond the control of the City of Lathrop to implement

without Caltrans and City of Manteca approval. Furthermore, funding for the remaining share of the cost has not been secured. If Caltrans and the City of Manteca do not approve the proposed improvements and/or full funding is not secured, then the intersections would continue to operate at an unacceptable level of service, and the project's contribution to this impact would be cumulatively considerable. Due to the fact that the implementation of these measures is beyond the control of the City of Lathrop and that full improvement funding has not been secured, the impact is considered to be significant and unavoidable.

The addition of project traffic would exacerbate unacceptable LOS in the AM and PM peak hours at 15 of the 23 study freeway facilities on SR 120. Mitigation Measure 3.14-14 requires the payment of a Regional Traffic Impact Fee (RTIF), which will fund a portion of the improvements necessary to improve SR 120 to an acceptable LOS. The cumulative conditions analysis assumed the programmed widening of SR 120 from four to six lanes. These improvements are partially paid for with the RTIF. Without these assumed improvements, freeway operations would be worse than described. In addition, the commercial components of the South Lathrop Specific Plan will generate additional revenues through the Measure K sales, which help fund SR 120 improvements. Additional improvements, beyond widening the SR 120 mainline to six lanes, are not currently programmed. However, implementation of planned parallel arterial roadway improvements and system-wide operational improvements such as ramp metering and auxiliary lane improvements will benefit SR 120 mainline operation during peak travel periods. Operational improvements will be developed through coordination with Caltrans, SJCOG, and the local jurisdiction where the improvement is located. If the improvements and/or full funding are not secured, then SR 120 would continue to operate at an unacceptable level of service, and the project's contribution to this impact would be cumulatively considerable. Since the implementation of these measures is beyond the control of the City of Lathrop and full improvement funding has not been secured and because there are no other feasible alternatives or mitigation measures that would reduce this impact to a less than significant level, the impact is considered to be significant and unavoidable.

#### 8. IMPACT 4.22: CUMULATIVE IMPACT ON WASTEWATER UTILITIES

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Changes or alterations have been required in, or incorporated into, the project which will substantially lessen, but not to a less than significant level, the significant

environmental effect as identified in the Final EIR. Since no feasible mitigation measures or alternatives are available to reduce this impact to a less than significant level, this impact remains significant and unavoidable.

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

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

The WTDMP identifies the steps needed to treat the City's wastewater under cumulative conditions; however WRP-2 of the wastewater treatment process has not been constructed at this time. While the Project by itself does not exceed the existing capacity of the wastewater treatment plant, the South Lathrop Specific Plan in combination with future projects under buildout conditions would likely result in a deficit of capacity warranting improvements to increase treatment capacity. Each project that receives wastewater collection and treatment services is required to pay a connection fee, which serves as a project share of service expansion. However, it cannot be assumed that all potential environmental impacts associated with the development of the additional wastewater capacity and infrastructure

required to serve these related projects would necessarily be mitigated to less than significant levels. For instance, development of the wastewater system within the plan area and Offsite, would contribute to the conversion of designated Important Farmland to nonagricultural use. The loss of Important Farmland is considered a potentially significant environmental impact. Mitigation Measure 3.2-1 contained in Section 3.2 Agricultural Resources requires payment of fees to SJMSCP in order to fund the purchase of conservation easements on agricultural and habitat lands in the project vicinity. The conservation easements ensure protection of land for agricultural uses in perpetuity, although it does not result in the creation of new farmland. As such, the development of infrastructure within the plan area would contribute to the loss of Important Farmland which would be a significant and unavoidable impact.

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

#### 9. IMPACT 4.23: CUMULATIVE IMPACT ON WATER UTILITIES

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

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

The total projected water demand for the South Lathrop Specific Plan at buildout is estimated to be approximately 565 acre-feet per year (af/yr). According to the Water Supply Assessment completed for the South Lathrop Specific Plan, the City's existing and additional potable water supplies are sufficient to meet the City's existing and projected future potable water demands, including those future water demands associated with the South Lathrop Specific Plan, to the year 2035 under all hydrologic conditions. In addition, the South

Lathrop Specific Plan anticipates the use of recycled water to provide irrigation for landscaped areas in order to reduce the demand for potable water.

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

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

#### 10. IMPACT 4.24: CUMULATIVE IMPACT ON STORMWATER FACILITIES

**Finding:** The City finds that these impacts are significant and unavoidable and that no feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts. The environmental, economic, social and other benefits of the project override any remaining significant adverse impacts, as more fully stated in the Statement of Overriding Considerations.

**Discussion:** Discharge rates are required to be limited to a maximum of 30 percent of the 100-year flow rate. Runoff from the plan area is anticipated to discharge to the San Joaquin River through a proposed outfall located near the southwest corner of the plan area. The outfall is regional facility consistent with the City's Master Drainage Plan, which will also serve the Lathrop Gateway Business Park Specific Plan (LGBPSP) area and development area along the McKinley Corridor. The City of Lathrop requires all development projects in the City to be consistent with the drainage regulations established in the Storm Water Development Standards Plan (SWDS). These standards have been developed in response to the requirements contained in its Municipal Separate Storm Water Sewer System (MS4) NPDES Permit. All drainage facilities will be constructed according to City standards. All drainage facilities for the South Lathrop Specific Plan will be developed on-site, except for a

possible interim connection to the Crossroad outfall, and would not require the construction or expansion of existing City drainage facilities.

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

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

## **X. FINDINGS ON PROJECT ALTERNATIVES**

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

The EIRs for the Lathrop Gateway Business Park Specific Plan project and the South Lathrop Specific Plan project identified and analyzed a reasonable range of alternatives to each respective specific plan project. The alternatives analyzed are as follows:

## **1. Lathrop Gateway Business Park Specific Plan**

### 1. No Project Alternative

The “No Lathrop Gateway Business Park Project” Alternative is defined as the continuation of existing conditions and trends in the project area. This alternative would involve no action on the part of the City, San Joaquin LAFCO, or other agencies to approve the proposed specific plan, annexation, general plan amendment, pre-zoning, future tentative maps, development agreements, or other approvals required for development of the Lathrop Gateway Business Park. Under the “No Lathrop Gateway Business Park Project” Alternative, development of the proposed industrial, office, and service commercial uses, as well as planned infrastructure and other improvements, would not occur.

Urban development and proposals for additional development, along the urban fringe are continuing. If the Lathrop Gateway Business Park Specific Plan is not approved by the City of Lathrop, it is probable that other proposals for urban development of the plan area or portions of the plan area would be brought forward for approval. Alternative urban development projects proposed for the plan area would involve a range of potential environmental effects that could result in lesser or greater environmental effects than the Lathrop Gateway Business Park Specific Plan. As a result, avoidance of the significant environmental effects associated with the primary alternative analysis scenario may be temporary rather than permanent. Based on these findings and the entire record before the City, the City rejects the “No Lathrop Gateway Business Park Project” Alternative because potential impacts will not be avoided over the long-term planning horizon. In addition, none of the project objectives would be achieved under this alternative.

### 2. Site Development Under San Joaquin County Jurisdiction with Low Intensity Use Under Agricultural-Urban Reserve Designation Alternative

The “Site Development Under San Joaquin County Jurisdiction with Low Intensity Use Under Agricultural-Urban Reserve Designation” Alternative would involve an urban development proposal or proposals for the plan area that would be guided by the land uses identified under the San Joaquin County General Plan. The County General Plan identifies General Commercial (C/G) north of Yosemite Avenue and Limited Industrial (I/L) on the western half of the plan area. The eastern half of the plan area is designated Agricultural-Urban Reserve (A/UR). This designation is applicable in areas expected to become urban, but most likely beyond the planning period of the General Plan. Under this alternative, low intensity land uses would be proposed on the A/UR designation. The significant environmental effects of the Lathrop Gateway Business Park Specific Plan would not necessarily be avoided or substantially lessened by this alternative. Effects on open space,

agricultural, land, noise, air quality, and potential biological habitat would not be significantly reduced. Based on these findings, and the entire record before the City, the City rejects the “Site Development Under San Joaquin County Jurisdiction with Low Intensity Use Under Agricultural-Urban Reserve Designation” Alternative because potential impacts will not be avoided or significantly reduced as compared to the proposed project. Moreover, this alternative is rejected because it would not achieve most of the project objectives.

### 3. No Development East of McKinley Avenue Alternative

The “No Development East of McKinley Avenue” Alternative would involve maintaining the approximate proposed development intensity/density, but doing so within a reduced overall geographic area. The area east of McKinley Avenue would be removed from the overall Specific Plan for the Lathrop Gateway Business Park. This would equate to a 13% or a 4.9-acre reduction in the overall Lathrop Gateway Business Park Specific Plan footprint. The rationale to remove this area from the overall Specific Plan is based on location and presence of a known biological resource (i.e. wetland area and potential CTS breeding habitat). The location of the 49 acres also has logical boundaries, McKinley Avenue to the west, Yosemite Avenue to the north, and the UP Railroad tracks to the southeast.

The “No Development East of McKinley Avenue” Alternative would involve some lessening of the direct physical effects of the Lathrop Gateway Business Park Specific Plan. The reduction in the land area under this alternative would result in proportional reductions in its effects on loss of open space conversion of agricultural land increase in noise levels and biological resources. Also reduction of the footprint and corresponding reductions in the development yield of the Lathrop Gateway Business Park Specific Plan would result in minor reductions in the traffic and air pollution effects of the proposed project. The City rejects this alternative as it falls short of avoiding or reducing significant environmental effects. In addition, this alternative does not meet the principal objectives of the Lathrop Gateway Business Park Specific Plan project.

**Finding:** The City certifies that it has independently reviewed and considered the information provided in the Lathrop Gateway Business Park Specific Plan EIR, and elsewhere in the record regarding alternatives to the proposed project. The EIR reflects the City’s independent judgment. The City finds that the Project provides the best balance between the City’s goals and objectives, the project’s benefits as described below in the Statement of Overriding Considerations, and mitigation of environmental impacts to the extent feasible. The alternatives proposed and evaluated in the EIR are rejected for the reasons stated in the EIR and elsewhere in the record. Each individual reason presented constitutes a separate and independent basis to reject the project alternatives as being infeasible.

## 2. South Lathrop Specific Plan

### 1. No Build Alternative

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

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

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

### 2. No Project Alternative (General Plan Alternative)

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

**Finding:** Environmental benefits of this alternative over the South Lathrop Specific Plan include the reduction of impacts to land use and population, and transportation and circulation. The environmental impacts associated with the following topics would be equal

to the South Lathrop Specific Plan: aesthetics and visual resources, agricultural and forest resources, biological resources, cultural resources, geology and soils, and mineral resources. The environmental impacts associated with the following topics would be greater than the South Lathrop Specific Plan: air quality, greenhouse gases and climate change, hazards and hazardous materials, hydrology and water quality, noise, public services and recreation, and utilities.

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

For example, this alternative would not meet the “Quantified Development” objective for the project, which would involve the development of land use densities and intensities at quantities that maximize the use of the land to meet the demands of the market while considering zoning and land uses restrictions. The quantifiable objectives include the development of approximately 220 acres of limited industrial, 10 acres of commercial office, 31 acres of open space, 36 acres of related public facilities and 15 acres of right-of-way at ultimate build out, with a projected potential of approximately 4,288,918 square feet of employment-generating development.

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

Additionally, this alternative would not take advantage of the commercial opportunity located immediately adjacent to SR 120 and the associated on- and off-ramps. The proposed project, on the other hand, includes a General Plan amendment to maximize a small Commercial opportunity that fronts on a high traffic freeway (SR120), while maintaining the remainder of the site for Industrial uses. The Commercial use will serve both pass-by trips and trips associated with uses within the SLSP area.

For the reasons provided above, this alternative is rejected.

### 3. Reduced Project Alternative

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

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

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

For example, this alternative would not meet the “Quantified Development” objective for the project, which would involve the development of land use densities and intensities at quantities that maximize the use of the land to meet the demands of the market while considering zoning and land uses restrictions. The quantifiable objectives include the development of approximately 220 acres of limited industrial, 10 acres of commercial office, 31 acres of open space, 36 acres of related public facilities and 15 acres of right-of-way at ultimate build out, with a projected potential of approximately 4,288,918 square feet of employment-generating development. This alternative would reduce the development by approximately one third.

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

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

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

For each these reasons, this alternative is rejected.

#### 4. Agricultural Protection Alternative

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

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

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

This alternative would not meet the “Quantified Development” objective for the project, which would involve the development of land use densities and intensities at quantities that maximize the use of the land to meet the demands of the market while considering zoning and land uses restrictions. The quantifiable objectives include the development of approximately to 220 acres of limited industrial, 10 acres of commercial office, 31 acres of open space, 36 acres of related public facilities and 15 acres of right-of-way at ultimate build out, with a projected potential of approximately 4,288,918 square feet of employment-

generating development. This alternative would reduce the development by approximately 63.8 percent.

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

This alternative would not meet the “Economic Contribution” objective, which would strengthen the City’s economic base through South Lathrop Specific Plan’s job creation; development related investment; disposable income from future employees; and increased property, sales, and transient occupancy taxes. This alternative would reduce the development by approximately 63.8 percent, which would be expected to reduce the Economic Contribution from the Plan Area by 63.8 percent. Moreover, this alternative is not consistent with the General Plan which recognized the entire site would eventually develop with non-agricultural uses over a majority of the available acreage.

For these reasons, this alternative is rejected.

## **XI. STATEMENT OF OVERRIDING CONSIDERATIONS**

As set forth in the preceding sections, implementation of the Lathrop Gateway Business Park Specific Plan project and the South Lathrop Specific Plan project will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures; and there are no feasible project alternatives that would mitigate or substantially lessen the impacts. Despite the occurrence of these effects, however, the City, in accordance with CEQA Guidelines section 15093, chooses to pursue the annexation because, in its view, the economic, social, and other benefits that the Specific Plan projects, including the annexation, will produce will render the remaining significant effects acceptable.

Substantial evidence supporting the benefits cited in this Statement of Overriding Considerations can be found in the preceding findings as well as the Findings of Fact and Statement of Overriding Considerations prepared by the City for each of the Specific Plan projects, all of which are incorporated by reference into this section, and in the documents found in the record of proceedings.

## **1. Lathrop Gateway Business Park Specific Plan**

The City finds that each of the specific economic, legal, social, technological, environmental, and other considerations, and the benefits of the Lathrop Gateway Business Park Specific Plan project, separately and independently, outweigh the remaining significant adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above is acceptable in light of each of these overriding considerations:

- The project will establish a core of regional and local serving business and commercial uses that capitalize upon the visibility and access provided by SR 120.
- The project will provide for local and regional employment opportunities in a business park setting that takes advantage of the plan area high level of accessibility.
- An increase in local employment opportunities will reduce the need for local residents to commute to more distant services and jobs.
- The project will strengthen the City's economic base through Lathrop Gateway Business Park job creation; development related investment; disposable income from future employees; and increased property sales and transient occupancy taxes.
- The "Limited Industrial" designation within the Lathrop Gateway Business Park Specific Plan substantially conforms with the industrial designation identified in the City of Lathrop General Plan.
- The project will provide infrastructure and services that meet City standards and do not diminish services to existing residences and businesses within the City of Lathrop.
- Projects within the plan area will be phased to ensure that each phase of development would include all necessary on-site and off-site public improvements required to meet City standards.
- The Lathrop Gateway Business Park Specific Plan ensures consistency between project designs throughout the plan area.
- The Lathrop Gateway Business Park Specific Plan provides an efficient circulation system that satisfies public safety access standards and maximizes alternatives to the automobile including walking biking and public transit.

## **2. South Lathrop Specific Plan**

The City finds that each of the specific economic, legal, social, technological, environmental, and other considerations, and the benefits of the Lathrop Gateway Business Park Specific Plan project, separately and independently, outweigh the remaining significant adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above is acceptable in light of each of these overriding considerations:

- The project establishes a core of regional and local serving business and commercial uses that capitalize upon the visibility and access provided by SR 120, and augment City sales tax revenue.
- The project provides for local and regional employment opportunities that take advantage of the Plan Area’s high level of accessibility, allow for the expansion of the City’s economic base, help create a jobs/housing balance, and reduce the commute for regional residents.
- The project provides access to the San Joaquin River Trail, connecting to the City of Lathrop.
- The project provides an efficient circulation system that includes not only automobile transportation but also pedestrian, bicycle and public transit.
- The project provides infrastructure and services that meet City standards, integrate with existing and planned facilities and connections and do not diminish services to existing residents of the City.
- The project establishes a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- The project creates a “self-mitigating” plan that, to the extent practical, incorporates environmental mitigation measures into project design.
- The project strengthens the City’s economic base through South Lathrop Specific Plan’s job creation; development related investment; disposable income from future employees; and increased property, sales, and transient occupancy taxes.

### **3. Additional Considerations for Annexation**

An additional consideration for annexation of a portion of the Lathrop Gateway Business Park Specific Plan is the avoidance of creating an unincorporated “island.” This annexation, of two project areas and associated public right of way will create a contiguous new area under the jurisdiction of the City of Lathrop from the South Lathrop Specific Plan to the existing Crossroads Industrial complex. It will provide for consistent and improved City services and will help implement the City of Lathrop General Plan.

## **XII. FINDINGS ON MITIGATION MONITORING PLAN**

Public Resources Code section 21081.6 requires that when making findings required by Section 21081(a), the lead agency approving a project shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval, in order to ensure compliance with project implementation and to mitigate or avoid significant effects on the environment. The City finds that:

1. Mitigation Monitoring Plans have been prepared for the Lathrop Gateway Business Park Specific Plan project and the South Lathrop Specific Plan project and the mitigation measures therein were made a condition of project approval for those projects. The Mitigation Monitoring Plans are incorporated herein by reference and are considered part of the record or proceedings for the proposed annexation.
2. The Mitigation Monitoring Plans designate responsibility and anticipated timing for the implementation of mitigation. The City will serve as the overall Mitigation Monitoring Plan coordinator and will be primarily responsible for ensuring that all project mitigation measures are complied with.
3. The Mitigation Monitoring Plans prepared for the Lathrop Gateway Business Park Specific Plan project and the South Lathrop Specific Plan project have been adopted by the City. The Mitigation Monitoring Plans meet the requirements of Public Resources Code section 21081.6. The City will use the Mitigation Monitoring Plans to track compliance with the identified mitigation measures. The Mitigation Monitoring Plans will remain available for public review during the compliance period.