

FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE

LATHROP GATEWAY BUSINESS PARK SPECIFIC PLAN

Lathrop, CA

Specific Plan File No: 09-012
General Plan and Map Amendment File No: 09-013
Zoning Text and Map Amendment File No: 09-014
Bicycle Transportation Plan Amendment File No: 09-015
Utility Master Plan Amendment File No: 09-016
Clearinghouse No: SCH 2009062106

January 21, 2011

Prepared for:

CITY OF LATHROP
Community Development Department
390 Towne Center Drive
Lathrop, CA 95330
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TABLE OF CONTENTS

1.0	Introduction	Page
1.1	Project Overview	1-1
1.2	California Environmental Quality Act Requirements and Processing	1-1
1.3	EIR Certification and Findings	1-3
2.0	Revised Summary of EIR	
2.1	Summary Project Description	2-1
2.2	Summary of Impacts and Mitigation Measures	2-1
2.3	Summary of Alternatives	2-2
2.4	Significant Unavoidable Impacts	2-3
3.0	Comments on the Draft EIR and the Lead Agency's Responses to Those Comments	3-1
4.0	Errata	4-1
5.0	Mitigation Monitoring and Reporting Program	5-1
6.0	Draft EIR Distribution List and Legal Notices	6-1

List of Figures

1-1	Regional Map	1-5
1-2	Vicinity Map	1-6
1-3	USGS Map	1-7
1-4	Aerial Photo	1-8
1-5	Land Use Plan	1-9

LIST OF TABLES

2-1	Summary of Environmental Impacts and Mitigation Measures	2-4
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1.0 INTRODUCTION

1.1 PROJECT OVERVIEW

The proposed project involves the adoption and implementation of the proposed Lathrop Gateway Business Park Specific Plan. The specific plan area (Plan Area) is located in San Joaquin County, within the City of Lathrop's Sphere of Influence (Figures 1-1 and 1-2).

The Plan Area encompasses approximately 384 gross acres 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 of the Plan Area. 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 Guthmiller/Yosemite Avenue and SR 120 interchange to the south.

The area currently includes a variety of existing land uses: agricultural interspersed with rural residential, service, public facilities, office, church and industrial uses (Figures 1-3 and 1-4). Agricultural uses are located in the southern and central Plan Area. Rural homes sites are distributed along McKinley Avenue. Other residential and mixed light industrial uses are located in the northern portion of the Plan Area along Vierra Road and Yosemite Avenue. The industrial uses are located in the western boundary of the Plan Area, both north and south of Guthmiller and Yosemite Avenue. No parcels within the Plan Area are under Williamson Act contracts.

The proposed project envisions development of a combination of new office commercial, limited industrial and service commercial uses. Proposed development envisioned in the Plan Area would require City approval of the specific plan as well as several other approvals including annexation of the Plan Area into the City of Lathrop, amendments to the City of Lathrop's General Plan, rezoning of the Plan Area, development agreements and tentative maps, among others. The project would also require approvals from the Local Agency Formation Commission (LAFCO) and state and federal agencies with jurisdiction over the San Joaquin River and its resources.

Approval of the project would result in the development of up to 56.7 net acres of commercial office uses in the western sub-area, 167.6 net acres of limited industrial uses primarily in the central sub-area, and 83.0 net acres of service commercial uses in the eastern sub-area (Figure 1-5). The Plan Area also includes 1.6 acres of open space, 2.9 acres divided between three well sites, and 15.6 net acres of detention area.

1.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS AND PROCESSING

The City prepared a Draft EIR (the Public Review Draft EIR, dated June 8, 2010) to address the potential environmental effects of the Lathrop Gateway Business Park Specific Plan. The Draft EIR was distributed through the State Clearinghouse (SCH #2009062106) for agency and public comment between June 10, 2010 and July 26, 2010.

The Draft EIR distribution list, legal notices and other information related to both of the public review periods for the Lathrop Gateway BSSP document is shown in Section 5.0 of this document. Public and agency comments received by the City during and after the close of the public review periods, together with the City of Lathrop's responses to these comments, are shown in Chapter 3.0 of this document.

The Lathrop Gateway Business Park Specific Plan has been prepared pursuant to the requirements of CEQA and the CEQA Guidelines. Guidelines Section 15132 specifies the content of a Final EIR as:

- The Draft EIR or a revision of the draft
- Comments and recommendations received on the Draft EIR, either verbatim or in summary
- A list of persons, organizations, and the public agencies commenting on the Draft EIR
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process
- Any other information added by the Lead Agency. This includes additional technical information or clarification to the Draft EIR submitted by City staff.

This FEIR includes the information necessary to meet the specified requirements of the CEQA Guidelines. Section 1.0 is this Introduction to the purpose and format of the Final EIR. Section 2.0 displays the summary of the Public Review Draft EIR. Section 3.0, a key element of the FEIR, lists all the comments received concerning the Public Review Draft EIR, displays the text of each comment letter, and provides the City of Lathrop's response to each of the substantive comments.

Section 4.0, titled Errata, sets forth any required revisions to the Public Review Draft EIR, including revisions originating with City staff. Section 5.0 includes copies of transmittal documents, the notices of availability of the Public Review Draft EIR for review, distribution lists for the public notices, the Notices of Completion and other legal notices associated with the public review periods for the EIR.

The Public Review Draft EIR, cited below, is hereby incorporated by reference. Copies of the EIR is available for review at the City of Lathrop, Community Development Department, 390 Towne Center Drive, Lathrop, CA.

InSite Environmental. Public Review Draft, Environmental Impact Report for Lathrop Gateway Business Park Specific Plan. State Clearinghouse #2009062106. June 8, 2010.

1.3 EIR CERTIFICATION AND FINDINGS

Sections 15090 through 15093 of the CEQA Guidelines outline procedures for decision-making by the Lead Agency (the City of Lathrop) when an EIR has been prepared. Before taking action on the project, the City must first certify that the EIR is adequate under CEQA. Then, in conjunction with their decision on the project, the City must make specific findings with respect to each of the significant environmental effects identified in the EIR, indicating whether the effect 1) will be mitigated, 2) is the responsibility of another agency, or 3) is not feasible to mitigate but is acceptable as a result of other overriding social or economic considerations.

Guidelines for the certification of an EIR (Section 15090) require that the Lead Agency certify that 1) the Final EIR has been completed in compliance with CEQA, 2) that the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project, and 3) that the Final EIR reflects the Lead Agency's independent judgment and analysis.

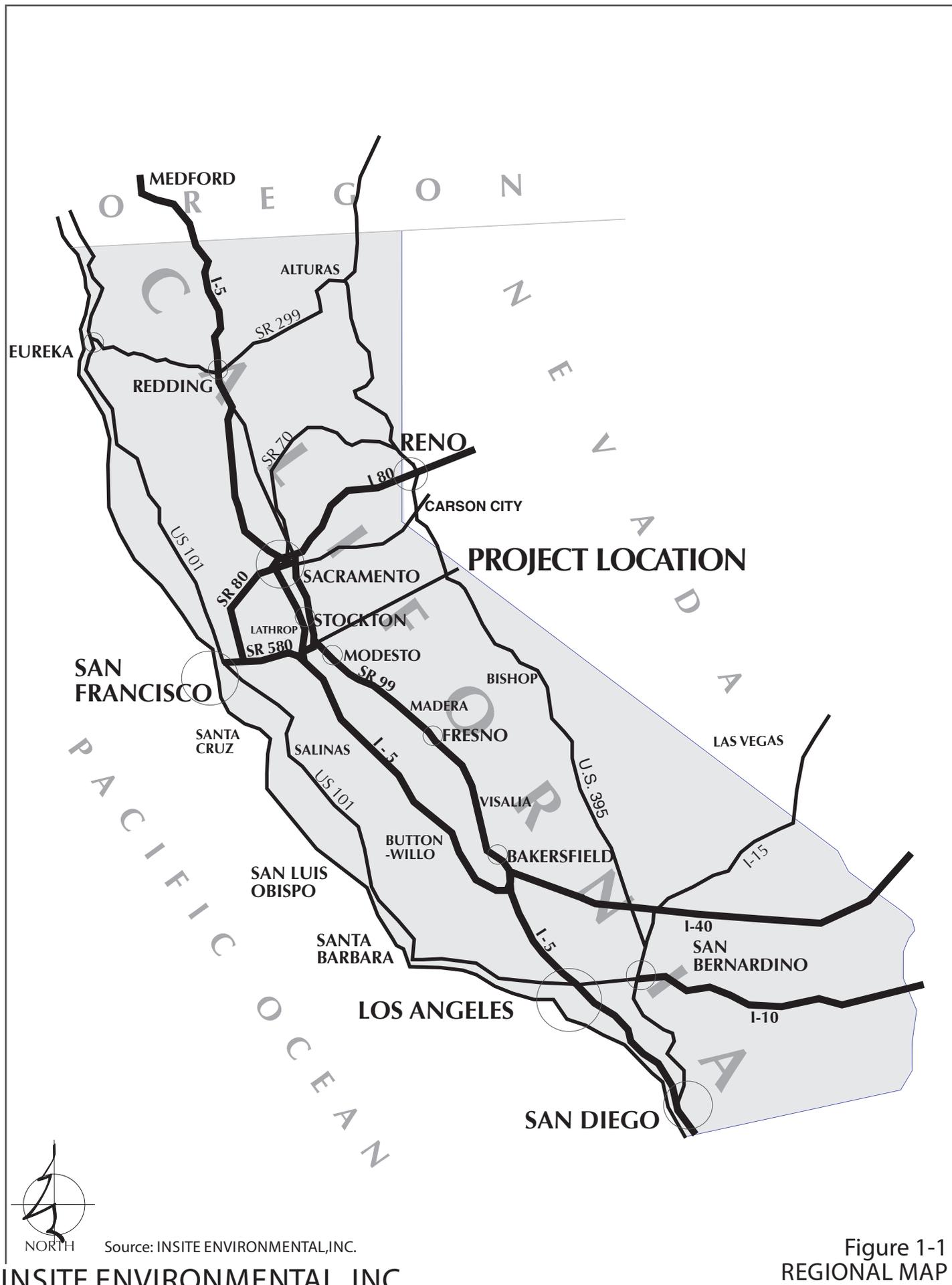
The EIR is intended by CEQA to be an informational document (Guidelines Section 15121). Decision-making on the subject project in relation to its environmental impacts is reserved to the Lead Agency and the Responsible Agencies. Consequently, information in the EIR does not control the agency's ultimate discretion on the project, but the agency must respond to each significant effect identified in the EIR. This is accomplished through the requirement (Guidelines Section 15091) that the City decision-makers make specified findings with respect to each of the significant environmental effects identified in the EIR before they approve the project, or portions of the project. These findings are contained in a separate document that accompanies this Final EIR. 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 (i.e., the impact has been "mitigated").
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 (i.e., mitigation is the responsibility of an agency other than the City of Lathrop).
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 (i.e., the impact is acceptable because the project's benefits outweigh it).

If the City decision-makers decide to approve the Lathrop Gateway Business Park Specific Plan without providing substantial mitigation for all of the significant impacts of the project (i.e. if the second or third finding options are utilized), Section 15093 allows the decision-makers to balance the project's benefits against its unavoidable environmental risks. In this case, a Statement of Overriding Considerations must be prepared and included in the project decision-making record. The project includes significant and unavoidable environmental impacts, and adoption of a

Statement of Overriding Considerations will be required before the project can be approved; the Statement of Overriding Considerations is contained within the aforementioned separate findings document.

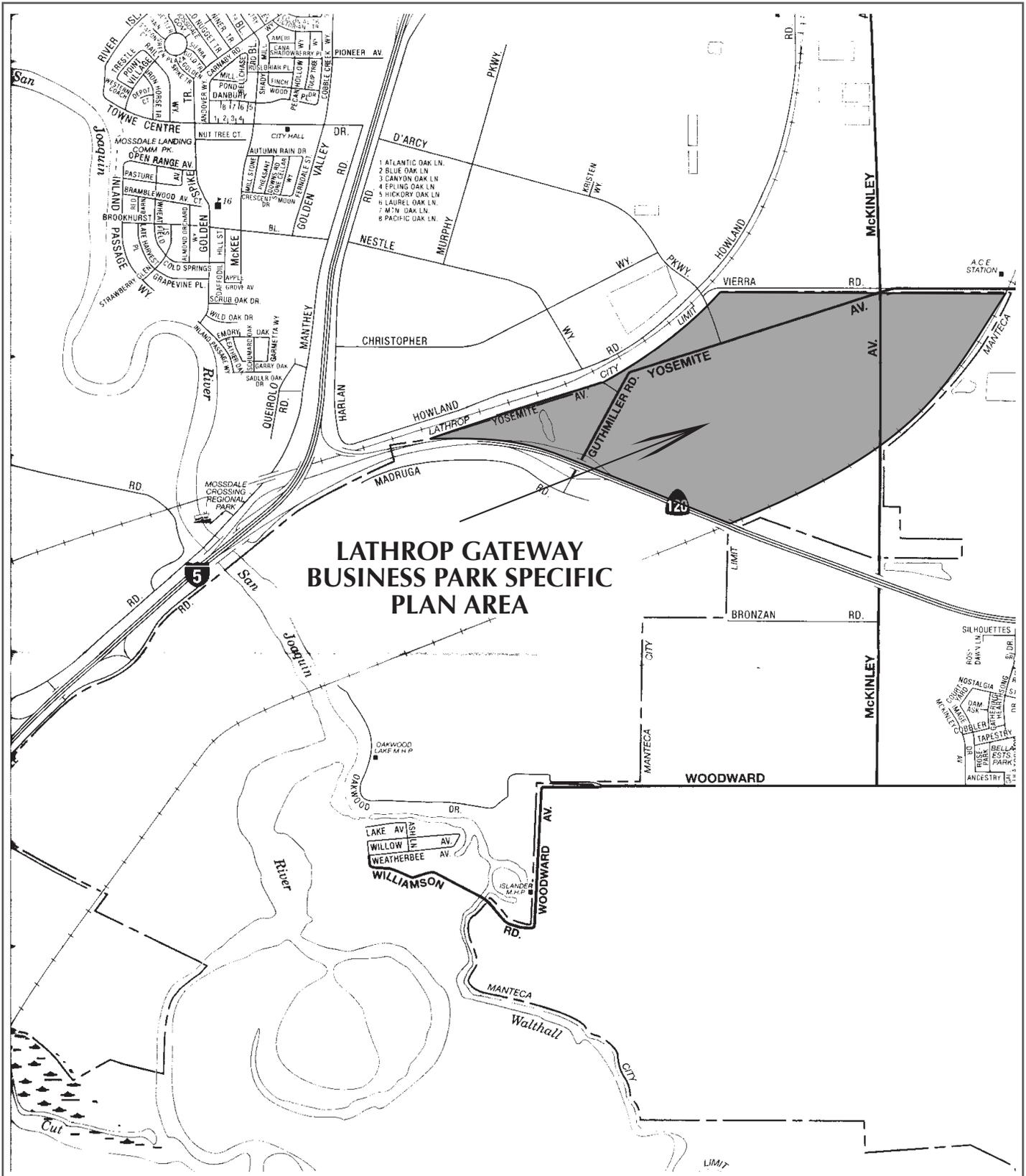
As a part of the project consideration and approval process described above, the City must also adopt a mitigation monitoring and/or reporting program which is fully enforceable through permit conditions, agreements, or other measures. Project findings, the Statement of Overriding Considerations and the mitigation monitoring/reporting program for the Lathrop Gateway Business Park Specific Plan are contained in a separate document that accompanies this FEIR.



NORTH

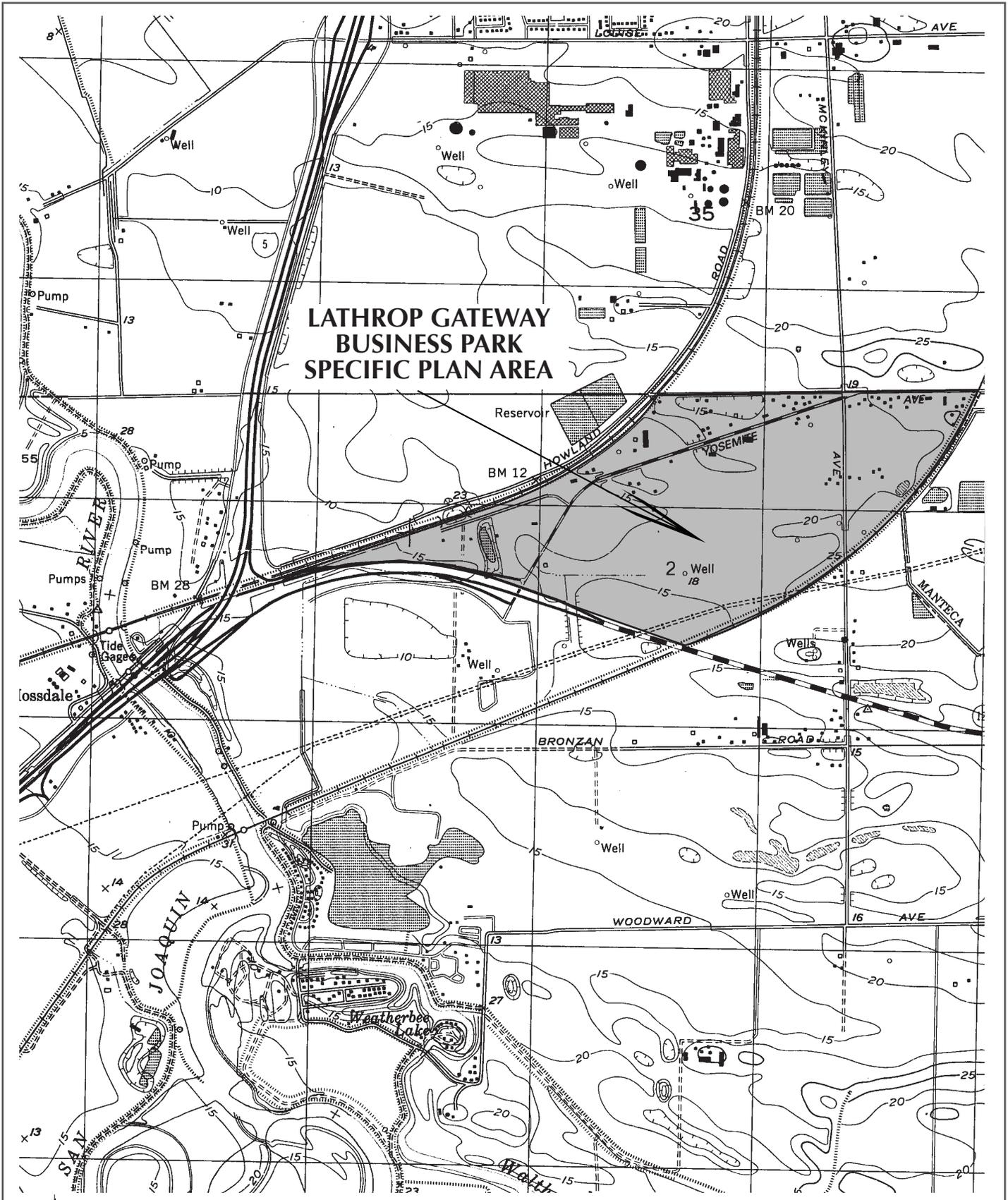
Source: INSITE ENVIRONMENTAL, INC.

Figure 1-1
REGIONAL MAP



SOURCE: AAA, MANTECA, LATHROP, RIPON
 INSITE ENVIRONMENTAL, INC.

Figure 1-2
 VICINITY MAP



SOURCE: US GEOLOGICAL SURVEY
LATHROP QUADRANGLE

INSITE ENVIRONMENTAL, INC.

Figure 1-3
USGS MAP



SOURCE: GOOGLE EARTH

INSITE ENVIRONMENTAL, INC.

Figure 1-4
AERIAL PHOTO



Legend

- Limited Industrial
- Well Site
- Commercial Office
- Open Space
- Service Commercial
- Potential Future Right-of-Way
- Detention (Approximate Location)*
- Project Boundary

*Basin locations and size shown are conceptual and subject to additional land planning and engineering. Basins may be relocated and reconfigured within each drainage area.

Figure 3.1: Land Use Plan		Date: April 2010	
Lathrop Gateway Business Park Specific Plan Lathrop, California	NOT TO SCALE		

2.0 SUMMARY OF EIR

2.1 SUMMARY PROJECT DESCRIPTION

This Environmental Impact Report (EIR) evaluates the potential environmental effects that would result from City of Lathrop approval and development of the proposed Lathrop Gateway Business Park Specific Plan. The LGBPSP envisions development of a combination of new office commercial, limited industrial and service commercial uses. The proposed project involves the adoption and implementation of the proposed Lathrop Gateway Business Park Specific Plan. The specific plan area (Plan Area) is located in San Joaquin County, within the City of Lathrop's Sphere of Influence.

Proposed development envisioned in the Plan Area would require City approval of the specific plan as well as several other approvals including annexation of the Plan Area into the City of Lathrop, amendments to the City of Lathrop's General Plan, rezoning of the Plan Area, development agreements and tentative maps, among others. The project would also require approvals from the Local Agency Formation Commission (LAFCO) and state and federal agencies with jurisdiction over the San Joaquin River and its resources.

Approval of the project would result in the development of up to 56.7 net acres of commercial office uses in the western sub-area, 167.6 net acres of limited industrial uses primarily in the central sub-area, and 83.0 net acres of service commercial uses in the eastern sub-area. The Plan Area also includes 1.6 acres of open space, 2.9 acres divided between three well sites, and 15.6 net acres of detention area.

The Plan Area encompasses approximately 384 gross acres 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 of the Plan Area. 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 Guthmiller/Yosemite Avenue and SR 120 interchange to the south.

2.2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

The potentially significant impacts of the proposed project and mitigation measures proposed to minimize these effects are listed in Table 2-1 at the end of this chapter. The table also identifies the level to which the proposed mitigation measures would reduce impacts. Significant unavoidable impacts are those for which the significance remains "significant" after mitigation measures are applied. Changes to the Draft EIR mitigation measures typically reflect the new or updated information that has become available since publication of the Draft EIR or minor technical changes to the project that do not entail a significant impact on the environment. Added text has been underlined (example) and a strikethrough placed on deleted text (~~example~~).

2.3 SUMMARY OF ALTERNATIVES

Chapter 20.0 identifies and discusses a range of reasonable alternatives to the proposed project. The alternatives considered in that chapter include:

- Development Under Lathrop General Plan Land Use Designations
- Alternate Land Uses
- Alternative Locations for the Lathrop Gateway Business Park Specific Plan
- No Lathrop Gateway Business Park Project
- Site Development Under San Joaquin County Jurisdiction with Low Intensity Use Under Agricultural-Urban Reserve Designation
- No Development East of McKinley Avenue

Alternatives to the Lathrop Gateway Business Park were evaluated with respect to the “rule of reason” and general feasibility criteria suggested by the CEQA Guidelines, including such criteria as the suitability of the site or alternative site, the economic viability of the alternative, the availability of infrastructure, the consistency of the alternative with general plan designations, zoning or other plans or regulatory limitations, the effect of applicable jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to an alternative site, including consideration of whether or not the site is already owned by the applicant.

The evaluation of alternatives must also take into account the potential of the alternative to avoid or substantially lessen any of the significant effects of the Lathrop Gateway Business Park project, as identified in Chapters 4.0 through 19.0 of this EIR. The potential environmental effects of the Lathrop Gateway Business Park Specific Plan are summarized in Chapter 2.0 Summary of this EIR, and very briefly highlighted below.

The alternatives analysis accounts for the potentially significant environmental effects of the alternatives as compared to the proposed Lathrop Gateway Business Park Specific Plan. Some of the potential environmental effects of the Lathrop Gateway Business Park Specific Plan, and the alternatives, are common to virtually all development in the Lathrop vicinity and would not vary from alternative to alternative; similarly, certain environmental effects are addressed by routine requirements that would apply uniformly to any alternative.

Since the focus of the alternatives analysis is comparison to the proposed Lathrop Gateway Business Park Specific Plan, issues that do not vary between the alternatives are not analyzed.

2.4 SIGNIFICANT UNAVOIDABLE IMPACTS

This EIR identifies the significant environmental effects of the proposed project and the mitigation measures that are proposed to minimize these effects. Proposed mitigation would be effective in reducing potentially significant environmental effects to a less than significant level in all but seven cases. The project's potential impact areas that are considered significant and unavoidable are as follows:

- Agriculture (Conversion of Agricultural Land)
- Air Quality (Effects of Project Operations on Criteria Pollutant Emissions, including Ozone Precursors)
- Global Climate Change (Generation of Project-Related Greenhouse Gas Emissions)
- Noise (Traffic Noise Exposure at Existing Noise-Sensitive Land Uses)
- Transportation/Circulation (Existing Plus Project (Year 2012/Phase 1) Intersection Operations Impacts)
- Transportation/Circulation (Existing Plus Project Roadway Segment Operations Impacts)
- Cumulative (Aesthetics, Agriculture, Air Quality, Global Climate Change, Public Services, Public Utilities, and Transportation)

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
4.0. AESTHETICS			
Effects on Scenic Routes, Vistas and Off-Site Lands	LS	None required.	
Effects on Existing Visual Characteristics of the Site	LS	None required.	
Effects of Offsite Stormwater Pipeline and Outfall Structure on Surrounding Areas	LS	None required.	
Effects of Light and Glare	LS	None required.	
5.0. AGRICULTURE			
Conversion of Agricultural Land	S	5-1. The Project Proponents/City would participate in the SJMSCP. Fees would be paid by the project applicant to the SJCOG on a per-acre basis for lost agricultural land during development of the proposed Lathrop Gateway Business Park. The SJCOG will use these funds to purchase conservation easements on agricultural and habitat lands in the project vicinity. The preservation in perpetuity of agricultural land throughout the SJMSCP, a portion of which would consist of Important Farmland, would ensure the continued protection of farmland in the project vicinity, partially offsetting project impacts. Written proof of such an agreement between the project proponent and SJCOG shall be provided to the City prior to the issuance of grading or other construction permits.	SU
Conflicts with Current Zoning	LS	None required.	
Impacts of the Project to Existing Land Uses	LS	None required.	
Impact of Project on Existing Agricultural Lands and Adjacent Land Use	LS	None required.	
6.0. AIR			
Impacts of Project Construction on Air Quality	PS	6-1 For construction projects in the Plan Area exceeding 40 acres in size or involving more 2,500 cubic yards per day of excavation, the owners, developers and/or successors-in-interest (ODS) shall prepare and submit a Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3, for the review and approval of the APCD Air Pollution Control Officer prior to start of construction activities.	LS
		6-2 Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard.	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
	6-3	<p>During construction activities in the Plan Area, the ODS shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (San Joaquin Valley APCD, 2002):</p> <ul style="list-style-type: none"> a. All disturbed areas, including storage piles, which are not being actively utilized or construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover. b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking. d. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container. e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. g. Limit traffic speeds on unpaved roads to 15 mph; and h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent. 	
	6-4	<p>Architectural coatings applied to all structures in the Plan Area shall meet or exceed volatile organic compound (VOC) standards set in APCD Rule 4601. The ODS shall submit to the APCD a list of architectural coatings to be used and shall indicate how the coatings meet or exceed VOC standards. If the APCD determines that any architectural coatings do not meet VOC standards, the ODS shall replace the identified coatings with those that meet standards.</p>	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Effects of Project Operations on Criteria Pollutant Emissions, Including Ozone Precursors		6-5 The ODS shall make application to the APCD for a permit under APCD Rule 9510, Indirect Source Rule (ISR) prior to issuance of the first building permit for construction in the Specific Plan area, if required. The ODS shall incorporate mitigation measures into project construction and/or pay ISR fees as required to comply with Rule 9510 emission reduction requirements for construction NOx and PM emissions.	
		6-6 The ODS shall use emission-controlled construction equipment during demolition and construction activities in the Plan Area. The developers shall select construction contractors based in part on the age, condition and emission control status of their construction equipment fleets, recognizing that ISR permit fees will be reduced for project elements that can be constructed with cleaner equipment fleets.	
	S	6-7 The ODS shall receive a permit under APCD Rule 9510, Indirect Source Rule (ISR) prior to issuance of the first building permit for construction in the Plan Area. The ODS shall incorporate mitigation measures into the project and/or pay the required ISR fees to the APCD as required to comply with Rule 9510 emission reduction requirements for NOx and PM emissions associated with project operations.	SU
		6-8 The ODS of development projects in the Plan Area shall prepare improvement plans that incorporate the following features, consistent with adopted City improvement standards and to be installed by the developer: <ul style="list-style-type: none"> • Bus turnouts and transit improvements where requested by the San Joaquin RTD. • Continuous public sidewalks adjacent to all proposed public streets. • Pavement and striping for bike lanes/paths. • Street lighting. • Pedestrian signalization, signage and safety designs at signalized intersections. • Shade trees to shade sidewalks in street-side landscaping areas. 	
		6-9 The ODS of development projects in the Plan Area shall prepare and implement a transportation demand management (TDM) plan that incorporates the measures listed below, though the TDM plan shall not be limited to those measures. The plan shall be subject to City review and approval prior to issuance of the first building permit for construction in the Plan Area. <ul style="list-style-type: none"> • Provide secure bicycle parking in conjunction with commercial and office development. • Provide designated vanpool parking spaces close to the employment center entry locations. • Provide preferential carpool parking spaces close to the employment center entry locations. • Provide on-site amenities that encourage alternative transportation modes such as locker, shower, and secure bike storage facilities. 	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		<ul style="list-style-type: none"> • Provide on-site services such as personal mail boxes and day care that reduce mid-day trip generation. • Provide telecommuting options. • Provide transit vouchers. • Provide information to employees on carpooling, ride sharing and other available programs. • <u>Participate in the Commute Connection program sponsored by SJCOG.</u> 	
Project Impacts on Carbon Monoxide Hot Spots	PS	Refer to Chapter 18.0, Transportation	LS
Generation of or Exposure to Toxic Air Contaminants (TACs)	PS	<p>6-10 ODSA A health risk assessment shall be conducted by the <u>ODS</u> for the following future development projects that meet the following criteria:</p> <ul style="list-style-type: none"> • A distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units per day, or where transport refrigeration unit operations exceed 300 hours per week, placed within 1,000 feet of a residence in or adjacent to the Plan Area. • A dry cleaning operation placed within 300 feet of a residence in or adjacent to the Plan Area. • A gas station placed within 50 feet of a residence in or adjacent to the Plan Area • <u>Projects whose land uses are not specifically identified in the ARB's <i>Air Quality and Land Use Handbook</i>, but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants</u> • <u>Projects that would otherwise appear to be exempt from CEQA requirements, but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants.</u> <p>If the health risk assessment identifies a significant risk as defined by GAMAQI, the a <u>more detailed health risk assessment shall be performed that will identify measures to reduce the health risk to levels that are less than significant, which the project shall incorporate in its design and construction.</u></p>	LS
Odor Impacts	LS	None required.	
7.0. BIOLOGICAL RESOURCES			
Impacts on Specific Special-Status Plant and Wildlife Species	LS	None required.	
Impacts on Wildlife Corridors	LS	None required.	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures		Mitigation Measures	Significance After Mitigation
Impacts on Federally Protected Wetlands	PS	7-1	<p>The ODS shall, where feasible, preserve the maximum amount of the seasonal pond, the fire suppression pond and the seasonal wetlands along the storm drain alignment and establish minimum 25 to 50 foot buffers around all sides of these areas. In addition, the final project design shall not cause significant changes to the pre-project hydrology, water quality or water quantity in any wetland that is to be retained on site.</p> <p>Where avoidance of existing wetlands and drainages is not feasible, and fill material is to be placed within the ponds and wetlands, then the ODS shall prepare a wetland delineation with the assistance of a qualified wetland specialist, and submit the delineation to ACOE for verification. If any of the ponds and wetlands are deemed jurisdictional wetland by ACOE, then the ODS shall acquire all appropriate wetland permits prior to the issuance of grading permits by the City. These permits may include, but are not limited to, a Section 404 Wetlands Fill Permit from the U.S. Army Corps of Engineers and a Section 401 Water Quality Certification from the Regional Water Quality Control Board. The ODS shall comply with all conditions and mitigation requirements attached to the granted wetland permits.</p>	LS
Project Consistency with Applicable Plans	LS		None required.	

8.0. CULTURAL RESOURCES

Potential Impacts on Prehistoric Cultural Resources	PS	8-1	<p>If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The City of Lathrop Community Development Department shall be notified, and the ODS shall be responsible for mitigation and associated costs of any significant cultural resources pursuant to the CEQA Guidelines.</p>	LS
		8-2	<p>If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Community Development Department shall be notified immediately. If it is determined that the remains are those of a Native American, the Coroner must contact the Native American Heritage Commission. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin. The ODS shall be responsible for all mitigation costs.</p>	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Impact of Project on Historical Resources	PS	<p>8-3 Prior to the initiation of demolition activities within a development phase, any buildings and/or structures within that phase shall be evaluated by an individual who meets the Secretary of the Interior’s Professional Qualifications Standards for Architectural History to determine if any of the buildings or structures qualify as historical resources as defined in §21083.2 of CEQA and §15064.5 of the State CEQA Guidelines. The City of Lathrop Community Development Department shall be notified of the findings, and the ODS shall be responsible for all mitigation costs. The following procedures shall be followed unless specified differently by the qualified individual:</p> <ol style="list-style-type: none"> a. <u>Documentation and Recordation of Significant Historical Resources</u> – For any buildings or structures that qualify as historical resources under CEQA, written and photograph documentation shall be prepared to record the property. The written documentation for the property shall be prepared based on the National Park Services’ (NPS) Historic American Building Survey (HABS) Historical Report Guidelines. Photograph documentation standards shall meet the intent of the NPS – Advisory Council on Historic Preservation (ACHP) revised policy for developing alternate forms of documentation for properties meeting a criterion of less than nationally significant. The alternative documentation shall not be reviewed by the NPS or transmitted to the Library of Congress and therefore will not be a full-definition HABS dataset. This type of documentation is based on a combination of both HABS standards (Levels II and III) and NPS new policy for NR-NHL photographic documentation as outlined in the National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion (March 2005). <p>Either HABS standard large format or digital photography may be used. If digital photography is used, the ink and paper combinations for printing photographs must be in compliance with NR-NHL photo expansion policy and have a permanency rating of approximately 115 years. Digital photographs will be taken as uncompressed .TIF file format. The size of each image will be 1600x1200 pixels at 300 ppi (pixels per inch) or larger, color format, and printed in black and white. The file name for each electronic image will correspond with the Index to Photographs and photograph label.</p> <ol style="list-style-type: none"> b. <u>Dissemination of Documentation</u> –The written and photograph documentation of historical resources shall be disseminated on archival quality paper to appropriate repositories and interested parties. The distribution of the documentation shall include the State Historic Preservation Officer in the California Office of Historic Preservation; the California Historical Resources Information System Central California Information Center at California State University, Stanislaus; the San Joaquin County Historical Society & Museum; and other local repositories identified by the City of Lathrop Community Development Department. 	LS

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Impact of Project on Paleontological Resources	PS	8-4 Should paleontological or unique geological resources be identified at any project construction sites during any phase of construction, the project manager shall cease operation at the site of the discovery and immediately notify the City of Lathrop Community Development Department. The project applicant shall retain a qualified paleontologist to provide an evaluation of the find and the significance of the materials and mitigation measures if needed, and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City of Lathrop Community Development Department shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, specific plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.	LS
9.0. GEOLOGY AND SOILS			
Impacts of Groundshaking on Plan Area	LS	None required.	
Impacts of Liquefaction on Plan Area	PS	9-1 A site-specific, design-level geotechnical study shall be completed for each project development component in the Specific Plan area (i.e., light industrial areas, commercial areas, office areas, and infrastructure) before a grading permit is issued. The studies shall include an evaluation of liquefaction potential in the development area and identify appropriate means to minimize or avoid damage from liquefaction. Geotechnical design recommendations included in each study shall be implemented during project design and construction. Potential recommendations include over-excavating and recompacting the area with engineered fill or in-place soil densification. In-place densification measures may include deep dynamic compaction, compaction grouting, vibro-compaction, and the use of non-liquefiable caps. Special design features may need to be utilized for foundations. Other foundation types may be considered if further geotechnical study shows the liquefaction potential to be less than significant or if the effects of liquefaction-induced settlement can be mitigated with earthwork.	LS
Impacts of Other Potential Seismic Events on Plan Area	LS	None required.	
Impacts of Project Resulting in Soil Erosion or Loss of Topsoil	LS	None required.	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures		Mitigation Measures	Significance After Mitigation
Impacts of Expansive Soils on Project	PS	9-2	A site-specific, design-level geotechnical study shall be completed for the stormwater drainage pipeline from the Specific Plan area to the San Joaquin River before appropriate construction permits are issued. The studies shall include an evaluation of shrink-swell potential in the pipeline construction area and identify appropriate means to minimize or avoid damage from expansive soils. Geotechnical design recommendations included in the study shall be implemented during project design and construction. Potential recommendations may include, but are not limited to, removing expansive soils and replacing them with engineered fill.	LS
10.0 GLOBAL CLIMATE CHANGE				
Generation of Project-Related Greenhouse Gas Emissions	PS	10-1	Applicant(s) shall employ green building techniques in the design of proposed buildings within the Lathrop Gateway Business Park Plan Area. Specifically, projects shall conform at a minimum to the California Green Building Code or equivalent green building standards.	SU
		10-2	<p>The ODS shall implement a Transportation Demand Management program applicable to businesses with 25 or more employees to reduce potential vehicle trips. The Transportation Demand Management program shall contain at least five of the following components, although other components not listed may be included.</p> <ul style="list-style-type: none"> • Free transit passes. • Telecommuting. • Secure bicycle parking (at least one space per 20 vehicle parking spaces). • Showers/changing facilities. • Car-sharing services. • Information on transportation alternatives, such as bus schedules and bike maps. • Dedicated employee transportation coordinator. • Carpool matching programs. • Preferential carpool/vanpool parking. <p>The ODS shall provide a funding mechanism to maintain the Transportation Demand Management program, which may include but is not limited to creation of a special assessment district. The Transportation Demand Management program shall be submitted to the Community Development Department for its review and approval.</p>	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		<p>10-3 The following mitigation measures shall be implemented during future development in the Plan Area:</p> <ul style="list-style-type: none"> • Parking in the Specific Plan area shall be provided at the minimum level required by the Lathrop Municipal Code. Shared parking shall be implemented when determined to be feasible. • Parking lot designs shall include clearly marked and shaded pedestrian pathways between transit facilities and building entrances, for projects adjacent to or containing transit facilities. • Buildings shall use Energy Star roofs, or equivalent, and shall be designed so that their orientation to take advantage of the winter sun and to shade building from the summer sun. 	
Project Consistency with Applicable GHG Reduction Plans	LS	None required.	
Impact of Climate Change on Project	LS	None required.	
11.0. HAZARDS AND HAZARDOUS MATERIALS			
Exposure of Construction Workers, Employees and Others to Existing Hazardous Materials	PS	<p>11-1 The SJCEHD shall be notified by the ODS if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during excavation and dewatering activities. Any contaminated areas shall be remediated by the ODS in accordance with recommendations made by SJCEHD; RWQCB; DTSC; or other appropriate federal, state, or local regulatory agencies.</p> <p>11-2 Before demolition of any onsite buildings built prior to 1980, the ODS shall hire a qualified consultant to investigate whether any of these buildings contain asbestos-containing materials and lead that could become friable or mobile during demolition activities. If found, the asbestos-containing materials and lead shall be removed by an accredited inspector in accordance with EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. The asbestos-containing materials and lead shall be disposed of properly at an appropriate offsite disposal facility.</p>	LS
Use of Hazardous Materials in Construction and Operation	LS	None required.	
Potential Public Health Impacts Associated with Recycled Water	LS	None required.	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Potential Hazard Associated with Railroad Adjacent to Plan Area	LS	None required.	
High-Voltage Power Lines	LS	None required.	
12.0 LAND USE			
Consistency with San Joaquin County LAFCO	LS	None required.	
Consistency with City of Lathrop General Plan	LS	None required.	
Consistency with the Land Use and Resource Management Plan	LS	None required.	
Consistency with Existing Zoning	LS	None required.	
Conflict Between Existing Agricultural Lands and Future Non-Agricultural Proposed Land Uses Within the Plan Area	LS	None required.	
13.0 HYDROLOGY AND WATER QUALITY			
Direct Effects on Surface Water Features	PS	13-1 Any proposed improvements within the San Joaquin River floodway shall be subject to the approval of the City Engineer and the Community Development Director as well as federal, state and local permit agencies with jurisdiction, including the US Army Corps of Engineers, the Central Valley Flood Protection, the Regional Water Quality Control Board, the San Joaquin County Flood Control and Water Conservation District, and the California Department of Fish and Game.	LS
Changes in Volume or Flow in Surface Water Resources	LS	None required.	
Exposure of Proposed Development to Flooding Hazards	LS	None required.	
Project Construction Effects on Surface Water Quality	PS	13-2 The ODS shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for Lathrop Gateway Business Park construction activities and file a Notice of Intent (NOI) with the State Water Resources Control Board prior to commencement of construction activity. The SWPPPs shall be available on the construction site at all times.	LS

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures		Mitigation Measures	Significance After Mitigation
		13-3	Site development (i.e. construction) plans shall incorporate all applicable provisions of the SWPPP. The SWPPP shall be submitted to Public Works Department for approval.	
Effects of Project Operation on Surface Water Quality	LS		None required.	
Effects of Recycled Water Use on Surface and Groundwater Quality	LS		None required.	
14.0. NOISE				
Traffic Noise Exposure at Existing Noise-Sensitive Land Uses	S	14-1	Rubberized asphalt shall be installed on the segments of 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). Because these segments are located within the jurisdiction of the City of Manteca, the City of Lathrop shall prepare and negotiate an inter-agency agreement on the apportionment of costs and responsibilities related to the installation of the rubberized asphalt. The ODS shall be responsible for all costs related to the agreement and installation of material.	SU
Transportation-Related Noise Exposure in the Plan Area	S	14-2	Acoustically rated exterior doors and windows shall be installed at facades with line-of-sight to State Route 120. These upgraded windows and doors shall provide a minimum STC performance of 35.	LS
Construction Noise Impacts	PS	14-3	Contractors performing grading and construction work in the Plan Area shall fit all internal combustion engines with factory-specified mufflers.	LS
		14-4	Contractors performing grading and construction work in the Plan Area shall not place construction staging and heavy equipment storage areas within 500 feet of residential receivers to the south-southeast of the Plan Area.	
15.0. POPULATION AND HOUSING				
Project Effects on Population Growth	LS		None required.	
Project Impacts on Employment	LS		None required.	
Project Impacts on Housing	LS		None required.	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation	
16.0. PUBLIC SERVICES/FACILITIES				
Impacts on Police Protection Services	PS	16-1	The ODS shall pay, prior to issuance of building permits, the appropriate City of Lathrop Capital Facility Fees for police and fire protection services. Also, prior to issuance of the first building permit for a project in the Specific Plan area, the ODS shall form a special assessment district that covers the Plan Area and provides adequate funding for the annual cost to provide City services specific to and directly benefiting the Plan Area. The City and the ODS shall determine the level of funding the special assessment district shall provide.	LS
		16-2	The ODS shall incorporate access, water supply and other fire suppression and emergency access/response needs in the proposed project designs. Said designs shall be developed in consultation with the Fire, Police and Public Works Departments, and shall address such items as the mapping and measures deemed necessary to permit access of emergency vehicles and firefighting equipment, minimize response times and provide adequate evacuation routes.	
		16-3	The ODS shall fence and monitor contractors' storage yards during the construction phases of the project to prevent theft and vandalism, and to reduce calls for assistance from the Police Department.	
Impact of Project on Fire Protection Services	PS	16-4	As development proceeds within the Plan Area, the City shall authorize occupancy of new structures only if confirmation of three to four-minute average emergency response times to the structures can be provided using Fire District methodologies. . If the required response time cannot be satisfied, the ODS shall coordinate with the Fire District to identify temporary fire prevention measures to allow development to proceed to the satisfaction of the Fire District. In addition, the ODS shall coordinate with the Fire District and identify potential alternative locations along Yosemite Avenue near D'Arcy Parkway, within the Plan Area, for a possible new fire station site.	LS
		16-5	The ODS shall pay all applicable fire service fees and assessments required to fund its fair share of fire district facilities and services required to serve the Plan Area.	
		16-6	The ODS shall install fire hydrants and water distribution facilities that will provide fire flows that are adequate to support the City's existing ISO rating and that conform to adopted Building Code Fire Safety Standards for all of the uses proposed within the Plan Area.	
		16-7	The City shall not approve any structures in the Plan Area greater than 50 feet in height until the Fire District possesses appropriate equipment that can serve such heights. If site plans includes structures greater than 50 feet, the ODS shall pay fees toward its fair share of this equipment.	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures		Mitigation Measures	Significance After Mitigation
Impacts of Project on Solid Waste Generation	LS		None required.	
Impacts of Project on Schools	LS		None required.	
Impacts of Project on Parks and Recreation	LS		None required.	
Impacts of Project on Animal Control Services	PS	16-8	As identified in Mitigation Measure 16-1, prior to issuance of the first building permit for a project in the Specific Plan area, the ODS shall form a special assessment district that covers the Plan Area and provides adequate funding for the annual cost to provide City services specific to and directly benefiting the Plan Area. Animal Control Services shall be included in this community facilities district or an equivalent funding mechanism. The City and the ODS shall determine the level of funding the special assessment district shall provide.	LS
		16-9	The ODS shall pay capital facilities fees to defray capital facility costs associated with an animal control facility.	
17.0 PUBLIC UTILITIES				
Project Impacts on Water Supplies	LS		None required.	
Project Impacts on Water Supply Infrastructure, Including City Wells and Treatment Facilities	LS		None required.	
Project Impact on Wastewater Treatment Facilities	S	17-1	No element of the proposed project shall be occupied until both adequate treatment capacity at WRP-1, WRP-2, Lathrop-Manteca WQCF or another comparable wastewater treatment facility is available and wastewater infrastructure (e.g., pipelines) is in place to serve that portion of the Plan Area.	LS
Project Impact on Wastewater Conveyance Systems	PS	17-2	The ODS shall remove existing septic systems prior to development of the parcel in which the septic system is located. Removal shall be in accordance with the rules and regulations of the San Joaquin County Environmental Health Department.	LS
Project Impact from Recycled Water Generation	LS		None required.	
Project Impact on Electrical Service	LS		None required.	
Project Impact on Natural Gas Supplies	LS		None required.	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures		Mitigation Measures	Significance After Mitigation
18.0. TRANSPORTATION/CIRCULATION				
Existing Plus Project (Year 2012/Phase 1) Intersection Operations Impacts	S	18-1	<p>The ODS of properties within the Plan Area shall pay their “fair share” costs of the improvements identified below, or the costs of the following improvements shall be subject to reimbursement in conjunction with other development projects that contribute vehicle trips to these locations. <u>If improvements have not been initiated or installed by others at the time of approval of the first development within the Lathrop Gateway Business Park Specific Plan, the ODS processing the initial project will be conditioned to complete the following improvements prior to issuance of occupancy permits and be reimbursed by other development projects that contribute vehicle trips to these locations:</u></p> <ul style="list-style-type: none"> • Install a traffic signal at the I-5 SB Ramps/Lathrop Road intersection under existing conditions and in coordination with ramp signalization at the NB ramps intersection. <i>Projected LOS with mitigation: “C” or better.</i> • Install a traffic signal at the I-5 NB Ramps/Lathrop Road intersection under existing conditions. <i>Projected LOS with mitigation: “C” or better.</i> • Provide exclusive right-turn lanes/pockets for the eastbound and westbound approaches at the McKinley Avenue/Lathrop Road intersection under Existing Plus Project conditions. <i>Projected LOS with mitigation: “D” or better.</i> • Install a traffic signal at the McKinley Avenue/Yosemite Avenue intersection under Existing Plus Project conditions. <i>Projected LOS with mitigation: “D” or better.</i> 	SU
		18-2	<p>The ODS shall pay their "fair share" <u>costs towards a Joint Traffic Impact Fee established by the Cities of Lathrop and Manteca, or if not adopted, pay a “fair share” of costs towards the City of Manteca’s traffic impact fee program to cover project responsibilities towards the following improvement (under either scenario, fair share costs shall be paid to the City of Lathrop for appropriate distribution):</u></p> <ul style="list-style-type: none"> • Provide exclusive right-turn lanes/pockets for the eastbound and westbound approaches at the Main Street/Louise Avenue intersection <u>under existing conditions</u>. <i>Projected LOS with mitigation: “D” or better</i> 	
Existing Plus Project Roadway Segment Operations Impacts	S	18-3	<p>The City of Lathrop shall ensure that the ODS pay their applicable Transportation Impact Fees for their "fair share" costs for the following freeway improvements.</p> <ul style="list-style-type: none"> • Add northbound lanes on Interstate 5 from I-205 to the SR 120 interchange, and widen Interstate 5 from the SR 120 interchange to the Lathrop Road interchange, as identified in the San Joaquin Regional Transportation Plan 2007. Project contribution towards regional traffic impact fees covers project responsibility for this freeway segment. 	SU

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		<ul style="list-style-type: none"> • Widen the segment of SR 120 from I-5 to Yosemite Avenue from four to six lanes, as identified in the San Joaquin Regional Transportation Plan 2007. Project contribution towards regional traffic impact fees covers project responsibility for this freeway segment. • Widen the segment of SR 99 from SR 120 to Arch Road from four to six lanes along with interchange modifications, as identified in the San Joaquin Regional Transportation Plan 2007. Project contribution towards regional traffic impact fees covers project responsibility for this freeway segment. 	
Traffic Safety Impacts	<u>LS</u>	<u>None required.</u>	
Public Transit Impacts Traffic Safety Impacts	<u>PS</u>	18-4 <u>The ODS responsible for the first proposed project within the Lathrop Gateway Business Park Specific Plan area that introduces the use of semi-trailers with a length of 48-feet as part of long-term operations will be required to identify STAA design deficiencies at the existing ramps at the SR 120/Yosemite Avenue interchange; engineer necessary improvements; obtain necessary approvals and permits from responsible agencies (i.e., City of Lathrop and Caltrans); and install necessary improvements prior to issuance of Certificate of Occupancy.</u>	<u>LS</u>
Public Transit Impacts	PS	<p style="text-align: center;">18-5 In coordination with the SJRTD, the ODS shall provide for the extension of a bus route to the project site, either the existing Route 95 or another route, and shall provide at least one on-site bus stop for this route.</p> <p style="text-align: center;">18-6 <u>The owner, developer or successors-in-interest (ODS) within the Lathrop Gateway Business Park Specific Plan area that will alter railroad crossings as a result of a proposed project within the plan area, shall include within engineered improvement plans railroad crossing safety measures. Improvements at crossings should include but are not limited to the following:</u></p> <ul style="list-style-type: none"> • <u>Improve and/or install warning devices/signage</u> • <u>Improve traffic signaling at intersections near crossings</u> • <u>Install medians to prevent vehicles from driving around crossing gate</u> • <u>Prohibit on-street parking within 100 feet of a crossing</u> • <u>Install pedestrian-specific warning devices</u> • <u>Install sidewalks and barriers to channelize pedestrians to specific crossings</u> • <u>Consider the feasibility of pull out lanes for buses and vehicles carrying hazardous materials</u> <p><u>The ODS shall seek the Public Utilities Commission's approval for any modifications to existing railroad crossings.</u></p>	LS
Impacts on Bicycle and Pedestrian Facilities	LS	None required.	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
19.0 CUMULATIVE			
Aesthetics	CC	None available.	CC
Agriculture	CC	None available.	CC
Air Quality	CC	None available.	CC
Biological Resources	LC	None required.	
Cultural Resources	LC	None required.	
Geology and Soils	LC	None required.	
Global Climate Change	CC	None available.	CC
Hazards and Human Health	LC	None required.	
Hydrology and Water Quality	LC	None required.	
Land Use and Planning	LC	None required.	
Noise	LC	None required.	
Population and Housing	LC	None required.	
Public Services	CC	None available.	CC
Public Utilities: Water, Wastewater, and Recycled Water	CC	None available.	CC
Public Utilities: Stormwater Conveyance:	LC	None required.	
Transportation/Circulation: Intersection Operations	CC	19-1 If the necessary intersection improvements identified under the Cumulative Base (Current Project Site Condition) scenario (as identified on pages 19-24 through 19-27 of the Draft EIR) have not been constructed by the time construction development in the Specific Plan is ready to commence with the issuance of the first building permit, area begins, the ODS of properties proposed for development within the Plan Area shall identify and pay their "fair share" costs of these improvements. Once the City has identified and programmed them in the appropriate funding plan. If these improvements are not included in a City fee program at the time of project approvals (either a Joint Traffic Impact Fee or Cities of Lathrop and Manteca fee programs), the project applicant(s) shall pay its fair share towards the cost of these improvements into a road improvement trust	LC

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		<p><u>fund to be administered by the City of Lathrop prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program.</u></p>	
	19-2	<p>The ODS shall construct the following intersection improvements:</p> <p><u>The initial development(s) within the Commercial Office designation or Limited Industrial designation to the west of Guthmiller Road (Yosemite Avenue) shall install</u> install a traffic signal at the Gutmiller Road (Yosemite Avenue)/Project Access 1 intersection (<u>intersection #36</u>) and construct the intersection with the following lane geometrics:</p> <p><i>Northbound Approach</i> – One left-turn lane, two through lanes, and one shared through-right lane.</p> <p><i>Southbound Approach</i> – One left-turn lane, two through lanes, and one shared through-right lane.</p> <p><i>Eastbound Approach</i> – One left-turn lane, on through lane, and one right lane</p> <p><i>Westbound Approach</i> – Two left turn lanes, and one shared through-right lane.</p> <p>Due to this intersection's close proximity to the Yosemite Avenue/SR 120 interchange ramp intersections, appropriate signal interconnect/coordination between the two intersections shall be implemented. <i>Projected LOS after mitigation: "D" or better.</i></p> <p><u>The initial development(s) within the Service Commercial designation north of Yosemite Avenue, between D'Arcy Parkway and McKinley Avenue; and the Limited Industrial designation south of Yosemite Avenue, between D'Arcy Parkway and McKinley Avenue shall install</u> install a traffic signal at the Yosemite Avenue/Project Access 2 intersection (<u>intersection #37</u>) and construct the intersection with the following lane geometrics:</p> <p><i>Northbound Approach</i> – One left-turn lanes, and one shared through-right lane.</p> <p><i>Southbound Approach</i> – One left-turn lanes, and one shared through-right lane.</p> <p><i>Eastbound Approach</i> – One left-turn lane, two through lanes, and one shared through-right lane.</p> <p><i>Westbound Approach</i> – One left-turn lane, two through lanes, and one shared through-right lane.</p> <p><i>Projected LOS after mitigation: "D" or better.</i></p>	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		<p><u>The initial development(s) within the Service Commercial designation east of McKinley Avenue and the Limited Industrial designation west of McKinley Avenue, between D’Arcy Parkway and McKinley Avenue shall install install a traffic signal at the McKinley Avenue/Project Access 3 intersection (intersection #38) and construct the intersection with the following lane geometrics:</u></p> <p><i>Northbound Approach</i> – One left-turn lane, two through lanes and one right lane.</p> <p><i>Southbound Approach</i> – One left-turn lane, two through lanes and one right lane.</p> <p><i>Eastbound Approach</i> – One left-turn lane, and one shared through-right lane.</p> <p><i>Westbound Approach</i> – One left-turn lane, and one shared through-right lane.</p> <p><i>Projected LOS after mitigation: “C” or better.</i></p>	
		<p><u>The initial development(s) within the Service Commercial designation south of Yosemite Avenue and east of McKinley Avenue shall install install a traffic signal at the Yosemite Avenue/Project Access 4 (intersection #39) intersection and construct the intersection with the following lane geometrics:</u></p> <p><i>Northbound Approach</i> – One left-turn lane, and one right-turn lane.</p> <p><i>Eastbound Approach</i> – One left-turn lane, two through lanes, and one shared through-right lane.</p> <p><i>Westbound Approach</i> – One left-turn lane, and three through lanes.</p> <p><i>Projected LOS after mitigation: “C” or better.</i></p>	
		<p><u>The initial development(s) within the Limited Industrial designation south of Yosemite Avenue, not accessed by improvements at intersections #37 and #38 shall construct Construct the D’Arcy Parkway/Yosemite Avenue/Project Access 5 intersection with the following lane geometrics:</u></p> <p><i>Northbound Approach</i> – One left-turn lane, one through lane, and one right-turn lane.</p> <p><i>Southbound Approach</i> – Two left-turn lanes, and one shared through-right lane.</p> <p><i>Eastbound Approach</i> – Two left-turn lanes, two through lanes, and one shared through-right lane.</p> <p><i>Westbound Approach</i> – One left-turn lane, three through lanes, and one right-turn lane.</p> <p><i>Projected LOS after mitigation: “D” or better.</i></p>	

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		<p>The initial development within the Specific Plan area shall install <u>install</u> a traffic signal at the McKinley Avenue/Yosemite Avenue intersection. <u>The initial development within either the Service Commercial or Limited Industrial designations located adjacent to this intersection</u> and shall construct the intersection with these additions to the geometrics required under Cumulative Base conditions:</p> <p style="padding-left: 40px;"><i>Northbound Approach</i> – Add one left-turn lane and one right-turn lane.</p> <p style="padding-left: 40px;"><i>Southbound Approach</i> – Add one right-turn lane.</p> <p style="padding-left: 40px;"><i>Eastbound Approach</i> – Add one through lane and one right-turn lane.</p> <p style="padding-left: 40px;"><i>Westbound Approach</i> – Add one through lane and one right-turn lane.</p> <p style="padding-left: 40px;"><i>Projected LOS after mitigation: "D" or better</i></p>	
Cumulative Impacts on Roadway Segment Operations	CC	<p>19-3 The ODS shall widen Guthmiller Road/Yosemite Avenue from two to six lanes from the SR 120 interchange to the eastern boundary of the Specific Plan area, prior to <u>buildout of 80% of the Lathrop Gateway Business Park Specific Plan (equivalent to 34,300 average annual daily trips (AADT) on this roadway segment). cumulative full buildout (year 2030).</u></p> <p>19-4 The ODS shall pay "fair share" costs towards <u>both the preparation and completion of a Project Study Report (PSR) in order to identify the long-range improvements necessary at the SR 120/Yosemite Avenue interchange, as well as their "fair share" towards the reconstruction of the SR 120/Yosemite Avenue-Guthmiller Road interchange. Preparation of the PSR shall commence with the development of Phase 1 of the specific plan and shall be prepared pursuant to Caltrans requirements. Reconstruction of the SR 120/Yosemite Avenue interchange shall commence once 40% of the Lathrop Gateway Business Park Specific Plan is built out.</u></p> <p>19-5 The ODS shall pay "fair share" costs towards a <u>Joint Traffic Impact Fee established by the Cities of Lathrop and Manteca, or if not adopted, pay a "fair share" of costs towards the City of Manteca's traffic impact fee to cover project responsibilities towards the following improvement (under either scenario, fair share costs shall be paid to the City of Lathrop for appropriate distribution):</u></p> <ul style="list-style-type: none"> • The Main Street/Yosemite Avenue intersection shall have the following lane geometrics: <p style="padding-left: 40px;"><i>Northbound Approach</i> – Two left-turn lanes, and one shared through-right lane.</p> <p style="padding-left: 40px;"><i>Southbound Approach</i> – One left-turn lane, one through lane, and one shared through-right lane.</p> <p style="padding-left: 40px;"><i>Eastbound Approach</i> – One left-turn lane, two through lanes, and one right-turn lane.</p> <p style="padding-left: 40px;"><i>Westbound Approach</i> – One left-turn lane, one through lane, and one shared through-right lane.</p>	CC

**TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Cumulative Impacts on Public Transit, Bicycle and Pedestrian Transportation	LC	None required.	

Mitigation Measure Key Code: ODS=Owners, developers and/or successors-in-interest; S=Significant; CC=Cumulatively Considerable; PS=Potentially Significant; LS=Less than Significant; LC=Less than Considerable; SOC Adopted=Statement of Overriding Considerations previously adopted

3.0 COMMENTS ON THE DRAFT EIR AND THE LEAD AGENCY'S RESPONSES TO THOSE COMMENTS

This chapter displays the comments received on the Public Review Draft EIR; the Lead Agency's written responses to those comments are provided following each comment letter. A total of 12 letters and 2 verbal comments from public agencies and individuals were received during the review period. A list of agencies and individuals submitting comments during the review period is shown below.

Comments Received on the Public Review Draft EIR

1. FEMA, June 10, 2010
2. Central Valley Farmland Trust, June 15, 2010
3. San Joaquin County Environmental Health Department, June 17, 2010
4. California Regional Water Quality Control Board, June 23, 2010
5. San Joaquin Council of Governments, July 22, 2010
6. California Department of Transportation, July 26, 2010
7. City of Manteca Community Development Department, July 26, 2010
8. California Public Utilities Commission, July 26, 2010
9. Mike and Karel Brown, July 26, 2010
10. California Department of Conservation, July 26, 2010
11. San Joaquin Valley Air Pollution Control District, July 26, 2010
12. Martin Harris, July 26, 2010
13. Harold Edwards, July 14, 2010
14. Charles Hechsen, July 14, 2010

The CEQA Guidelines (Section 15088) indicate that the Lead Agency's responses shall describe the disposition of significant environmental issues raised in comments on the Draft EIR. In particular, the major environmental issues in which the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response to comments. According to the CEQA Guidelines, conclusory statements unsupported by factual information will not suffice.

The comment letters received on the Public Review Draft EIRs are shown on the following pages. Each comment letter is followed by the Lead Agency's response(s) to the comment, in sequence. Each comment letter is assigned a code number shown above, and each substantive comment within each letter is assigned a letter code. Thus, each comment has a unique code made up of the letter number and the comment code. For example, comment "5B" is the second comment made by the San Joaquin Council of Governments.

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



FEMA

June 10, 2010

Charlie Mullen, Principal Planner
City of Lathrop
390 Towne Centre Drive
Lathrop, California 95330

JUN 15 2010

Dear Mr. Mullen:

This is in response to your request for comments on the City of Lathrop Notice of Completion of a Draft Environmental Impact Report and Notice of Meeting – Lathrop Gateway Business Park Specific Plan Project.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of San Joaquin (Community Number 060299) and City of Lathrop (Community Number 060738), Maps revised October 16, 2009. Please note that the City of Lathrop, San Joaquin County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

www.fema.gov

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Charlie Mullen, Principal Planner
Page 2
June 10, 2010

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The San Joaquin County floodplain manager can be reached by calling Thomas R. Flinn, Director, Department of Public Works, at (209) 468-3000. The Lathrop floodplain manager can be reached by calling Tom Ruark, Community Development Acting Director, at (209) 941-7260.

If you have any questions or concerns, please do not hesitate to call Jane Hopkins of the Mitigation staff at (510) 627-7183.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Tom Ruark, Acting Director, Community Development, City of Lathrop
Thomas R. Flinn, Director, Department of Public Works, San Joaquin County
Ray Lee, State of California, Department of Water Resources, North Central Region Office
Jane Hopkins, Floodplanner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

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1C

Responses to FEMA, letter of June 10, 2010

Response 1A: As directed by this comment, the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of San Joaquin (Panel 0620F) and City of Lathrop (Community Number 060738), effective October 16, 2009 were reviewed. This comment and review confirms the information provided on page 13-3 of the EIR related to the Plan Area and surrounding areas are classified as Zone X, or in areas that are protected by levees from the 1-percent-annual-chance flood event. This review also confirms that Reclamation District No. 17 levee system maintained its accreditation.

Response 1B: The Plan Area does not fall within a riverine floodplain, a Regulatory Floodway, or Special Flood Hazard Area as listed in this comment. Therefore, the floodplain management building requirements listed in the comment do not apply to the Plan Area and do not change the conclusions within the EIR.

Response 1C: Comment so noted. No specific concern related to the adequacy of the EIR analysis is raised in the comment, thus no response is required.



Central Valley Farmland Trust

8788 Elk Grove Blvd, Bldg 1, Ste I
Elk Grove, CA 95624
916-687-3178 phone
916-685-1041 fax
www.valleyfarmland.org

June 15, 2010

Mr. Charlie Mullen, Principal Planner
City of Lathrop
390 Towne Centre Dr
Lathrop, CA 95330

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JUN 15 2010

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Subject: Lathrop Gateway Business Park Specific Plan Project

Dear Mr. Mullen,

The Central Valley Farmland Trust (CVFT) is a 501 c(3) non-profit public benefit entity engage in the conservation of farmland in the Central San Joaquin Valley. CVFT has been operating in the Central Valley for over five years and is one of only a few land trusts in California which is fully accredited under the national Land Trust Accreditation Commission.

Directors

- Markus Bokisch
- Tim Byrd
- Jeani Ferrari
- Robin Flournoy

CVFT currently holds over 11,200 acres of agricultural conservation easements (ACE) across the four counties (e.g., Merced, Stanislaus, San Joaquin, and Sacramento) in which it operates. CVFT is professionally staffed and is formally engaged with the cities of Stockton, Manteca, and Tracy to assist in the administration of the farmland mitigation ordinances in place in those cities.

As you are aware, Lathrop passed a similar farmland mitigation ordinance back in 2005 as a result of a settlement agreement with the Sierra Club (see the attached Agreement to Settle Threatened Litigation regarding the Central Lathrop Specific Plan). The CVFT was created in part to establish a qualified entity to accept the farmland mitigation fees and apply the funds toward the acquisition of fee title and or ACEs within San Joaquin County. CVFT currently is working on several ACE projects within San Joaquin County that will likely close by this calendar year end. The majority of funding for these projects will come from farmland mitigation fees generated by Stockton, Manteca, and Tracy.



*Protecting farmland today, securing the future . . . acre by acre . . . day by day . . . year by year
Preserving the rural landscape of the Central Valley and the land that feeds us*

2A

Mr. Charlie Mullen, Principal Planner
City of Lathrop
Page 2

I had prior discussions with Marilyn Ponton (e.g., Former Lathrop Community Development Director) regarding the engagement of CVFT to assist in Lathrop's farmland mitigation ordinance, similar to the agreements we have with the other Cities. Unfortunately when Marilyn left the City of Lathrop all communication ended. At this point I'd like to resumes the discussion at your earliest convenience. At a time convenience for you I will gladly meet at your office. Please give me a call to discuss and thank you in advance.

Sincerely,



Bill H Martin
Executive Director

2A

Responses to Central Valley Farmland Trust, letter of June 15, 2010

Response 2A: No specific comments related to the proposed project or the adequacy of the EIR analysis are raised in this letter thus no additional response is required.



**San Joaquin County
Environmental Health Department
600 East Main Street
Stockton, California 95202-3029**

DIRECTOR
Donna Heran, REHS

PROGRAM COORDINATORS
Robert McClellon, REHS
Jeff Carruesco, REHS, RDI
Kasey Foley, REHS

Website: www.sjgov.org/ehd
Phone: (209) 468-3420
Fax: (209) 464-0138

June 17, 2010

JUN 21 2010
RECEIVED

Charlie Mullen, Principle Planner
City of Lathrop
390 Towne Center Drive
Lathrop, California 95330

Subject: Notice of Completion of a Draft Environmental Impact Report for Lathrop Gateway Business Park Specific Plan Project

The San Joaquin County Environmental Health Department (EHD) is supportive of this project in regards to the provision of full public services. The EHD requests the following comments be added to the above project for consideration:

- A. The existing homes are being served by onsite sewage disposal systems and individual wells for domestic and irrigation purposes. The EHD recommends that as a part of developing these properties, the existing well and septic systems shall be destroyed under permit and inspection with the EHD.
- B. The EHD has reviewed the document described above that proposed rezoning agricultural property that is actively farmed to allow for mixed use including a variety of commercial uses, limited industrial uses and public facility sites. EHD recommends that additional research be conducted to determine whether pesticides were used on the proposed development site(s). The site(s) should be evaluated to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists.
- C. In addition, although EHD does not regulate pesticides legally applied to crops, if pesticides have historically been used on the property, we strongly recommend that these areas be tested for environmentally persistent pesticides such as organic pesticides and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents and workers.

3A

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Should you have any questions, please contact Rodney Estrada, Lead Senior Registered Environmental Health Specialist, at (209) 468-0331.

Rodney Estrada, Lead Senior REHS
Interim Program Coordinator

RE: tl

Responses to San Joaquin County Environmental Health Department, letter of June 17, 2010

Response 3A: Mitigation Measure 17-1 of the Draft EIR states that the owners, developers and/or successors-in-interest shall remove existing septic systems prior to development of the parcel in which the septic system is located. Removal shall be in accordance with the rules and regulations of the San Joaquin County Environmental Health Department.

Response 3B: ENGEO Incorporated conducted an Agrichemical Impact Analysis of 190 acres of the project site. The 190 acres cover the majority of the project site that currently does not have residences or other structures. The analysis included soil samples that were analyzed for organochloride pesticides, mercury, arsenic and lead. The results of the analysis indicated that the concentrations of pesticides and metals were not at a level that would impact development of the project site.

Response 3C: Please refer to Response 3B above.



Linda S. Adams
Secretary for
Environmental
Protection

**California Regional Water Quality Control Board
Central Valley Region**

Katherine Hart, Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

23 June 2010

Charlie Mullen, Principal Planner
City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330

RECEIVED
JUN 24 2010
CITY OF LATHROP
COM. DEV. DEPT.

**COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT, LATHROP GATEWAY
BUSINESS PARK SPECIFIC PLAN PROJECT, SAN JOAQUIN COUNTY, SCH#2009062106**

The California Environmental Quality Act (CEQA) provides an opportunity for the Regional Water Boards to exercise their authority to require minimization and mitigation of impacts to the waters of the state.

Studies have found the amount of impervious surface in a community is strongly correlated with the impacts on community's water quality. New development and redevelopment result in increased impervious surfaces in a community. Post-construction programs and design standards are most efficient when they involve (i) low impact design; (ii) source controls; and (iii) treatment controls. The post construction design standards include minimum sizing criteria for treatment controls and establish maintenance requirements.

Many of the proposed (re)development projects must comply with post construction standards adopted by the local jurisdiction in compliance with a Phase 1 or 2 Municipal Storm Water Permit.

The proposed Lathrop Gateway Business Park Specific Plan (Project) is also covered by the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, NPDES Permit No. CAS000002, State Water Resources Control Board Water Quality (SWRCB) Order (Order) No. 2009-0009-DWQ, which is regulated by the Central Valley Water Board. One of the minimum control measures in the Order includes **Post Construction Standards (Section XIII)**. The Order states that the project proponent must implement long-term post-construction BMPs that protect water quality and control runoff flow ideally to the pre-development levels to be incorporated into development and significant redevelopment projects.

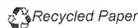
Comments on the Proposed Development

The Central Valley Water Board considers storm water discharges from the Permittee's developed area to be potential significant sources of pollutants that need mitigation. In this regard, we focus our review on the Hydrology and Water Quality portion of the document.

4A

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California Environmental Protection Agency



The Storm Water Pollution Prevention Plan (SWPPP) for the proposed project must include pollution controls both during construction and post-construction complying with standards required by the local jurisdiction or the post construction standards in the SWRCB Order.

4B

Details of low impact development and hydromodification strategies need to be addressed in the CEQA document. The following principals should be addressed in each and every project:

Low Impact Development (LID) and Hydromodification Strategies

On 20 January, 2005, Resolution 2005-0006 was adopted by the State Water Resources Control Board. The resolution adopted the concept of sustainability as a core value for all California Water Boards' activities and programs, and directed California Water Boards' staff to consider sustainability in all future policies, guidelines, and regulatory actions, including the review of applicable CEQA documents.

4C

LID is a sustainable practice that benefits water supply and contributes to water quality protection. The goal of LID is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall.

Hydromodification strategies should include controls to manage the increases in the magnitude, volume and duration of runoff from development projects in order to protect receiving waters from increased potential for erosion and other adverse impacts, ideally to the pre-development levels.

The Final EIR should include conceptual designs for a drainage and runoff control plan describing how on-site drainage systems will be designed to compensate for the change in the pervious capacity and to prevent adverse impacts to receiving water quality due to the changed hydrology of the (re)developed site. The Final EIR should outline conceptually what models and techniques will be used on site for the design of the conveyance, runoff control and treatment facilities to achieve the post construction standards compliance.

4D

For further detail please check
http://www.opr.ca.gov/ceqa/pdfs/Technical_Advisory_LID.pdf

Clean Water Act (CWA) Section 401 Water Quality Certification

The discharge of dredge or fill material to waters of the United States or waters of the State is subject to Section 401 of the CWA and the California Water Code (CWC). Section 401 requires that a Water Quality Certification be obtained from the State before the Army Corps of Engineers may issue a Section 404 permit. Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at:
http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/wqc_application.pdf

4E

If you have any questions regarding storm water or 401 Water Quality Certification, please contact me at (916) 464-4736 or dradulescu@waterboards.ca.gov.



Dan Radulescu, P.E.
Lead of the 401 / Municipal Storm Water Unit

cc: State Clearinghouse
Insite Environmental, 6653 Embarcadero Drive, Suite Q, Stockton, CA 95219
Juan Ochoa, City of Lathrop, 16775 Howland Road, Lathrop, CA 95330

Responses to California Regional Water Quality Control Board, Central Valley Region, letter of June 23, 2010

Response 4A: This comment summarizes the California Regional Water Control Board's authority to require minimization and mitigation of impacts to the waters of the state and notes that the proposed project is covered by the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002, State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, which is regulated by the Central Valley Water Board.

The comment notes that one of the minimum control measures in the Order (General Permit) includes "Post Construction Standards" (Section XIII). In the Order, Section XIII.A (Post Construction Standards) states, "All discharges shall comply with the following runoff reduction requirements **unless they are located within an area subject to post-construction standards of an active Phase I or II municipal separate storm sewer system (MS4) permit that has an approved Storm Water Management Plan.**" (emphasis added). The City of Lathrop is currently regulated by a Phase II NPDES permit and has an approved Storm Water Management Plan. The EIR acknowledges on page 13-12, fourth paragraph the following; "Storm water pollution generated by (project) land uses is subject to the requirements of the City's Storm Water Management Plan; the primary applicable requirement of the SWMP to project operations is the incorporation of the "post-construction" storm water quality BMPs in new development." The Lathrop Gateway Business Park Specific Plan drainage system will be required to include features designed to ensure that the water quality of runoff meets current water standards in conformance with Phase II National Pollutant Discharge Elimination System regulations.

Response 4B: The EIR recognizes that the storm water discharges from the Plan Area are a potentially significant source of pollutants. The EIR also acknowledges approved City and State documents that have established standards that will require the implementation of construction and post-construction Best Management Practices (BMPs) that will mitigate potential impacts to less than significant levels. The City's adopted Storm Water Management Plan (SWMP) requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for each project within the Plan Area. At that time, detailed BMPs will be identified on each SWPPP and approved by the local jurisdiction, the City of Lathrop.

Response 4C: The comment raises the need to address low impact development (LID) and hydromodification strategies in CEQA documents. This comes from a 2005 resolution adopted by the State Water Resources Control Board to consider the concept of sustainability as a core value for all California Water Board's activities and programs.

The comment notes that the goal of LID is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate and

detain runoff close to the source of rainfall. Also, hydromodification strategies should include controls to manage the increases in the magnitude, volume and duration of runoff in order to protect receiving waters from increased potential for erosion and other adverse impacts. As noted in the Draft EIR, the Plan Area is essentially flat, with surface flows moving roughly in a westerly direction. Site development proposes the construction of six detention basins for the purpose of managing storm water runoff and preventing flooding within the site and surrounding communities.

As noted on page 13-9 of the Draft EIR; “The watershed within the Plan Area is made up of six sub-sheds, Sheds A through F. Shed A is the larger shed that will contain a pump station that is sized to accommodate the entire Plan Area. Each shed contains a detention basin to limit the overall discharge from the Plan Area to the San Joaquin River. Sheds B through F will all discharge a limited amount of runoff into the collection system that connects to the Shed A basin and pump station. The proposed stormwater collection system functions by discharging all runoff directly into the river up to the point where the runoff rate exceeds the capacity of the pump station (which is limited to 30 percent of the 100 year developed condition flow rate from the watershed). When the rate of runoff exceeds the pump station capacity, water “backs up” into the detention system until the runoff rate declines and once again equals the capacity of the pump station. The water level in the detention facilities then decreases, emptying completely within a City mandated 24-hour period.” As described above, with the six sub-basins, the storm drainage system attempts to collect runoff close to the source of rainfall and then meter out excess flows through Shed A, if necessary. This system has been designed to minimize impacts to the San Joaquin River to the maximum extent practicable.

The Plan Area storm drainage system will also treat “first flush” runoff to the “maximum extent practicable” by implementing appropriate source and treatment control Best Management Practices (BMPs) that will be reviewed and approved by the City of Lathrop on a per project basis. These practices may include, but are not limited to, basins; water quality vaults; roof leaders to landscaped areas; swales; porous pavements; inlet stenciling; and street sweeping. The Plan Area currently has no structural or nonstructural BMPs in-place, and commercial, agricultural and industrial uses, including a truck storage facility, currently operate within the Plan Area boundaries. As noted on page 13-12 of the Draft EIR, “the combination of nonstructural and structural BMPs for the new stormwater drainage system would reduce the overall amount of potential contaminant discharges compared to existing conditions.”

It should also be noted that the applicant is not requesting tentative maps at this time. At such time that applications for tentative maps are filed with the City, the City would review subsequent project applications to determine consistency with City’s adopted SWMP and the storm system objectives identified in the Specific Plan. In addition the SWMP requires the preparation of a SWPPP for each project within the Plan Area. At that time, detailed BMPs will be identified on each SWPPP and approved by the local jurisdiction, the City of Lathrop.

Response 4D: Chapter 3 (Project Description), page 3-13 and Figure 3-6 (Storm Drain System) of the Draft EIR, provides a summary discussion and illustrate a conceptual design for a drainage system. Additional detail is contained in the Draft Specific Plan. For additional discussion refer to Response 4C.

Response 4E: Comment so noted. No specific concern related to the adequacy of the EIR analysis is raised in the comment, thus no response is required.



SAN JOAQUIN COUNCIL OF GOVERNMENTS

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ESCALON,
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AND
THE COUNTY OF
SAN JOAQUIN

July 22, 2010

Mr. Charlie Mullen, Principal Planner
City of Lathrop
390 Towne Centre Dr., Lathrop CA 95330

JUL 26 2010

RECEIVED

Re: Lathrop Gateway Business Park Specific Plan (DEIR) _SCH# 2009062106

Dear Mr. Mullen:

Thank you for the opportunity to comment on the DEIR for the Lathrop Gateway Business Park. As the County's designated Regional Transportation Planning Agency (RTPA), the Congestion Management Agency (CMA), and the Metropolitan Planning Organization (MPO), the San Joaquin Council of Governments (SJCOG) has reviewed the above-referenced document with respect to transportation and circulation impacts pursuant to the California Environmental Quality Act (CEQA).

Establishing and maintaining a Regional Congestion Management Program (RCMP) is required by State Govt. Code, Section 65088 – 65089.10 and the County's Measure K Renewal Ordinance. The purpose of the RCMP is to monitor the cumulative transportation impacts of growth of the regional roadway system (the Network), establish a level of service standard, identify deficient regional roadways and develop plans to mitigate the deficiencies, and facilitate travel demand management and operational preservation strategies for existing and planned development. The attached exhibit shows the roadways within the project area that are currently monitored as part of the adopted Network.

Comments on the DEIR:

Regulatory Setting Page 18-12 and 18-13 under Regulatory Setting

The San Joaquin Council of Governments is the state-mandated Congestion Management Agency with an adopted Congestion Management Program (RCMP). With the last program update in December 2007, the Board voted to adopt a two-tiered LOS standard.

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The first tier is triggered when the roadway is operating at a Level of Service of (LOS) “D”. This begins an effort by SJCOG to broaden alternative modal programs and target TDM measures on the likely sources of trips on the road segment(s) with the goal of reducing trips or shifting trips to alternate modes. In addition to reducing congestion, these programs help lay the groundwork for greater efforts that must be undertaken when the next threshold is triggered. The second tier is triggered by any roadway operating at LOS “E” or “F.” This triggers the state requirement for a Deficiency Plan.

Please include this information, as appropriate, within Table 18-5 and the LOS policy discussion on page 18-13. Additionally, it is unclear as to where the reference to Caltrans’ 1996 CMP originated. This may be a mistake and should have been the SJCOG’s 1996 CMP? Is so, please correct and also reference the updated 2007 RCMP, not the 1996 CMP.

It should also be noted that certain roadways were allowed to be “grandfathered” at their existing LOS at the time of program inception in the early 1990s. Within your project area, the following segment falls into this category:

LOS Standard of “F”		
Manteca	SR-120	Yosemite Ave. undercrossing to SR-99

Project’s conformance with CEQA Thresholds

The significance thresholds within the 2010 CEQA Guidelines, Appendix G, with a direct relation to CMA, MPO, and RTPA authority are:

XVI. TRANSPORTATION/TRAFFIC – Would the project:

- a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*
- b) *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

The DEIR does not address either threshold as they relate to the Regional Congestion Management Program (RCMP) and its associated plan. The DEIR should contain a section that specifically addresses requirements and standards of the Regional Congestion Management Program. If the project results in a degradation of LOS conditions, the identification and implementation of mitigation measures to resolve or mitigate the identified impact(s), is required per state CMP statute.

One of the major implementation actions of the RCMP is to establish and monitor Level of Service (LOS) conditions on the monitored roadway network and to assess where any

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deficiencies exist (as calculated per the RCMP's adopted methodology). SJCOG requests that additional analysis be completed to determine if the project will exceed the level of service standard, thus creating a significant impact. This analysis will also meet the intent of State CMP Statute, Section 65089 (4) relating to the Land Use Impact Analysis Program, which requires a complete analysis of impacts to the Network, including the costs associated with mitigating the impacts.

The roadway segments that are on the Network and that should be included in this supplemental analysis are:

- ▶ SR 5
- ▶ Airport Way
- ▶ Lathrop Rd.

Please note that in determining a significant impact, state CMP statute mandates that the following trips are excluded from the volumes used in determining the impact:

- 1) Interregional travel (trips that originate outside the county's boundary);
- 2) Traffic generated by the provision of low-income and very low income housing;
- 3) Traffic generated by high-density residential development located within one-fourth mile of a fixed rail passenger station; and,
- 4) Traffic generated by any mixed use development located within one-fourth mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density residential housing, as determined by the agency.

If after the trip exemptions are applied, the analysis shows that the project will have significant direct impacts to I-5, Lathrop Rd., or Airport Way, the EIR will need to fully disclose, mitigate to the extent possible, and make Overriding Considerations, if necessary. Of important note is that in the event that the impact is significant and unmitigable and Overriding Considerations are adopted does not exempt the requirements of preparing a Deficiency Plan (DP). As these are deficiencies that are "planned", the best way to justify them is to have a pro-active DP as part of the mitigation measures.

State Statute allows for two types of deficiency plans, one being a Direct-fix DP and the other a System-wide DP. If the roadway cannot, or if the jurisdiction deems it impractical, to directly fix the deficient road to meet the CMP LOS Standard, then a System-wide Plan would be appropriate. A System-wide deficiency plan is a mitigation plan for the allowance of a roadway to become deficient or remain deficient by promoting alternative improvements that will measurably improve multi-modal performance, and contribute to significant improvements in air quality (as detailed in Govt. Code 65089.4).

If there is a deficiency and a proactive plan is not prepared as part of this project’s mitigation, the jurisdiction in which the deficient segment lies will have full responsibility to take the lead in preparing either a Direct-fix or System-wide DP. This will be required when the CMA, as part of its biennial update, determines that the roadway does not meet the LOS standard. As a reminder, the trip exemptions listed above will be deducted from the volumes as part of the analysis.

Once a roadway segment is identified as deficient, the agency where the majority of a segment physically lies will have twelve months to prepare a DP. Government Code Section 65089.4 details the required analysis and components of a DP.

Travel demand management is an integral part of San Joaquin’s congestion management program. Not only is this a mandated component of the state’s CMP legislation (Section 65089(5)), it is also required by the voter approved Measure K Referendum. Additionally, the federal Congestion Management Process (mandated through SAFETEA-LU) stipulates that no federal funds will be advanced for capacity increasing projects unless travel demand reduction and operational strategies have been implemented, to the extent possible, on the roadway.

Although roadway segments operating at LOS “D” are not considered deficient, this standard does trigger a requirement. Certain roadway segments operating at LOS “D” are subject to the preparation of a plan that analyzes specific strategies for operational preservation and transportation demand management. These strategies include ensuring that new development projects provide provisions that will promote alternative travel. SJCOG is currently preparing a Regional Travel Demand Management Action Plan that will provide further guidance to the local jurisdictions, as well as land developers. This Plan is anticipated to be approved late-summer 2010.

SJCOG requests that the Gateway Business Park be conditioned to provide support for travel by bicyclists, pedestrians, transit passengers, and carpools. These provisions can include on-site construction, roadway design, off-street parking areas, designation of park-and-ride spaces within the Business Park, and participation in San Joaquin COG’s Commute Connection (www.commuterconnection.com).

Commuter Connection is the regional rideshare program operated by the San Joaquin Council of Governments whose mission is to reduce traffic congestion and improve air quality. The program is designed to help commuters make the transition from driving alone to a convenient ridesharing option such as carpooling, vanpooling, bicycling/walking or riding transit. The program serves San Joaquin County and through a special agreement with the Stanislaus Council of Governments, also serves Stanislaus County. The program includes free services such as commuter ride-matching, Guaranteed Ride Home and Employer Services.

5B

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Coordination with Commute Connection services/programs will be required for the following development types:

- All business or industrial parks
- All event centers or stadiums
- Schools with greater than 150 students
- All commercial, industrial, and retail offices with greater than 50 full-time equivalent employees

Therefore, as a means of mitigating any potential significant effect regarding a conflict with adopted policies, plans, or programs supporting alternative transportation SJCOG requests that measures be added that will ensure that future development per the Gateway Specific Plan will include provisions for alternative travel, as discussed above, and that the land uses listed above will coordinate with SJCOG's Commute Connection Program.

Surface Transportation Assistance Act (STAA) terminal access routes

The proposed project includes a wide variety on non-residential development that may depend on large trucks for the movement of goods. The majority of these operations will depend on STAA rated trucks to serve their needs. Therefore, the roadways supporting these non-residential operations must be designed and built to accommodate STAA rated trucks.

If you have any questions please call Laura Brunn, at (209) 235-0579. We would be pleased to meet with the city concerning these comments if that would be helpful.

Sincerely,

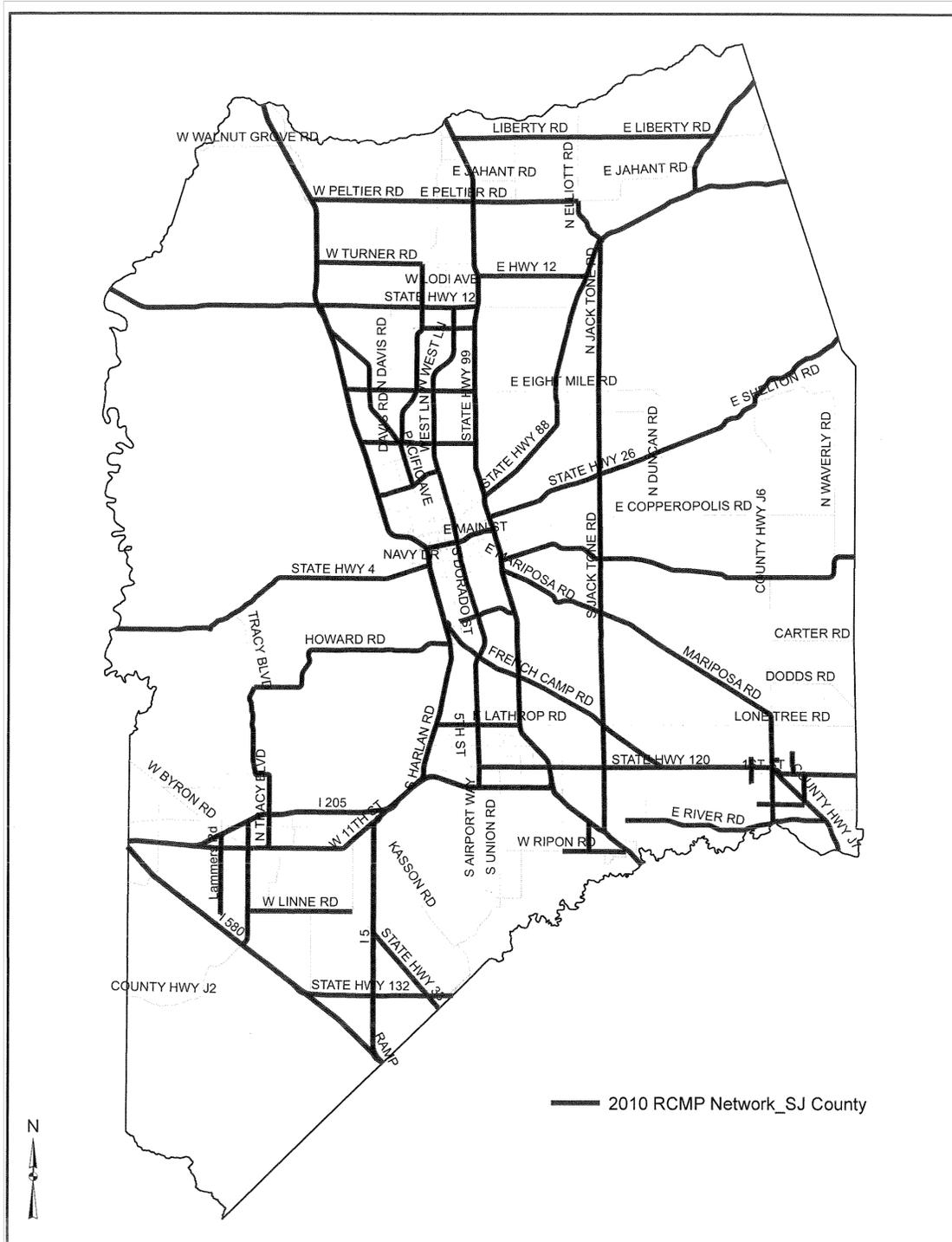


LAURA BRUNN
SJCOG Associate Regional Planner

Cc: Andrew Chesley, SJCOG Executive Director
Dana Cowell, SJCOG Deputy Director
Mike Swearingen, SJCOG Senior Regional Planner

5C

5D



Responses to San Joaquin Council of Governments, letter of July 22, 2010

Response 5A: Comment noted. SJCOG's two-tier LOS standard is acknowledged. The Final EIR will include language to cite this two-tiered approach for facilities/scenarios that are projected to operate at LOS D (First Tier) and those that are projected to operate at LOS E or F (Second Tier). The Final EIR also will delete references to the 1996 CMP and refer to the 2007 RCMP (please refer to Chapter 4.0, Errata, for changes). No technical revisions to the traffic study are necessary.

Response 5B: As noted in response 5A, the Final EIR will include discussion of the SJCOG's two-tiered LOS standard. The traffic study included a planning-level LOS evaluation of critical segment and intersection facilities identified in the SJCOG's 2007 RCMP Network facilities that fall within the study area, including I-5, Airport Way and Lathrop Road. The planned future improvements to these facilities are also reasonably included in the SJRTP-based regional transportation impact fee program, to which the proposed project will be contributing its fair share. As noted in the traffic study, with implementation of future regional improvements at these facilities, the facilities are projected to operate at cumulative base peak hour LOS "D" conditions or better. This is above LOS "E" or "F" which would have put a facility within the second tier of the 2007 RCMP, which triggers the state requirement for a Deficiency Plan to be prepared. As a result of these findings, the project will not contribute to any tier two deficiencies at these three facilities that are part of the 2007 RCMP Network.

Response 5C: The project proposes several features that would accommodate alternative modes of transportation, including sidewalks along all streets, bike routes along arterial and collector streets, a Class I bike path that traverses the Plan Area, and proximity to existing bus and rail routes. Mitigation Measure 6-8 of the Draft EIR (in Chapter 6.0, Air Quality) proposes additional measures that would further encourage the use of alternative transportation modes, including bus turnouts and transit improvements, continuous public sidewalks adjacent to all proposed public streets, and pedestrian signalization, signage and safety designs at signalized intersection. Mitigation Measure 6-9 requires the preparation of a transportation demand management plan that would incorporate features encouraging less motor vehicle travel, including carpooling. However, the Final EIR will add to this mitigation measure to explicitly include participation in the Commute Connection program. Please refer to Chapter 4.0, Errata, for changes.

Response 5D: The on-site and off-site roadway improvements that are either proposed by the project, conditioned on the project, or the project is required to pay for will be public roadways constructed per appropriate City of Lathrop and Caltrans design standards, which would accommodate movement of STAA-rated trucks.

Jul. 26. 2010 4:49PM

No. 0332 P. 2

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
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July 26, 2010

10-SJ-120-PM1.18
SCH#2009062106
Lathrop Gateway Business
Park Specific Plan

Mr. Charlie Mullen, AICP
Assistant Community Development Director
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Dear Mr. Mullen:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Draft Environmental Impact Report (DEIR) for the Lathrop Gateway Business Park Specific Plan, dated June 8, 2010, by Insite Environmental. The Traffic Impact Study (TIS), *Lathrop Gateway Business Park Specific Plan Transportation Impact Study*, dated April 2010 by Wood Rodgers is Appendix F of the DEIR. Note - for the purposes of the following Caltrans comments, the SR-120/Yosemite Avenue /Guthmiller Road interchange and ramps will be referred to as the SR-120/Yosemite Avenue. This project encompasses approximately 384 gross acres located in an unincorporated area of San Joaquin County, adjacent to the City of Lathrop. The east and west boundaries of the Plan Area are defined by two tracks of the Union Pacific Railroad; the southern boundary is State Highway Route (SR) 120 and the northern boundary is defined by Vierra Road and Yosemite Avenue.

The Department has the following comments:

Traffic Operations Comments

Analysis Scenarios

The development's Specific Plan is phased with the initial Phase 1 analyzed for a "near term" Year 2012 scenario. Please refer to the TIS, page 23 stating:

"Based on discussions with the project proponents, it is known that the proposed Specific Plan project will be constructed in multiple development phases. While market factors would dictate the actual time-frame over which full Specific Plan buildout will occur, at this time the project proponents anticipate full buildout to occur within approximately 10 years subsequent to the initiation of the first development phase."

6A

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COMMENT #6

Mr. Charles Mullen
 July 26, 2010
 Page 2

It is notable that the TIS states the project's full buildout is anticipated within approximately 10 years of initiation of the first development phase which is essentially the beginning of the Phase 1 development.

The DEIR transportation analysis applies these two stages "Phase 1" and "Full Build Out" of project trip generation to the Phase 1 Year 2010 scenario, and the Cumulative Year 2030 scenario as follows:

- The Project trips for "Phase 1" (167.6 acres Limited Industrial) are added to the existing background traffic conditions to evaluate project impacts at Year 2012
- The Project trips for "Full build out" (additional 56.7 acres commercial office, and 93.0 acres service commercial) are added to the Cumulative background traffic conditions to evaluate project impacts at Year 2030.

The "Full Build Out" of the project is essentially by any other name the Phase 2 of the development. As aforementioned, the DEIR states anticipated full buildout will occur within approximately 10 years subsequent to initiation of the first development phase. Since the "Full Build Out" development (i.e. Phase 2), begins prior to the Cumulative 2030 date, the DEIR needs to analyze the project's transportation impacts at the implementation date of this Phase 2 development, which is potentially Year 2022. The Phase 2 development traffic generation combined with the previous Phase 1 would create numerous direct and contributory potential significant impacts to the transportation system at opening day of the Phase 2 development. However, the DEIR neglects to analyze and subsequently disclose/address impacts at implementation of Phase 2 development. The DEIR only considers Phase 2 development impacts for the Cumulative 2030 scenario, which based on Year 2012 initiation of the first phase and a 10-year buildout is Year 2022. So a Year 2030 scenario is 8 years after the potential completion project buildout. Therefore, the DEIR needs to have analyzed the project's impacts for the scenario related to the Projects "Full Build Out" at the beginning date of the Phase 2 development; not only to the Cumulative 2030 scenario.

Therefore "Full Build Out" is the Phase 2 development which can be reasonably expected to begin prior to Year 2030 and needs to be analyzed as a separate interim scenario. By omitting the analysis scenario at the implementation of "Full Build Out" (i.e. Phase 2), the DEIR avoids disclosing, analyzing, and mitigating the significant impacts for the beginning of Phase 2. Thus the Project DEIR ignores significant impacts from its "Full Build Out" Phase 2 development during the intervening years between the implementation of "Full Build Out" development to the Cumulative 2030 date.

Project Trip Distribution

Refer to Figure 5, "Project Trip Distribution", and Figure 7 "Year 2012 Traffic Volumes", and Figure 3, "Existing (2008-2009) Traffic Volumes. Since the TIS does not show the Phase 1 Year 2012 project only trip assignments at intersections, Figure 7 minus Figure 3 would approximate the Project only 2012 intersection volumes.

During the 2012 scenario, the future interchange at McKinley will not exist. This leaves the SR-120/Yosemite Avenue interchange as the closest freeway access to the Phase 1 development which is "Limited Industrial". Reviewing the Project trip assignments at intersection #19 SR-120

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6B

Mr. Charles Mullen
July 26, 2010
Page 3

westbound ramps at Yosemite Avenue indicates that approximately 45% of the Project trips were distributed to this interchange. A 45% trip assignment to the SR-120/Yosemite Ave Interchange which is the closest off-ramps and on-ramps to the development is arbitrarily low when considering the next adjacent interchanges require a substantially longer travel distance or travel time. For example the I-5/Louise interchange is approximately 2 miles away which the trips would then need to use the surface street system. The SR-120/Airport Road Interchange is also approximately 2 miles away which again requires the use of various surface streets.

The Project trip distribution at 2012 Phase 1 indicates the trips percentages were assigned to various other interchanges with the following approximate percentages as follows:

- I-5/Lathrop Road Interchange 12% AM, 12% PM
- I-5/Louise Ave Interchange 11% AM, 11% PM
- SR-120/Airport Road Interchange 10% AM, 10% PM
- SR-120/Union Road Interchange 11% AM, 11% PM

The above trip assignments show that a total of 40% of the Phase 1 Year 2010 project trips are assigned to interchanges which are a substantial travel distance away. This does not seem reasonable or practicable considering the development is immediately adjacent to the SJ-120/Yosemite Avenue Interchange.

HCM Road Segment Analysis

Refer to DEIR, Table 18-2 LOS Criteria for Roadway Segments. Refer to Note 2 which is a disclaimer stating that the thresholds are approximate and assume ideal roadway conditions. More specifically it states that the LOS may vary depending on a variety of factors such as percentage trucks. On pages 18-3 and 18-4, the DEIR states high truck percentages on the freeway segments of SR-120 at 18% and I-5 at 26%, respectively. These substantial truck percentages will significantly affect the LOS thresholds; however the summary table ignores the affects of the significant truck percentages. As a result, for both SR-120 and I-5 freeway segments, the DEIR uses a summary table of thresholds which is not applicable to the traffic conditions since it assumes all passenger cars and no heavy vehicles. The DEIR and TIS needs to correctly analyze the LOS based on the methods outlined in HCM Chapter 23 "Basic Freeway Segments" in lieu of omitting substantial truck volumes.

HCM Analysis (Truck Percentages)

The SJ-120/Yosemite Avenue interchange ramps have a very high percentage of trucks due to adjacent truck related facilities. Heavy vehicle percentages (i.e. trucks) decrease the capacity of these side-street stop controlled intersections or the adjacent county or city all-way stop intersections. A review of the Traffix7.9 and Synchro7 electronic analysis files provided for these ramp intersections indicates the analysis used low percentages of trucks on various approaches or movements. This would impact the critical gap & follow-up time, or saturation headway, and further degrade the resultant vehicle delays/LOS.

A review of the electronic files for the Traffix7.9 and the Synchro7 analysis indicate both used 5% trucks (i.e. heavy vehicles) for all of the approaches in the intersection HCM analysis. A recent field

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Mr. Charles Mullen
 July 26, 2010
 Page 4

count of PM traffic at these ramp intersections was performed to estimate heavy vehicle percentages. The field count indicates various movements where heavy vehicle percentages are significantly greater than those used in the Traffix7.9 and Synchro7 analysis as summarized in the following tables:

SJ-120 EB / Yosemite Ave		Truck Percentage	
Approach	Movement	Field %	Traffix & Synchro Analysis %
EB Off-Ramp	Rt	29	5
NB Yosemite	Thru	13	5
SB Yosemite	Lt	20	5

SJ-120 WB / Yosemite Ave		Truck Percentage	
Approach	Movement	Field %	Traffix & Synchro Analysis %
WB Off-Ramp	Rt	30	5
NB Yosemite Ave	Thru	25	5
SB Yosemite Ave	Rt	12	5
	Thru	19	5

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From the above comparison, it is evident the TIS needs to use more reasonable heavy vehicle percentages in its LOS analysis. The TIS should obtain classification counts and if a substantial difference is still evident then reanalyze the intersections using more appropriate heavy vehicle percentages.

TRUCK TURNING ANALYSIS

The development proposes land uses which would generate more truck traffic and specifically STAA vehicles. The DEIR and TIS neglect to disclose that the SR-120/Yosemite Avenue interchange ramps, for the majority of the turning movements, do not meet STAA Terminal Access requirements. Specifically, a STAA truck cannot make the off-tracking requirements while making the turning movements at the following ramps:

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- SR-120 eastbound off-ramp
- SR-120 westbound off-ramp
- SR-120 westbound on-ramp

The proposed development will necessitate the need for STAA Terminal Access at the SR-120/Yosemite Avenue Interchange ramps; however, the TIS does not disclose, address, or propose mitigating this issue.

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Mr. Charles Mullen
July 26, 2010
Page 5

Ramp Junction LOS

The TIS in its Appendix Table 2 summarizes ramp junction analysis which includes merge and diverge LOS at the freeway on-ramps and off-ramps, respectively. However the body of the TIS discussion does not mention or discuss the impacts the project traffic would have on the on-ramp merges and off-ramp diverges with the mainline traffic. The DEIR also omits to disclose or mention any issues related to the on-ramp merges, and off-ramp diverges which the project traffic would degrade.

Refer to previous comments regarding high truck percentage at the ramps. It is also notable that the ramp junction analyses assume a low percentage (5%) of heavy vehicles in the merge/diverge analysis compared to what can be expected at the SR-120/Yosemite Avenue Interchange. Additionally the ramp junction analysis assumes only a 10% truck percentage on mainline which is contrary to the truck percentages the DEIR states on mainline SR-120 and I-5.

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Weaving between SR-120 and I-5/SR-120 Junction (Year 2030)

Refer to TIS, pg 49, SR-120 Ramp Intersections at SR 120 / Yosemite Avenue Interchange. The TIS states that it is recommended the SR-120 westbound on-ramp be eliminated due to weaving issues between this interchange and the I-5/SR-120 connector. Additionally, the TIS does not include its calculations for a weaving analysis to analyze and substantiate the LOS conditions supporting elimination of this on-ramp.

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The proposal for the elimination of the SR-120/Yosemite Avenue westbound on-ramp due to safety issues would be a significant impact related to transportation since the project would substantially increase hazards by generating traffic which would degrade this short weaving movement of approximately 1200 ft. However, the DEIR does not discuss nor disclose this significant impact even though it is mentioned in the TIS.

SR-120/Yosemite Interchange (Year 2030)

Refer to the TIS, pg 33, Planned Cumulative Base Improvements (Assumed Not Constructed by Year 2030). The discussion states that the listed improvements were *not* assumed to be in place under cumulative (2030) baseline conditions. It specifically lists the Reconstruction of the SR-120 Interchange with Yosemite Avenue/Guthmiller Road. Contrary to the aforementioned TIS statement, referring to the TIS, Figure 9, "Cumulative (2030) Base Intersection Lane Geometrics and Control", shows the SJ-120/Yosemite Interchange (intersections # 18 and #19) with a substantial modification/improvements at the interchange including signalization, additional lanes such as dual left-turn lane at the EB off-ramp, dual receiving lanes at the on-ramps, dual-left turn lanes from northbound and southbound Yosemite Avenue to both on-ramps, and additional thru lanes on Yosemite Avenue under the structure. A review the Synchro7 files for Year 2030 indicates the analyses and subsequent LOS's claimed were performed assuming these improvements were in place at Year 2030.

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Mr. Charles Mullen
July 26, 2010
Page 6

Traffic safety

Refer to DEIR, pg 18-20, Traffic Safety Impacts. The DEIR states in the first sentence, "The TIS did not identify any specific traffic safety issue with the project." Additionally it goes on to state:

"A few roadway segments in the vicinity would also experience unacceptable LOS, which could increase safety hazards. However, these roadway segments are on freeways, on which traffic conditions are more controlled and therefore less likely to lead to increased safety hazards than on streets or other roadways."

Caltrans disagrees with the above statement. This statement ignores the fact that these freeway segments have ramp junctions present where vehicles are merging on and off the freeway, vehicle lane changes near interchanges, and weaving movements.

As commented earlier, the TIS recommends that the SR-120 westbound on-ramp be eliminated due to "weaving issues". This aforementioned weaving issue may create potential safety problems by increasing vehicle accident frequency. This is contradictory to the DEIR's statement that the TIS did not identify any specific traffic safety issue with the project.

Additionally included in traffic safety should have been discussion regarding the issue that the SJ-120/Yosemite ramps do not meet STAA truck off-tracking. This results in trucks off-tracking into opposing lanes of traffic when making their right and left turning movements, which creates vehicle conflicts and a potential safety issue.

SUMMARY

The Project DEIR Chapter 18, Transportation and Circulation, has significant flaws to the extent that it does not adequately fulfill CEQA requirements to document and disclose the Project impacts. The DEIR does not disclose numerous potential significant impacts. Several significant flaws, and omissions are as follows:

- The DEIR omits the scenario related to the implementation of the Phase 2 development. The TIS states that full build out of the project is anticipated in 10 years. By omitting a necessary Phase 2 opening day scenario analysis the DEIR ignores this subsequent phase's direct and contributory transportation impacts at implementation even though Phase 2 will generate substantial traffic to SJ-120 interchange facilities. The DEIR as currently written analyzes the Phase 2 development transportation impacts for the Cumulative 2030 scenario.
- The project trip distribution at Phase 1 Year 2012 is questionable since substantial project generated traffic volumes in this phase are being assigned to interchanges which are a distance from the development.
- The project involves industrial development, yet the traffic analyses assume a low truck percentage at 5% for all ramps and intersections. Additionally the ramp junction analyses assume a mainline 10% truck percentage. The various LOS analyses need to account for a more reasonable percentage of heavy vehicles based on the developments land use. This error will substantially impact freeway LOS, intersection LOS, ramp junction LOS, etc.
- The freeway segment LOS was determined using Table 18-2 thresholds which essentially assume no heavy vehicles in its threshold volumes and subsequent LOS.

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Jul. 26. 2010 4:50PM

No. 0332 P. 8

Mr. Charles Mullen
July 26, 2010
Page 7

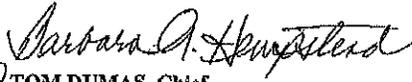
- Even though Phase 1 Limited Industrial portion of the project is industrial use, and Phase 2 includes service commercial, the DEIR/TIS ignores STAA truck access issues which would be reasonably foreseen to access the development from the SR-120/Yosemite Avenue interchange ramps. The SR-120/Yosemite Ave ramps do not accommodate STAA trucks, nor does it have STAA Terminal Access designation. STAA trucks using these facilities would create potential significant impacts due to safety issues related to off-tracking.
- The DEIR does not adequately address traffic safety issues which the project will create or exacerbate. For example, this includes the TIS's proposed elimination of the SR-120 westbound on-ramp, which the DEIR omits disclosing or mentioning.
- The DEIR's supporting TIS analysis for Year 2030 assumed significant improvements at the SR-120/Yosemite interchange ramps, and the DEIR's LOS values claimed are for an upgraded facility. This is contradictory to the TIS's statement that the reconstruction of this interchange was *not* assumed.

The Department is recommending the aforementioned issues be addressed and resolved prior to approval of the Environmental Impact Report.

The DEIR needs to correct its supporting traffic impact study, and re-evaluate the development's traffic impacts. Once the DEIR corrects the traffic impact analysis, and re-evaluates this section, the affected agencies and the public should be given the opportunity to review and comment on the DEIR's revised transportation impacts and mitigations.

If you have any questions or would like to discuss our comments in more detail, please contact Kathy Selsor at (209) 948-7190 (e-mail: Kathy_Selsor@dot.ca.gov) or me at (209) 948-1921.

Sincerely,


for TOM DUMAS, Chief
Office of Intermodal Planning

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COMMENT #6

6J

6K

Responses to California Department of Transportation, letter of July 26, 2010

Response 6A: At the time of initiation of the traffic study in early 2010, the project proponent had offered a preliminary conservative opinion that the Specific Plan would likely complete buildout within approximately 10 years of initiation of the first development phase. Nevertheless, the traffic study states that “*market factors would dictate the actual time-frame over which full Specific Plan buildout will occur...*” (p. 23, emphasis added). In the more recent opinion of the project’s economic and financial planning consultant, “Given likely market conditions in the central San Joaquin Valley (supply and demand for commercial/industrial space), it will take at least 20 years for the site to be fully developed” (EPS, Inc. memo dated August 19, 2010). Therefore, it is anticipated that full SP buildout will not reasonably happen until year 2032 or later, which is 20 years from the project’s anticipated initiation of the first development phase (year 2012).

Based on the likely buildout scenario, the traffic consultant concluded that a detailed evaluation of project impacts under a “Year 2022 plus Project Buildout” scenario is not necessary from a practical standpoint. Between the scenarios already evaluated in the traffic study – which ranges from “Existing plus Project Phase 1” conditions through “Cumulative (Year 2030) plus Project Full Buildout” conditions – a reasonable full range and extent of anticipated project impacts are already comprehensively evaluated and disclosed in the traffic study. It should be noted that the analysis scenarios evaluated in the traffic study were scoped to the satisfaction of the reviewing agencies that commented on the EIR’s Notice of Preparation.

Response 6B: The reviewer obtained an approximate estimate of “Project Phase-1 Only” volumes by simply subtracting Existing (2008-09) traffic counts (shown in Figure 3 of the traffic study) from “Year 2012 plus Project Phase 1” traffic volumes (shown in Figure 7 of the traffic study). It should be noted that the “Year 2012 plus Phase 1” traffic volumes were estimated in the traffic study by factoring in a 5% background traffic growth on top of “Existing (2008-09)” traffic counts, and by further superimposing “Project Phase 1” trips on top of those growth-rated traffic volumes. Since the reviewer’s computation did not adjust for the effect of background traffic growth, the “project only” trip estimates used by the reviewer to substantiate the comment are inaccurate. The following table correctly summarizes the “Project Phase-1 only” traffic route distribution/assignment estimates to the various study facilities as used in the traffic study (and consistent with gateway trip distributions indicated in Figure 5 of the traffic study).

Study Facility	Project Phase 1 Peak Hour Route Distribution (under Year 2012 conditions)
SR 120 / Yosemite Interchange	43%
SR 120 / McKinley Blvd. Interchange (un-constructed)	N/A
SR 120 / Airport Way Interchange	1%
SR 120 / Union Rd Interchange	1%
SR 120 / Main Street Interchange	1%
I-5 / Louise Ave Interchange	1%
I-5 / Lathrop Rd Interchange	3%
SR 99 / Yosemite Ave Interchange	8%
Local Areas (via local streets)	42%
Total	100%

As indicated by the above table, the traffic study did assign a majority of the Project Phase-1 traffic via the SR 120/Yosemite Avenue interchange, due to its close proximity to the project site. The anticipated project traffic distribution (regional traffic) via the SR 120/Yosemite Avenue interchange (43%) is almost three times the route distribution via other study interchanges combined (15%). In addition, approximately 42% of the project traffic (local traffic) is assigned via local streets and overcrossings to/from the local residential population centers without impacting regional interchange ramps and freeway mainline facilities. It also should be noted that the project's peak hour trip distribution/assignment is dominated by employee commuter trips, with only a small percentage by volume (10% or less) attributable to truck and commercial vehicle traffic.

For these reasons, the traffic study's trip distribution of "Phase 1 Project only" traffic is considered reasonable and no revisions are considered warranted. A sensitivity analysis indicated that, even if up to 60% of the (regional) project traffic is assigned via the SR 120/Yosemite Avenue interchange, the unsignalized ramp intersections at this interchange would still operate at "Year 2012 Project plus Phase 1" worst-case movement LOS "C" or better conditions, consistent with results presented in the traffic study. Therefore, the findings and recommendations presented in the traffic study (and in the Draft EIR) are generally unlikely to change, even if a relatively higher proportion of project traffic is assigned via the SR 120 /Yosemite Avenue interchange.

Response 6C: The traffic study used annual average daily traffic (AADT)-based freeway and arterial/local street LOS thresholds (as shown in traffic study Table 2) that are generic values used throughout the Central Valley region of California, inclusive of several local jurisdictions within Caltrans District 10. The traffic study relied on these AADT-based LOS thresholds that have been traditionally used in typical planning-level, traffic operations analysis completed in support of programmatic CEQA documents for development projects throughout the region. The comment that the AADT-based LOS threshold table "assumes all passenger cars and no heavy vehicles" is inaccurate, since the AADT table does assume average daily truck trip percentages in the range of 10%-20% that is prevalent throughout the region.

A detailed directional, peak-hour level evaluation of regional freeway mainline facilities is considered to be beyond an adequate level of scope of traffic evaluation

typical for development project EIR traffic studies, given that vicinity regional freeway facilities have already been comprehensively evaluated as part of the SJCOG Regional Transportation Impact Fee program, Caltrans Transportation Concept Reports (TCRs) for I-5, SR 120, and SR 99, and focused interchange Project Study Reports (PSRs) prepared for Caltrans. Given these background planning documents, a detailed peak hour level evaluation of freeway mainline facilities within the project vicinity is unlikely to yield new findings that are currently unknown to the concerned reviewing agencies. However, it should be noted that the traffic study did include a peak-hour evaluation of critical SR 120 ramp junctions throughout the study area. Also, it should be noted that the segment of SR 120 from the Yosemite Avenue interchange to SR 99 interchange was allowed to have its existing (1990s) LOS F condition “grandfathered” into the SJCOG’s 2007 Regional Congestion Management Plan.

Response 6D: The truck percentages used for the analysis of the SR 120/Yosemite Avenue interchange were obtained from Section 2.2, “Analysis Methodology and Key Assumptions,” (p. 7) of the SR 120/McKinley Avenue Interchange Project Study Report (PSR), approved by Caltrans in June 2008. The PSR states that a peak hour percentage of 10% for SR 120 mainline and 5% for ramps and local roadways were used under both AM and PM peak hour periods. The traffic study generally relied on these truck percentages for the SR 120/Yosemite Ave interchange, under all scenarios inclusive of existing conditions. It should be noted that the existing volumes at the SR 120/Yosemite Avenue interchange are minimal (no more than 450 peak hour vehicles currently use this interchange), with current peak hour operations in the LOS B or better range.

Although the comment presented data from a field count suggesting a higher truck percentage on Yosemite Avenue and the SR 120 ramps, the source, date and time period for this count were not provided. Therefore, this information could not be independently verified. Assuming conditions consistent with the comment, should the existing heavy vehicle percentages on the ramps be increased from 5% to up to 30% on all approaches at the SR 120/Yosemite Avenue ramp intersections, the average delays are projected to increase slightly. However, no changes to the LOS values under existing conditions or to related findings and recommendations contained in the traffic study and the Draft EIR are projected. Therefore, no technical revisions to the evaluation of trucks in the traffic study are deemed warranted.

It should be noted that up to 30% truck composition applicable under existing low-volume conditions will not be applicable under future conditions, where substantial background growth and planned new development will significantly reduce the percentage of peak hour truck traffic. The Caltrans-approved PSR estimates for truck percentages were, as such, considered more appropriate for use under all anticipated future conditions.

Response 6E: Comment noted. It is acknowledged that there is an existing deficiency at the SR 120/Yosemite Avenue interchange ramps in that a “majority of the turning movements do not meet STAA Terminal Access requirements.” The Draft EIR states that the proposed project will be responsible for implementing or paying towards

future improvements at the SR 120/Yosemite Avenue interchange to offset impacts associated with the project. However, existing safety and operational deficiencies and non-standard design features at the interchange are outside the scope of the project. The City of Lathrop and project proponents intend to engage Caltrans in an upcoming PSR process for identifying and constructing appropriate near-term and long-range improvements necessary at the SR 120/Yosemite Avenue interchange, including STAA Terminal Access improvements. In order to address this comment related to STAA Terminal Access requirements, the Final EIR will incorporate text discussing STAA Terminal Access requirements and mitigation to reduce potential project related impacts to less than significant levels. For these additions, refer to Chapter 4.0, Errata, under the “Traffic Safety Impacts” discussion.

Response 6F: Please refer to Response 6C. Typically, on-ramp merge and off-ramp diverge peak-hour level analysis of the regional freeway system is considered to be beyond an adequate level of scope of traffic evaluation necessary for development project EIR traffic studies. However, in response to Caltrans comments on the NOP letter for this project, a peak-hour level ramp junction analysis was completed, and the results were summarized in the traffic study as an appendix. Regarding ramp truck percentages, please refer to Response 6D.

Response 6G: The SR 120 mainline segment between SR 120 westbound on-ramp junction at the SR 120/Yosemite Avenue interchange and SR 120/I-5 westbound connector off-ramp junction is projected to experience a year 2030 PM peak hour “weaving volume” (critical 20-year design hour volume) of approximately 2,900 passenger cars per hour. Using the HDM-based Leisch Method, a weaving length of approximately 1,600 feet is estimated to be necessary for this segment to sustain acceptable peak hour LOS D or better operations. Currently, the available weaving length on this segment is only 1,300 feet. Therefore, the traffic study included a recommendation that the existing diagonal SR 120 westbound on-ramp from Yosemite Avenue be eliminated as part of ultimate planned interchange improvements at the SR 120/Yosemite Avenue interchange, and be replaced with a westbound loop on-ramp that would help increase the weave distance to 1,600 feet or more. The Final EIR will add text discussing this weaving issue (please refer to Chapter 4.0, Errata).

It should be noted that a detailed Caltrans PSR-level evaluation for the SR 120/Yosemite Avenue interchange would need to be initiated in order to investigate the need, nature and timing of improvements that are necessary to address the identified weaving issues as well as other deficiencies at the interchange. Mitigation measure 19-4 has been modified to identify that the project owner, developer or successor-in-interest (ODS) will be responsible for engaging Caltrans in a future PSR process for identifying and constructing appropriate near-term and long-range improvements necessary at the SR 120/Yosemite Avenue interchange (please refer to Chapter 4.0, Errata).

Response 6H: It is acknowledged that the bullet item on Page 33 of the traffic study for the “Reconstruction of SR 120 Interchange Yosemite Avenue/Guthmiller Road” should be moved to the “Planned Cumulative Base improvements (assumed constructed

by year 2030)” section to provide internal consistency with the TIS analysis tables and results.

Response 6I: The Final EIR will add text as appropriate regarding potential safety impacts associated with the project as they relate to LOS and weaving conflict between SR 120/Yosemite Avenue interchange and the SR 120/I-5 westbound connector ramp. Please refer to Chapter 4.0, Errata, for the additional text.

Regarding the STAA truck issue and reference to added text in this Final EIR, please refer to Responses 6E.

Response 6J: Please refer to the preceding responses above for explanations and identified changes to the Draft EIR that have been made to address the issues raised by Caltrans and summarized in Comment 6J. With suggested clarifications and added text, the Final EIR is deemed adequate and reliable to assist in planning-level decision-making related to the transportation aspects of the proposed project. While some changes will be made in the Final EIR, they are changes that explain or clarify text in the Draft EIR, and they do not meet the criteria set forth in CEQA Guidelines Section 15088.5(a) requiring recirculation of the EIR.

Response 6K: Please refer to the preceding responses above for explanations and identified changes to the Draft EIR that have been made to address the issues raised by Caltrans. While some changes will be made in the Final EIR, they are changes that explain or clarify text in the Draft EIR, and they do not meet the criteria set forth in CEQA Guidelines Section 15088.5(a) requiring recirculation of the EIR.



CITY OF MANTECA

COMMUNITY DEVELOPMENT
DEPARTMENT

July 26, 2010

Charlie Mullen, Principal Planner
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

JUL 26 2010

RECEIVED

Subject: Comments in Response to the Draft Environmental Impact Report for the proposed Lathrop Gateway Specific Plan

Dear Mr. Mullen:

The City of Manteca appreciates the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the subject project. The City of Manteca has identified an overall lack of mitigation for identified impacts from the traffic that will be generated by the subject project on the circulation system our cities share. As you will find in the attached letter prepared by Fehr and Peers, Transportation Consultants, the DEIR appears to be deficient for the following reasons:

- A project-level analysis of the traffic impacts of the entire project on the existing environmental setting was not conducted.
- Cumulative roadway network assumptions are not realistic.
- Cumulative land use assumptions may not consider "reasonable and foreseeable" land use developments in Manteca.
- Inadequate mitigation is offered for traffic impacts in Manteca.

The City of Manteca respectfully submits the attached comments and requests that they are fully addressed in the Final EIR, or that the analysis is corrected and added to the DEIR to be recirculated. Thank you for the opportunity to review and comment on the DEIR. We look forward to receiving responses to the comments and would greatly appreciate formal notification of any public hearings that may be scheduled for the project.

Sincerely,

Frederic Clark
Interim Community Development Director

1001 W. CENTER ST. • MANTECA, CA 95337 • (209) 456-8500 • FAX (209) 923-8949
www.ci.manteca.ca.us

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7A

COMMENT #7



July 19, 2010

Mr. Mark Meissner
Planning Manager
Community Development Department
City of Manteca
1001 W. Center Street
Manteca, CA 95337

Re: Review of Lathrop Gateway Specific Plan Draft EIR

RS10-2798

Dear Mr. Meissner:

Fehr & Peers has completed a review of the transportation impact analysis for the *Lathrop Gateway Specific Plan Draft EIR*. Per your request, we evaluated the overall adequacy of the study, and examined impacts and mitigations specific to the City of Manteca.

We believe the transportation impact analysis prepared for the *Lathrop Gateway Specific Plan Draft EIR* is deficient and should be modified for the following reasons:

- A project-level analysis of the traffic impacts of the entire project on the existing environmental setting was not conducted.
- Cumulative roadway network assumptions are not realistic.
- Cumulative land use assumptions may not consider "reasonable and foreseeable" land use developments in Manteca.
- Inadequate mitigation is offered for traffic impacts in Manteca.

Information and data supporting each of the above concerns is provided below.

Project-Level Analysis Not Completed

Page 1-6 of the *Lathrop Gateway Specific Plan Draft EIR* indicates that this is a "Project EIR". In accordance with CEQA Guidelines, this type of EIR focuses on the effects on the environment that would result from construction of the project. However, the transportation/circulation chapter analyzes only the initial phase (limited industrial) of the project on the existing environmental setting. The initial phase of the project represents about 25 percent of the total project's peak hour trip generation. By not analyzing how the entire project would affect the existing environment (and determining what mitigations would be required), the DEIR is functioning as a programmatic document (at least pertaining to transportation).

2990 Lava Ridge Court # 200 Roseville, CA 95661 (916) 773-1900
www.fehrandpeers.com

7B

7C

We recommend that the DEIR be updated to include a project-level analysis (i.e., "existing plus project" conditions). Such an analysis would determine how much of the project could be constructed prior to requiring improvements at the State Route 120/Yosemite/Guthmiller interchange.

7C

Cumulative Roadway Network Assumptions Not Realistic

The DEIR analyzed 35 study intersections under cumulative conditions. All but seven (7) of these intersections were assumed to have additional approach lanes or new traffic controls when compared to existing conditions. Page 19-20 of the DEIR lists the various intersection/interchange improvements and roadway/freeway widenings assumed under cumulative conditions. These improvements were assumed in place because they were "included in existing local or regional traffic impact mitigation fee programs". The study further assumes a series of roadway, intersection and freeway improvements that are beyond those that are planned and funded, but deemed necessary without the project. We would recommend, at a minimum, the following changes in cumulative network assumptions:

- Exclude improvements at the SR 120/Main Street and SR 120/Airport Way interchanges – they are listed as Tier II projects (not fully funded) in *Draft 2011 SJCOG RTP*.
- Exclude Street/Intersection Widenings within Manteca – EIRs in Manteca have typically not assumed any street widenings because the current Public Facilities Implementation Program (PFIP) does not fully fund all required improvements.
- Exclude improvements at the I-5/Roth Road interchange – there are no known plans to install traffic signals and add lanes to this interchange. Without these improvements, operations would be at an unacceptable level and the project would exacerbate this condition, thereby causing a significant impact and requiring mitigation.
- Exclude improvements at SR 120/Yosemite/Guthmiller interchange – assuming this improvement as a base cumulative assumption results in a conclusion that this interchange operates acceptably under "cumulative with project" conditions. Given that the project will heavily rely on this interchange for access to SR 120, some type of analysis that identifies a trigger for improvements is warranted.

7D

7E

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7G

The DEIR makes no reference as to whether the planned McKinley Avenue expressway (extending from the planned SR 120/McKinley Avenue interchange southeasterly to SR 99) is assumed under cumulative conditions.

7H

Page 19-27 of the DEIR recommends that the SR 120 westbound on-ramp at the Yosemite/Guthmiller interchange be eliminated due to weaving concerns. However, no analysis of the effects of this ramp closure is provided. Furthermore, this ramp was assumed in place for the cumulative conditions analysis. Does a certain percentage of project build-out trigger this ramp closure?

7I

Reasonable and Foreseeable Land Use Developments May Not Be Considered

Page 19-19 of the DEIR states that cumulative (2030) traffic forecasts were developed by reviewing long-range forecasts from previous environmental documents and infrastructure studies (dating from 1995 through 2009). No information was provided as to which specific land developments were assumed in place under cumulative conditions. The City of Manteca recently completed or is actively processing environmental reviews of several large projects including: Austin Road Business Park and Residential Community, Northwest Airport Way Master Plan, Manteca Trails, Terra Ranch, and Machado Estates Subdivisions. Please provide clarification to indicate whether these projects were considered in the cumulative analysis.

7J

Inadequate Mitigation for Traffic Impacts in Manteca

Mitigation 19-1 requires the applicant to pay a fair share for the cumulative base intersection improvements that are not in place once construction of the project begins (subject to the improvements being in a fee program). Please clarify as to whether this mitigation responsibility applies to improvements only within Lathrop or throughout the study area. Please also explain how this mitigation will be enforced and how the results will be communicated to other agencies whose facilities the project impacts.

7K

The City of Manteca employs a three-second threshold as the criteria for significant impacts at intersections within the City that currently or are expected to operate unacceptably. The DEIR incorrectly applies a five-second threshold.

7L

Mitigation 19-5 specifies that the project applicant shall pay towards Manteca's traffic impact fee program for widening at the Yosemite Avenue/Main Street intersection. It is important to note that the additional approach lanes recommended as mitigation will require acquisition of additional right-of-way from developed properties in all quadrants of the intersection. The City of Manteca has indicated that they are willing to work with the City of Lathrop and the project applicant to calculate and accept as appropriate mitigation the project applicant's proportionate share of this improvement cost.

7M

According to Tables 19-2 and 19-3 of the DEIR, the project would cause significant cumulative impacts at the following Manteca intersections based on the DEIR significance criteria:

- Airport Way/Louise Avenue
- Union Road /Louise Avenue
- Airport Way/Yosemite Avenue
- Union Road/Yosemite Avenue

7N

These impacts are described in pages 53-57 of the traffic study contained in Appendix F. Page 57 indicates that the project would be subject to payment of fees to cover these impacts. Please

Mr. Mark Meissner
City of Manteca
July 19, 2010
Page 4



explain why none of these significant impacts are listed in Chapter 19 of the DEIR or in the executive summary Table 2-1 of significant environmental impacts and mitigation measures.

According to data contained in the Lathrop Gateway Specific Plan Draft EIR, the project would generate approximately 3,100 AM peak hour trips and 3,700 PM peak hour trips, with about 40 percent of that traffic expected to use Manteca streets. The presumed widening of numerous City of Manteca streets and intersections "masks" the impacts of this added traffic. Because the impacts have been understated, recommended mitigations are not sufficient.

As the proposed project is located adjacent to the City of Manteca and contributes a substantial number of trips to Manteca streets based on the data in the DEIR, a pro-rata payment of the standard traffic impact fee to the City would be considered an adequate mitigation for impacts to City of Manteca streets.

Sincerely,

FEHR & PEERS

John Gard, P.E.
Principal

7N

7O

7P

Responses to City of Manteca Community Development Department, letter of July 26, 2010

Response 7A: Please refer to the following responses that address the issues brought forth in the comment.

Response 7B: Please refer to the following responses that address the issues brought forth in the comment.

Response 7C: Please refer to Response 6A. A “project level” analysis, i.e. “Existing plus Project” conditions’ evaluation, as completed in the traffic study, assumes a reasonably anticipated first development phase (“Limited Industrial” parcels in the Specific Plan area) that may be processed by the project proponent that controls that portion of the Specific Plan in the near term. As discussed in Response 6A, an “Existing plus Project (SP Buildout)” scenario would be practically meaningless, given that the Specific Plan is projected to take over 20 years to fully buildout. Between the “Existing plus Project Phase 1” conditions and the “Cumulative (Year 2030) plus SP Full Buildout” conditions evaluated in the traffic study, a reasonable full range and extent of anticipated project impacts were comprehensively evaluated and disclosed. Full buildout of the Specific Plan could be considered only programmatically evaluated under cumulative conditions. However, together the transportation chapter of the EIR along with the cumulative chapter provides a complete analysis of the anticipated buildout of the Specific Plan area. It should also be noted that no tentative maps are being requested at this time. At such time that applications for tentative maps are filed with the City of Lathrop, the City would review subsequent project applications to determine their consistency with the Specific Plan and related CEQA documentation.

Response 7D: The improvements assumed at SR 120/Main Street and SR 120/Airport Way interchanges were listed as Tier 1 projects in the currently adopted 2007 SJCOG RTP. It is considered inappropriate to ignore these adopted improvements in favor of recommendations contained in a document that has not yet been adopted. The cumulative base geometrics and control assumptions for these interchanges were obtained from recommendations contained in the Union Crossing EIR, prepared for the City of Manteca in May 2009. However, should those improvements be not assumed, then the SR 120 ramp intersections with Main Street are projected to operate at Cumulative (2030) Base (current project site) AM and/or PM peak hour LOS “F” conditions. The project impact at these intersections would be considered “significant,” as the project adds traffic to those intersections which are projected to operate at Cumulative Base AM and/or PM peak hour LOS “F” conditions. Once agreed upon, the proposed project will contribute towards identified improvements by paying the project’s fair-share of those improvements through the City of Lathrop and Manteca joint impact fee program. With the improved lane geometrics and controls illustrated by Figure 9 of the traffic study, these intersections are projected to operate at Cumulative Base (current project site) and “Cumulative Base plus Project” AM and PM peak hour LOS “C” or better conditions. The project impact to these facilities will likely remain “significant and

unavoidable” until the base deficiencies are adequately funded and mitigated by the City of Manteca. The key item to note is that, with the cumulative base improvements that are planned/recommended to be in place, regardless of the proposed project, the project impacts at these intersections are projected to be “less than significant.”

Response 7E: The Cumulative Base improvements within the City of Manteca, as assumed in the traffic study, were based on recommended cumulative improvements identified in the Union Crossing EIR and the Evans Pillsbury EIR, prepared for the City of Manteca in April 2009. Although the City’s current Public Facilities Implementation Program does not fully fund all required improvements, it would be unreasonable to assume no improvements to the streets/intersections in Manteca (particularly over a 20-year period). Once agreed upon, the proposed project will contribute towards identified improvements by paying the project’s fair-share of those improvements through the City of Lathrop and Manteca joint impact fee program. It is acknowledged that the project impacts to several of these City of Manteca facilities will likely remain “significant and unavoidable” until the base deficiencies are adequately funded and mitigated by the City of Manteca. Again, the key item to note is that, with the cumulative base improvements that are already planned/recommended to be in place, regardless of the proposed project, the project impacts on these facilities are projected to be “less than significant.”

Response 7F: The improvements to the I-5/Roth Road interchange under Cumulative Base conditions were assumed based on recommendations contained in the Central Lathrop DEIR, certified by the City of Lathrop in November 2004. Should no improvements be assumed for the I-5 ramp intersections at Roth Road, then these ramp intersections are projected to operate at Cumulative Base (current project site) AM and/or PM peak hour LOS “F” conditions. The project impacts at the I-5 northbound ramps/Roth Road intersections will then be considered “significant”, since the project adds traffic to the intersections that are operating at “Cumulative Base” LOS “F” conditions. The project will contribute towards these improvements by paying a pro-rata fair-share into the City of Lathrop traffic impact fee program. With the improved lane geometrics and controls illustrated on *Figure 9* of the April 2010 TIS, these intersections are projected to operate at Cumulative Base (current project site) and “Cumulative Base plus Project” AM and PM peak hour LOS “C” or better conditions. The project impact to this interchange will likely remain “significant and unavoidable” until the base deficiencies are adequately funded and mitigated. The key item to note here is that with the cumulative base improvements that are planned/recommended to be in place, regardless of the proposed project, the project impact at these intersections is projected to be “less than significant.”

Response 7G: It should be noted that a detailed Caltrans PSR-level evaluation for the SR 120/Yosemite Avenue interchange would need to be initiated in order to investigate the need, nature and timing of improvements that are necessary to address deficiencies at the interchange. Mitigation measure 19-4 has been modified to identify that the project owner, developer or successor-in-interest (ODS) will be responsible for engaging Caltrans in a future PSR process for identifying and constructing appropriate near-term and long-range improvements

necessary at the SR 120/Yosemite Avenue interchange (please refer to Chapter 4.0, Errata).

Response 7H: The suggested McKinley Avenue expressway, extending from the planned SR 120/McKinley Avenue interchange southeasterly to SR 99, is not part of the 2007 SJCOG RTP Tier I or Tier II planned regional improvements. References to the McKinley Avenue Expressway were not contained in prior agency-approved EIR studies, the Caltrans PSR for the SR 120/McKinley Avenue interchange, or other planning documents that were available at the time the NOP was circulated. Since the traffic study did not assume this likely future improvement, the analysis as presented can be considered to be reasonably conservative. It is noted that it appears that a McKinley Avenue Expressway, as an alternative route to the SR 99 corridor, would tend to alleviate anticipated ultimate traffic operations on the SR 120 mainline.

Response 7I: Please refer to Response 6G.

Response 7J: The traffic study reviewed prior agency-approved EIR studies, the Caltrans PSR for the SR 120/McKinley Avenue interchange, the SJCOG regional travel demand model, and other planning documents that were available at the time the NOP for the EIR was circulated. These projects are noted in the traffic study. Under CEQA Guidelines Section 15125(a), the baseline for evaluating environmental impacts in an EIR is the environmental setting on the date the NOP is issued. The purpose of this provision is to give a Lead Agency greater certainty regarding the setting that must be described, rather than having a setting that changes frequently with the addition or deletion of projects or other governmental actions. Therefore, development project applications that may have been submitted for agency consideration subsequent to the circulation of the NOP may not, and are not necessarily required to, be included in the EIR evaluation.

A brief review of cumulative traffic forecasts as contained in more recent traffic studies - such as the Northwest Airport Way Master Plan traffic study document that was completed subsequent to the traffic study - indicated that more recent cumulative forecasts for some study facilities (e.g., at/near I-5/Roth Road interchange) may actually be somewhat lower than those used in the traffic study. Therefore, the traffic study analysis, as presented, is regarded as being reasonably conservative.

Response 7K: As described in the Draft EIR, the project shall mitigate impacts by paying appropriate pro-rata impact fees towards all pre-existing public transportation impact fee programs that are enforceable on this project at the time the project construction begins. These fee programs primarily include the City of Lathrop CIP traffic impact fee program and the SJCOG RTP-based regional traffic impact fee program. With regard to City of Manteca impacts, it is understood that the proposed project will be responsible for payment of fees towards a "joint traffic impact fee program" currently being developed between the City of Lathrop and Manteca. Such a joint impact fee program would also need to be appropriately updated/amended to reflect included planned improvements that are identified in this traffic study that may have been considered hitherto unidentified, unfunded or

under-funded. The City of Lathrop, as the lead approval authority for this project, will be responsible for collection of all traffic impact fees from the proposed project, and subsequent dissemination of those fees to the appropriate affected agencies as described in the specific fee programs, including the finalized joint traffic impact fee program between the Cities of Lathrop and Manteca.

Response 7L: The traffic study used the “five-second threshold” as the standard for significance of project impacts on City of Manteca facilities, based on a review of significance criteria used in an uncirculated South Lathrop Specific Plan Administrative Draft Report, dated March 2008. A sensitivity evaluation conducted by Wood Rodgers indicated that there are still no changes to the project impact significance results and recommendations contained in the traffic study should a “three-second threshold” be used as the criteria of significance for impacts to City of Manteca facilities.

Response 7M: Comment noted. Please also refer to Response 7K.

Response 7N: The City of Manteca intersections listed in the comment letter were described in the Draft EIR on pages 19-25 and 19-26, along with the improvements the traffic study determined were necessary to avoid significant impacts. Mitigation Measure 19-1 includes a reference to all necessary intersection improvements identified under the Cumulative Base (Current Project Site Condition) scenario. Mitigation Measure 19-1 has been revised to reference specified improvements (please refer to Chapter 4.0, Errata).

Response 7O: The traffic study provides a good-faith disclosure of prior planning and funding efforts undertaken by the affected public jurisdictions (including the Cities of Lathrop and Manteca, SJCOG and Caltrans District 10) towards financing/implementing transportation infrastructure improvement needs that were identified in prior studies, commensurate with substantial volume of background traffic growth projected on study area transportation facilities. It is acknowledged that adequate funding sources may not be known in all instances to implement such planned/recommended baseline improvements. However, an approach that only assumes currently known fully-funded improvements to be in place under cumulative (2030) baseline conditions may result in practically all cumulative project impacts being “significant and unavoidable”. The traffic study instead used an approach which removed locations where project impacts would be “less than significant” with reasonably planned/funded baseline improvements in place, and focused on locations where project impacts may remain “significant” even with adequate planned baseline improvements in place. It should be noted that, regardless of current funding status for planned future improvements, the traffic study recommended that the proposed project be responsible for pro-rata payment of traffic impact fees towards pre-existing and future programs that intend to adequately fund all planned/recommended cumulative baseline improvements.

Response 7P: Comment noted. Please refer to Response 7K.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 26, 2010

Charlie Mullen
City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330

Re: Notice of Completion, Draft Environmental Impact Report (DEIR)
Lathrop Gateway Business Park Specific Plan
SCH# 2009062106

Dear Mr. Mullen:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The traffic impact study (T.I.S.) within the traffic/circulation section of the DEIR failed to specifically consider safety issues to existing at-grade railroad crossings nor include the adjacent crossings within the T.I.S. as requested in our NOP comment letter dated 7/28/09 to the City. A project of this significance (384 acres of commercial and industrial) needs to evaluate and provide discussion of the crossings; otherwise the DEIR is inconclusive on the level of impacts and is inconsistent with the spirit of CEQA.

In addition to the potential impacts of the proposed project itself, the DEIR needs to consider cumulative rail safety-related impacts created by other projects.

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. The proposed project has the potential to increase vehicular and pedestrian traffic in the vicinity.

Measures to reduce adverse impacts to rail safety need to be considered in the DEIR. General categories of such measures include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses

Charlie Mullen

8A

- Improvements to warning devices at existing highway-rail crossing
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.

Please provide a revised and or amended Traffic Impact Study to ensure that all at-grade railroad crossings are included in the DEIR analysis. This will minimize the proposed project from being required to conduct individual Traffic Impact Studies which expedites the review time and is significantly more cost effective to the City and project proponents.

Thank you for your consideration of these comments. We look forward to working with the City on this project. If you have any questions in this matter, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov.

Sincerely,

Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
180 Promenade Circle, Suite 115
Sacramento, CA 95834-2939

Responses to California Public Utilities Commission, letter of July 26, 2010

Response 8A: Comments noted. Currently there are seven “at-grade” railroad crossings in the vicinity of the project site – one at D’Arcy Parkway, one at Yosemite Avenue, two at McKinley Avenue, one at Lathrop Road, and two at Louise Avenue. The railroad crossings are provided with crossbucks, advanced warning and “Stop lines and RR Xing” pavement markings, mast-mounted flashing lights (FLs), cantilever flashing lights and warning bells. Two traffic lanes cross the railroad at D’Arcy Parkway, Louise Avenue, Yosemite Avenue and Lathrop Road. A total number of 13 trains per day operate on the UPRR railroad tracks that cross Lathrop Road and Louise Avenue. Data on the usage of the tracks that cross D’Arcy Parkway, McKinley Avenue and Yosemite Avenue are currently unavailable. Per the US DOT “Highway-Rail Grade Crossing Accident/Incident Report”, there were a total of three accidents reported at the Louise Avenue crossing between 1975-2010 and four accidents reported at the Lathrop Road crossing between 1989-2010.

All the railroad crossings within the City of Manteca, namely Airport Way, Louise Avenue (on the Valley Route), Union Road, and S. Main Street, are at-grade railroad crossings with up to 20 trains per day operating on those tracks. All of these crossings are provided with advanced warning, “Stop Lines and RR Xing” pavement markings and train-activated devices such as gates, mast-mounted flashing lights and warning bells. There have been four accidents reported at the Louise Avenue crossing between 1984-2010, four accidents reported at the Union Road crossing between 1979-2010, two accidents reported at the Airport Way crossing between 1976-2010, and one accident reported at S. Main Street railroad crossing between 1977-2010.

As a part of the 2007 SJCOG RTP, Lathrop Road at UPRR (Westerly), Louise Avenue at UPRR and Airport Way at UPRR railroad grade-separation projects were identified as Tier I funded improvements. The RTP recommended construction of a four-lane overpass at the Lathrop Road UPRR railroad crossing and construction of at-grade improvements at the Louise Avenue UPRR railroad crossing. Currently improvements at Louise Avenue are being installed and improvement plans for the Lathrop Road grade-separation structure have been approved and right-of-way acquisition along Lathrop Road has been initiated by the lead agency. For the Airport Way UPRR railroad crossing, the RTP recommended construction of a five-lane grade separation over the tracks. The Lathrop Road at UPRR (Westerly) grade separation project is also included as part of the City’s Capital Improvement Program. Thus, the City of Lathrop is in the process of implementing some of the safety measures recommended in the comment letter at crossing near the project site.

The proposed project’s pro-rata payment of local traffic impact fees and the SJCOG Regional traffic impact fee program are considered adequate mitigation for project impacts to ultimate railroad grade-separation projects in the vicinity of the proposed Specific Plan. The City will consider other safety measures recommended in the comment letter and incorporate these measures into future railroad crossing construction projects as appropriate. Text will be added to the

Final EIR discussing potential impacts at existing crossings and identify a mitigation measure to insure incorporation of identified safety measures into future improvement plans that include road improvements at existing railroad crossings (please refer to Chapter 4.0, Errata).

Mike and Karel Brown
P.O. Box 510
Lathrop, CA 95330
APN 241-030-05
4100 W. Yosemite Avenue

Charlie Mullen, Principal Planner
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

July 26, 2010

Re: Lathrop Gateway Business Park Specific Plan and EIR

Dear Mr. Mullen,

Our comments on the Specific Plan and EIR are as follows:

Financing

As a small landowner with no control over the timing or cost of the Project, we appreciate policies to protect landowners from Project costs prior to the development of their properties, such as 1.2, 2.3, 4.1, and 4.2. In addition to these policies, we would like a guarantee from the City, written into the adopted Plan, that our property will not be put into any type of finance district or Mello-Roos without our consent, and that any and all costs, including the Specific Plan Fee Reimbursement, related to the Project will be deferred until the property develops.

Phasing

While the phasing plan is a rough guide, it seems logical that lands closest to the freeway will develop first, therefore areas 5 and 6 will probably develop before area 4.

Guthmiller Road

It will eliminate much confusion if Guthmiller Road is renamed Yosemite Avenue, and the western end of Yosemite Avenue is renamed Yosemite Court. This will conform the actual street name to the name shown on the freeway exit sign.

Sincerely,



Mike Brown

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Responses to Mike and Karel Brown, letter of July 26, 2010

Response 9A: This comment is directly related to financial mechanics associated with the cost and funding of projects within the Plan Area. This comment raises no additional environmental concerns or comments directly related to the physical environment addressed in the Draft EIR, thus no response is required.

Response 9B: No specific concern related to the adequacy of the EIR analysis are raised in this comment associated with phasing, thus no additional response is required.

Response 9C: No specific concern related to the adequacy of the EIR analysis are raised in this comment associated with the naming of Guthmiller Road/Yosemite Avenue, thus no additional response is required. During processing of Tentative/Final Maps within the Plan Area, the City of Lathrop can consider the recommendation made within this comment.



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

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July 26, 2010

VIA FACSIMILE (209) 941-7268

Charlie Mullen, Principal Planner
City of Lathrop
390 Towne Centre Dr.
Lathrop, CA 95330

Dear Mr. Mullen:

Subject: City of Lathrop Gateway Business Park Specific Plan Draft Environmental Impact Report

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (DEIR) for the Lathrop Gateway Business Park Specific Plan project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

Project Description

The purpose of this Lathrop Gateway Business Park Specific Plan project is for the planned urban industrial and commercial development of approximately 384 acres. The project site is located near the existing City of Lathrop (City) city limits, south of Vierra Road and Yosemite Avenue, east of the I-5 freeway, and north of State Route 120. No parcels within the project site are under Williamson Act contracts. However, implementation of the project would result in the permanent conversion of approximately 60 acres of Prime Farmland and 135 acres of Farmland of Statewide Importance. The impact to agricultural resources has been categorized as significant and unavoidable. Therefore, the Division recommends that any subsequent CEQA document address the following items to provide a comprehensive discussion of potential impacts of the project on agricultural land and activities:

Agricultural Setting of the Project

- Current and past agricultural use of the project area. Please include data on the types of crops grown, and crop yields and farm gate sales values.

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

10A

Mr. Mullen, Principal Planner
July 26, 2010
Page 2 of 3

To help describe the full agricultural resource value of the soils on the site, the Department recommends the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. Two sources of economic multipliers can be found at the University of California Cooperative Extension Service and the United States Department of Agriculture (USDA).

Mitigation Measures

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. According to the DEIR, approximately one-half of the project site is agricultural and would be converted to non-agricultural uses. In order to mitigate against this conversion, the Project applicant and City would be required to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Fees would be paid by the project applicant to the SJCOG on a per-acre basis for lost agricultural land during development of the proposed Lathrop Gateway Business Park. The San Joaquin Council of Governments (SJCOG) would use these fees to purchase conservation easements on agricultural and habitat lands in the project vicinity.

However, the DEIR also states that fees collected for lost agricultural land would be used to purchase conservation easements that would spread their benefits to any combination of habitat, open space, and agricultural land conservation. As such, the compensation provided by the fee contribution for the proposed project would not be applied exclusively to agricultural lands. Therefore, it is likely that the SJMSCP would only partially mitigate the conversion of Important Farmland associated with the project. Furthermore, no new farmland would be made available, and the productivity of existing farmland would not be improved as a result of the SJMSCP mitigation. In sum, full compensation for losses of Important Farmland may not be achieved.

In order to more fully mitigate the conversion of Important Farmland associated with the project, the Department recommends that collected fees based on acreage of lost agricultural land be used to purchase conservation easements to conserve agricultural lands. In general, the Department recommends the use of conservation easements on land of at least equal quality and size as compensation for the direct loss of agricultural land. However, if growth-inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased.

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number

10A

10B

Mr. Mullen, Principal Planner
July 26, 2010
Page 3 of 3

below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website:

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

Thank you for giving us the opportunity to comment on this DEIR. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, CA 95814; phone: (916) 324-0869; email: Elliott.Lum@conservation.ca.gov.

Sincerely,



Dan Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

10B

Responses to California Department of Conservation, letter of July 26, 2010

Response 10A: As the Lathrop Gateway Business Park Specific Plan builds out, the necessity of subsequent CEQA documents will be evaluated on a project-by-project basis by the lead agency. As requested, the lead agency will consider this comment as part of future evaluations.

For additional response, refer to Response 10B below.

Response 10B: It is the conclusion of the Draft EIR that the loss of any amount and type of agricultural land is considered to be significant and unavoidable (with or without any form of mitigation). This conclusion also mimics the findings of the City of Lathrop Comprehensive General Plan EIR (1997) that also included the project area as part of Sub-plan Area #1. The California Environmental Quality Act (CEQA) Guidelines requires decision-makers to balance the benefits of a proposed project against its unavoidable environmental effects in determining whether to approve the project. Pursuant to Section 15093(a) of the Government Code, if the benefits of the project outweigh the unavoidable adverse effects, the adverse environmental effects may be considered "acceptable."

The provision of adequate industrial, commercial, office development and public facilities in and around Lathrop will, in most cases, involve conversion of land that has supported some agricultural use since the City of Lathrop is surrounded by productive farmland. As noted in the San Joaquin County Agricultural Land Preservation Study prepared by the San Joaquin County Council of Governments in 1980, San Joaquin County's urban centers are generally located amid the best soils for agricultural use, and such soils cover most of the County. Thus, in most cases, expansion of the present urban centers is at the expense of farmland.

The Lathrop Gateway Business Park Specific Plan area is included within the City's General Plan Boundary. The project is consistent with City objectives that provide for contiguous urban growth and extension of urban services to areas identified as "Sub-plan Areas" in the City of Lathrop General Plan. The project provides a logical extension of urban development as the project is bounded on the north and west by existing urban development. In addition, conversion of agricultural land within the proposed annexation area to urban uses would be phased over a multi-year period. Land that is not under development would be expected to remain in agricultural use.

The City of Lathrop is a participant in the San Joaquin County Multi Species Habitat Conservation Plan, and development of the projects within the Lathrop Gateway Business Park Specific Plan will be subject to the requirements of the Plan. Plan implementation is expected to result in some protection of agricultural lands in conjunction with its habitat conservation functions. However, as discussed in the Draft EIR, the loss of farmland cannot be fully mitigated, thus resulting in a significant and unavoidable impact.

July 26, 2010

Charlie Mullen
City of Lathrop
Planning Department
390 Towne Centre Drive
Lathrop, CA 95330

Project: Lathrop Gateway Business Park Specific Plan
District CEQA Reference No: 20090401

Dear Mr. Mullen:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed Specific Plan and Environmental Impact Report (EIR) for the Lathrop Gateway Business Park Specific Plan (LGBPSP) to be located south of the City of Lathrop, east of the I-5 freeway. At full buildout the project would include: 57 acres of commercial office uses; 168 acres of limited industrial uses; 83 acres of service commercial uses; and 77 acres of roads and public facility sites. The District offers the following comments:

Criteria Pollutant Emissions

- 1) The emissions analysis provided in the EIR does not represent a worse-case buildout scenario. The emissions analysis was performed using the square footage allowed by the target floor to area ratio (FAR) provided in the Specific Plan (Table 1.1 and Table 3.1), not the maximum FAR allowed by land use.
 - 1a) Tables 1.1 and 3.1 indicate that, based on a target FAR, the maximum project buildout would be 5,434,894 square feet. However, because the City may allow minor deviations in land use intensity for particular projects (Specific Plan, *Section 3.4 Land Use and Site Layout Flexibility*) the maximum FAR range should be used in determining the worst-case scenario. Based on the FAR ranges provided in the summary tables, the maximum allowable (worst-case) buildout would include 8,613,554 square feet of space.

11 A

- 1b) To fulfill CEQA requirements for full disclosure of potential impacts, the District recommends the EIR be amended to include both target and worst-case emissions analyses. 11 A

- 2) Table 2-1 *Summary of Environmental Impacts and Mitigation Measures* (EIR) concludes that construction related air impacts will have a potentially significant impact on air quality but with the incorporation of Mitigation Measures 6-1 through 6-6 these impacts would be reduced to a less than significant impact. The District does not agree with this conclusion. The Specific Plan is a program level project and includes measures to reduce and mitigate impacts at the individual project level. Specific project development is unknown at this time and the Specific Plan does not include a measure requiring all projects to mitigate construction impacts to a level below District thresholds. Therefore, construction emissions from the buildout of the Specific Plan would be considered to have a cumulatively significant impact on air quality. The District recommends the EIR be amended to reflect that, even with the incorporation of the mitigation measures presented, emissions resulting from construction activities would be considered to have a cumulatively significant impact. 11 B

- 3) The discussions emissions analyses indicate that construction emissions were analyzed using a 20-year buildout (page 6-16) while operational emissions were analyzed using a 10-year buildout (page 6-21). If the project is expected to be completed in 10 years, the estimated annual construction emissions may be underestimated (same area over a longer period would reduce the amount of area disturbed per year, and therefore reduce annual emissions). The District recommends the analyses and EIR be amended to correct the discrepancies between the analyses. 11 C

Toxic Air Contaminants and Health Risks

- 4) Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Therefore, the District recommends that potential health risks be further reviewed when approving future projects. This recommendation includes projects that would otherwise appear to be exempt from CEQA requirements, such as projects that could be categorically exempt or allowed land uses under current zoning. 11 D

- 4a) Various tools exist to perform a screening level analysis for emissions from new stationary sources, such as prioritization charts, SCREEN3, and various spreadsheets available from the District's website. As stated in the EIR, another important screening tool is contained in the Air Resources Board (ARB) Handbook: *Air Quality and Land Use Handbook: A Community Health Perspective*.

4b) In addition to Mitigation Measure 6-10 which requires health risk assessments for projects located within the established buffer distance identified in ARB's *Handbook*, the District recommends the inclusion of measures requiring a health risk screening and/or assessment to be performed for the following projects:

- Projects whose land uses are not specifically identified in ARB's handbook (such as shopping centers), but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants; and
- Projects that would otherwise appear to be exempt from CEQA requirements, but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants, such as industrial use projects allowed by right.

11 E

4c) If the screening level analysis indicates that toxic air contaminants (TACs) are a concern, the District recommends that a more detailed health risk assessment (HRA) be performed. More information on TACs and HRAs can be obtained by:

- Calling Mr. Leland Villalvazo, Supervising Air Quality Specialist, at (559) 230-6000;
- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at: http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

11 F

District Rules and Regulations

5) District Rule 9510 requires applicants subject to the rule to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Mitigation Measure 6-5 requires owners, developers, and/or successors-in-interest to submit an AIA application to the District prior to the issuance of the first building permit. Based on the information provided in *Section 2.3.2 Sequence and Tiering of Entitlements* and *Section 3.4 Land Use and Site Layout Flexibility*, it appears the approval of this project and adoption of the EIR may be the final discretionary approval for some developments within the LGBPSP. As such, the District concludes that this project is subject to District Rule 9510 (Indirect Source Review). Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

11 G

6) Developments within the scope of the proposed project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review). As specific uses and/or tenants are identified, applicants are strongly encouraged to contact the District's Small Business Assistance (SBA) Office to obtain information about additional District rules or regulations that may

11 H

apply to their project and whether an Authority to Construct (ATC) and Permit to Operate (PTO) would be required. The District's SBA staff can be reached by phone at (209) 557-6446. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

11 H

General Comments

- 7) The District recommends that a copy of the District's comments be provided to the project proponent.

11 I

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Jessica Willis at (559) 230-5818.

Sincerely,

David Warner
Director of Permit Services

Arnaud Marjollet
Permit Services Manager

DW: jw

cc: File

Enclosure: ISR Frequently Asked Questions

Responses to San Joaquin Valley Air Pollution Control District, letter of July 26, 2010

Response 11A: The Air District comments that a “worst case” scenario should be analyzed for air quality impacts, based on a maximum allowable buildout of approximately 8.6 million square feet. This figure apparently was obtained by applying the maximum FAR to the total square feet per designated land use. The air quality analysis in the Draft EIR used the maximum square footage in Table 3-1 of the Draft EIR, which was based on the target FAR for each land use.

The maximum square footage provided in Table 3-1 is considered a reasonable approximation of the maximum development that would occur on the proposed project site. As stated in Page 3-2 of the Specific Plan, “the total acreages and building square footage projections establish an approximate carrying capacity for the Plan Area.” While the letter correctly states that the Specific Plan may allow “minor deviations” in land use intensity, it is not expected that such deviations would lead to project site development that would greatly exceed the maximum square footage set forth in Table 3-1. More specifically, such deviations are not expected to lead to a situation in which approximately 3.2 million more square feet would be added to anticipated project site development.

It should be noted that, even if the proposed “worst case” scenario is analyzed, it would not alter the conclusions of the Draft EIR related to the operational impacts of the project on air quality, which were considered “significant and unavoidable.”

Response 11B: It should be noted that the Draft EIR concluded that the project would have a cumulatively considerable impact on air quality, and that the impact cannot be mitigated to a level that is less than cumulatively considerable.

Response 11C: Please refer to Response 6A. The EIR will be edited to remove the reference on Page 6-21 to the 10-year development period (refer to Chapter 4.0, Errata). This will not affect the analysis of operational impacts of the project, as it assumed full buildout of the project site.

Response 11D: The Draft EIR discussed the potential impacts associated with toxic air contaminants, noting that future land uses could potentially generate or be exposed to such contaminants. The Draft EIR mentioned the ARB’s *Air Quality and Land Use Handbook* and discussed some of its recommendations.

It is expected that projects in the Specific Plan area that may potentially use or be exposed to toxic air contaminants would be subject to CEQA review, even if the project would otherwise be consistent with the Specific Plan. Refer to Public Resources Code Section 21094, a part of CEQA, which states that a project consistent with a program, plan, policy or ordinance for which an EIR has been certified shall prepare an initial study to determine if the project’s environmental impacts have been mitigated or avoided by measures contained in the certified EIR.

The initial study shall analyze whether the project may cause significant environmental effects not examined in the prior EIR.

Response 11E: The Final EIR will incorporate the recommended mitigation measures. Please refer to Chapter 4.0, Errata, for changes.

Response 11F: Please refer to Responses 11D and 11E. It is expected that if toxic air contaminants are identified as an issue of concern for a future development project in the Specific Plan area, there would be a detailed analysis of potential impacts. The City appreciates the contact information provided by the Air District.

Response 11G: The Air District appears to be concerned that some development projects would not undergo environmental review if they are found consistent with the Specific Plan and its certified EIR. Please refer to Response 11D above.

Response 11H: Future development projects would be required to comply with all applicable Air District rules and regulations. Therefore, all applicants for future development projects in the Plan Area will be encouraged to contact the Air District to confirm the rules that would apply to their projects.

Response 11I: The City will provide the Air District's comments to the project applicant.

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

July 26, 2010

Charlie Mullen, Principal Planner
City of Lathrop
390 Towne Centre Dr.
Lathrop, CA 95330

RECEIVED

JUL 26 2010

CITY OF LATHROP
COM. DEV. DEPT.

Re: Gateway Business Park Annexation/45 day review and comments letter with 6 enclosures

Dear Mr. Mullen,

I am in receipt of the June 10, 2010 notice of completion of a draft environmental impact report and have taken the steps necessary to obtain copies of the specific plan EIR for the proposed 384 acre Lathrop Gateway Business Park Annexation.

I represent the various Harris-controlled interests in the four parcels listed below.

- | | |
|---|-----------------|
| 1. 7.98 acres 3938 W. Yosemite Ave, Lathrop | APN 241-400-04 |
| 2. 6.38 acres 3870 W. Yosemite Ave, Lathrop | APN: 241-400-05 |
| 3. 45.9 acres 3756 W. Yosemite Ave, Lathrop | APN: 241-400-06 |
| 4. 5.64 acres 3600 W. Yosemite Ave, Lathrop | APN: 241-400-07 |

On February 4, 2008, I wrote a letter to Marilyn Ponton (copy attached), the community development director for the City of Lathrop, expressing my concerns that deteriorating economic conditions might worsen, thus leading to an uncomfortable portion of development and maintenance costs shifting to property owners within the project area.

As a result of my recent investigations, I have now been made aware, that the aforementioned situation is exactly what happened in North West Central Lathrop in the area I believe is described as the Central Lathrop Specific Plan Services 1CFD 2006-2 Assessment District.

I have been informed that undeveloped properties, currently without any infrastructure or city services, are at this time, being assessed at more that \$1,200.00 per acre annually. This assessment is understood to be a result of a special district assessment bond obtained to finance the development infrastructure supporting key services for that area.

I have enclosed a copy of a tax bill for parcel 191-220-13 located at 220 De Lima Rd. as evidence of my investigation.

I have also been informed that a developer and the City worked together to secure millions of dollars in financing in order to fully fund the development and construction of the necessary key services and infrastructure to supply sewer, water, utilities, arterial roadways and storm water management services to that same Central Lathrop Assessment District area.

My understanding is that the entire amount of secured financing was apparently then advanced to a developer to proceed with the development of the critical services needed to support construction in that assessment district

1.

12A

COMMENT #12

I have been further informed and believe that deteriorating conditions to the economy caused that developer to abandon the project leaving indebtedness totaling as much as \$10,000,000.00 in uncompleted infrastructure critical to supporting development in that area.

Therefore, it appears to me that the burden of indebtedness and the unknown further costs to complete the unfinished construction has fallen solely on the City of Lathrop and the property owners, many of whom have yet to receive any benefit for what could be unsustainable tax burdens which also carry potential unknown other costs coming their way.

In the meantime, hundreds of acres in the Central Lathrop Specific Plan Services 1CFD 2006-2 Assessment District lay idle or operate without full access to sewer and water. Without the necessary basic services and infrastructure in place and with the unlikelihood of financing becoming available until the economy improves, these properties may lay idle (and unfarmable, in some instances) for some time.

That concerns me and causes me to question.

1. With hundreds of acres of residential and commercial property entitled and currently available for development within the City of Lathrop, should the city be looking to annex more properties at this time?
2. Is the city aware that certain land owners within the Central Lathrop Specific Plan Services 1CFD 2006-2 Assessment District are taking steps to find relief from the steep tax assessments that they currently find their vacant and idle properties becoming subject to encumbrance?
3. Is there more that the City of Lathrop can currently do to align with these Central Lathrop property owners in better positioning these idle properties for development or sale?
4. With the City of Lathrop support services, staffing levels, and hours of service shrinking, is it fiscally responsible to annex more properties at this time?
5. Is the City of Lathrop capable financially of supporting this annexation?
6. Is it true that the Lathrop Manteca Rural Fire District, described in 6. 1. 4. of the Lathrop Gateway Business Park Specific Plan, currently has a projected budget short fall estimated to exceed \$500,000.00 for the 2010-2011 fiscal year? (July 2010 newspaper articles enclosed -4 each).
7. Is it true that budget problems have caused the fire district to temporarily close the new multimillion dollar fire station on River Island Parkway located in Central Lathrop? (July 2010 newspaper articles enclosed -4 each).
8. Will the city be able to deliver on critical services such as sewer, utilities and water?
9. Is it true that the two-year-old Lathrop High School does not have direct access to discharge its sewage waste water by the normal means of underground pipe lines to a city operated waste water treatment facility?
10. Is it true that the Lathrop High School is currently loading and trucking sewage waste water from the Lathrop High School to a city operated waste water treatment facility?
11. Is this annexation only meant to increase the City's tax base?
12. Will an increased tax base, generated by increasing the cities borders, result in a positive cash position or will the need for additional support services further strain city finances?

13. Will the annexation and subsequent development of more vacant and non-utilized commercial property lots attract buyers or will it add to the total amount of unsold commercial inventory properties already available for sale?
14. Will economic conditions currently in effect at the time of this annexation create an unfair financial burden in the form of unreasonable high cost assessments or other encumbrances on the Harris' and Harris-business partner's four parcels, as well as properties owned by others and projected to be included in the Lathrop Gateway Business Park Annexation?
15. Has the current rate and cost of growth reached a short term manageable limit for the City of Lathrop?
16. Should the City of Lathrop freeze its borders temporarily until they work through their currently unresolved financial issues?

These are questions I must ask as I look to protect the interests of the Harris' and Harris-business partners as well as the interests of neighbors projected to be included in the annexation.

A concluding question is what does this mean for the proposed annexation of the subject four parcels discussed in this letter?

The Harris parties remain supportive to eventually being annexed into the City of Lathrop, but **NOT** at this time. I believe that annexation is premature and that, at least in today's economy, the method of allowing for assessments and other encumbrances in this particular situation is flawed with respect to protecting the best interests of many of the private party property owners involved in this potential annexation.

It is my strong belief, that in this situation, that once annexed, the developer will have the controlling vote for the entire 384 acre park based on current voting rules governed by LAFCO. With this in mind, I further believe that these same voting rules will potentially enable the developer to force expensive infrastructure development costs, combined with impeded ongoing land use options, onto all land owners located within the proposed Lathrop Gateway Business Park.

It seems to me that the above is exactly the situation, that currently, property owners in the Central Lathrop Specific Plan Services 1CFD 2006-2 Assessment District find themselves.... **Unreasonably high costs, with no benefit or relief in sight.**

The Harris' and their related businesses are currently focused on acting in the most financially responsible manner, as they and their neighbors navigate their way through these difficult economic times.

As a result, on behalf of the Harris' and other interests, I ask that the City of Lathrop postpone annexation of the 384 acre project, until such time, that economic conditions improve, thereby creating a business environment that will attract buyers and financing necessary to develop the existing inventory of Lathrop properties currently unfinished and sitting idle.

This will provide a fiscally responsible plan that will allow time to resolve the current financial issues that the City of Lathrop faces without putting land owners at risk.

Thank you for your attention to this important matter.

In trust,



Martin Harris

Enclosures:

February 4, 2008 letter to City of Lathrop (1-page)
Tax assessment parcel #191-220-13 (4-pages)
Manteca Bulletin Article July 21, 2010 (2-pages)
Manteca Bulletin Article July 22, 2010 (2-pages)
Manteca Bulletin Article July 23, 2010 (2-pages)
Manteca Bulletin Article July 24, 2010 (2-pages)

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

RECEIVED

February 4, 2008

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

JUL 25 2010
CITY OF LATHROP
COM. DEV. DEPT.

E-mail: MPonton@CI.Lathrop.CA.US

Attention: Marilyn Ponton

Dear Marilyn,

Thank you for returning my phone call this morning concerning the preparation of the draft environmental impact report for the approximately six hundred eighty-nine acres of unincorporated land being considered for annexation into the City of Lathrop.

I represent the William R. Harris families controlling interest in the four parcels listed below.

1. 7.98 acres 3938 W. Yosemite Ave, Lathrop APN: 241-400-04
2. 6.38 acres 3870 W. Yosemite Ave, Lathrop APN: 241-400-05
3. 45.90 acres 3756 W. Yosemite Ave, Lathrop APN: 241-400-06
4. 5.64 acres 3600 W. Yosemite Ave, Lathrop APN: 241-400-07

At this time, I believe it is in the best interest of all parties sharing ownership interests in the four parcels identified in this letter, to be excluded from the proposed annexation.

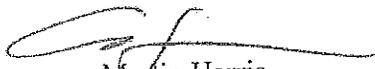
As a result, please exclude all four listed parcels from the proposed annexation.

The decision to be excluded from the proposal annexation is made for various reasons, including but not limited to concerns about the following:

1. The belief that the current deteriorating economic conditions will continue, creating a situation, whereby, an uncomfortable portion of development and maintenance costs will be shifted to the property owners within the project, until such time that consumer demand allows for completion of the project.
2. Concerns that the current rate and costs of growth for the City of Lathrop may have reached a short-term manageable limit.

Please contact me if you have any questions or concerns regarding this letter.

Yours truly,



Martin Harris

San Joaquin, CA KEN BLAKEMORE, ASSESSOR

ParcelQuest by CD-DATA

Property Address: 220 DE LIMA RD LATHROP CA 95330-9735

Ownership

Parcel# (APN): 191-220-13
 Parcel Status: ACTIVE
 Owner Name: BOSE EFREN T
 Mailing Addr: 2211 FRANCIS AVE SANTA CLARA CA 95051
 Legal Description:

Assessment

Total Value:	\$936,003	Use Code:	007	Use Type:	RESIDENTIAL
Land Value:	\$936,003	Tax Rate Area:	007-083	Zoning:	
Impr Value:		Year Assd:	2009	Census Tract:	51.19/1
Other Value:		Property Tax:		Price/SqFt:	
% Improved:		Delinquent Yr:			
Exempt Amt:		HO Exempt:	N		

Sale History

	Sale1	Sale2	Sale3	Transfer
Recording Date:	06/15/2004	06/13/1995		07/16/2009
Recording Doc:	4130666	95053015		09105776
Rec. Doc Type:	GRANT DEED	GRANT DEED		
Transfer Amount:	\$1,200,000	\$155,000		
Seller (Grantor):				
1st Trust Dd Amt:				
2nd Trust Dd Amt:				

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres: 16.380	Spaces:	Site Influence:
Lot SqFt: 713,512	Garage SqFt:	Timber Preserve:
Year Built:	Bsmt SqFt: N/A	Ag Preserve:
Effective Year:		

**The information provided here is deemed reliable, but is not guaranteed.

© 2010

cd data www.parcelquest.com
 (888) 217-8999

SEC. 22, & POR. SECS. 21 & 23, T.1S. R.6E., M.D.B.&M.
 -POR. LAND PARK AT LATHROP - PHASE 1

THIS MAP IS FOR
 ASSESSMENT USE ONLY

14
 15
 22
 23

23
 26

16
 21
 22

27

⑤ Δ
 31.88 AC.

④ Δ
 38.10 AC.

Bk. 196

YEAR	PAR.	APP.
2008	11	
2007	12	
2006	13	
2005	14	
2004	15	
2003	16	
2002	17	
2001	18	
2000	19	
1999	20	
1998	21	
1997	22	
1996	23	

CITY OF LATHROP
 Assessor's Map Bk. 191
 County of San Joaquin

NOTE: Assessor's Parcel Numbers Shown in Circles.
 Assessor's Block Numbers Shown in Ellipses.

- A - R.S. BK. 26 PG. 165
- B - P.M. BK. 02 PG. 092
- C - R.S. BK. 28 PG. 195
- D - P.M. BK. 11 PG. 064
- E - R.M. BK. 40 PG. 100

My Cart

Items in cart: 0

Check Out

Navigation

Last Search

New Search

Print

Assessment Info

Assessment # 191-220-130-000

Taxyear 2009

Feeparcel 191-220-130-000

Roll Cat CS

Taxes	1st	2nd	Total
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Paid Status	PAID	DUE	
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Due/Paid Date	12/09/2009	04/10/2010	
---------------	------------	------------	--

Total Due	\$18,144.43	\$18,144.43	\$36,288.86
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Total Paid	\$18,144.43	\$0.00	\$18,144.43
------------	-------------	--------	-------------

Balance	\$0.00	\$18,144.43	\$18,144.43
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Pay On-line	<input type="checkbox"/>	<input type="checkbox"/>	Add to cart
-------------	--------------------------	--------------------------	-------------

Default Taxes	Annual Payment	Balance
---------------	----------------	---------

Current Pay Plan in Effect	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
----------------------------	---	-----------------------------

Def Number DEF080013556

Defaulted Tax Balance Through End of Month	\$0.00	\$0.00
--	--------	--------

Pay On-line	<input type="checkbox"/>	<input type="checkbox"/>	Add to cart
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Taxcode Info

Tax Code	Rate	1st	2nd	Total
00001	1	\$4,680.02	\$4,680.02	\$9,360.04
PROP. 13 MANDATE				
04061	0.007	\$32.76	\$32.76	\$65.52
MANTECA UNIFIED DS 1				
04062	0.0244	\$114.19	\$114.19	\$228.38
MANTECA UNIFIED DS 2				
04063	0.003	\$14.04	\$14.04	\$28.08
MANTECA UNIFIED DS 3				
04561	0.0165	\$77.22	\$77.22	\$154.44
S J DELTA COLLEGE DS 1				
04562	0.0015	\$7.02	\$7.02	\$14.04
S J DELTA COLLEGE DS 2				
55401	0	\$55.28	\$55.28	\$110.56
S DELTA WATER AGENCY				
57101	0	\$4.09	\$4.09	\$8.18
WATER INVESTIGATION DIST				

3701 0 \$2.62 \$2.62 \$5.24

SJC MOSQUITO ABATE

63702 0 \$0.52 \$0.52 \$1.04

SJC MOSQ & VCTR CONTR-BEN ASMT

80840 0 \$3,194.09 \$3,194.09 \$6,388.18

RECL DISTR NO 17

82494 0 \$9,962.58 \$9,962.58 \$19,925.16

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Wed 7/27/2010

LM Fire may close 3 of 4 stations

By ROSE ALBANO RISSO

City editor of the

MANTECA (CALIF.) BULLETIN

LATHROP – The Lathrop-Manteca Fire District may close one or two of its remaining three fire stations that are still open, lay off 10 firefighters, and demote some of its personnel as it struggles to grapple with a budget deficit of \$336,244.78 right at the start of the 2010-11 fiscal year on Sept. 1.

The problem of money, or severe lack thereof, is what brought a standing-room-only situation with several others sitting down on the floor during the fire board meeting Tuesday night held at the recently shuttered Mossdale Landing fire station on River Islands Parkway.

In the worst case scenario only one of the district's four fire station will remain open.

The severity of the fire district's dire fiscal situation was brought home to those who attended the fire board meeting Tuesday night when an emergency fire crew from

SEE STATIONS, PAGE A3

STATIONS

FROM PAGE A1

the J Street fire station took eight minutes to get to the aid of a cardiac arrest victim on the west side of Interstate 5. Emergency personnel could have arrived at the scene in perhaps less than five minutes had the district's newest fire station on River Islands Parkway at Mossdale been open. However, that station had been closed for roughly 90 days due to budget cuts.

"Sadly, the man is no longer with us," said a somber Josh Capper, the local firefighters' union president, at the meeting.

While it's arguable if a faster response time could have saved the man's life, the five-minute response time is a mantra for emergency crews whose job is to respond to heart attacks, cardiac arrests and putting up fires, when every fraction of a second means the difference of life or death situation. The chance of surviving a heart attack or, as in the above case, a cardiac arrest, begins to drop off rapidly after five minutes.

In the case of fire, that time span is also critical because a "flash over" when fires literally erupt occur within five minutes of the first visible flame. From the time an emergency call is placed, equipment is dispatched and the fire engine starts rolling, more than half of the critical five minutes have already gone by, leaving less than three minutes for the firefighters to reach the structure fire or a major medical emergency.

The district has been hard-hit by the Great Recession, with property taxes which is the agency's major fiscal lifeblood severely eroding its coffers. The district's budgeted property taxes for the 2009-10 fiscal year was \$3,011,143. However, the actual revenue was significantly lower at \$2,420,820.24 resulting in more than half a million difference of \$590,322.76.

As part of the still ongoing efforts of the district to find ways to avoid making further cutbacks in personnel, services and fire stations, the board last week voted unanimously to place a ballot measure in the November elections. That measure, which is aimed at preventing the permanent closure of "one quarter of local fire stations and maintain 9-1-1 emergency medical response time..." seeks to increase the existing assessment to "no more than six cents per square foot for commercial property, and three cents per square foot for residential and all other property types..."

The local firefighters union, with Capper serving as their spokesman at the meeting, made the following proposals to solve the budget crisis:

- Consider the retirement of Fire Chief Fred Manding which would save \$117,000 in salaries plus \$6,500 in associated retirement costs

- Consider also the retirement of the business manager which would save nearly \$65,000 a year plus related retirement expenses.

- Also consider retiring the battalion chief, a position created by the fire chief "even after the board stipulated no

promotions were to be made," Capper said. Savings realized from this step would be \$92,000 a year plus more than \$50,000 in retirement costs.

Capper's figure, however, were questioned by board member Manuel Medeiros. Capper accepted the corrections saying he was not privy to the exact figures from the budget when he prepared his presentation.

Medeiros also countered that while Capper was suggesting the elimination of the above positions to balance the budget, the union members' retirement costs are just as fiscally draining to the fire district's coffers. Capper said that they would welcome any opportunity to sit down and discuss issues with the members of the board.

Gene Neely, who presented the proposed budget to the board Tuesday night, went as far as to state that "everybody will buy their own coffee to save \$4,000" - from \$9,000 to \$5,000 annually.

Medeiros' proposal was to cut salaries by 5 percent across the board, which is what he suggested to the Manteca Unified School Board of Trustees, he said. Medeiros is also a Board of Trustee with the school district.

"That should do it," Medeiros said.

However, former Lathrop mayor and fire board of director Gloryanna Rhodes said, "There's a lot more issues than just cutting 5 percent or 10 percent" from personnel's salaries.

Besides, she added, a five percent across-the-board pay cut would still require the district to close one fire station

and resort to staff layoffs.

As for the possible closure of one or two stations in the district, Rhodes said that the board will have to establish criteria to have that implemented. Those criteria could include response time; however, the board has not made those determinations yet, she added.

"We haven't even gotten there," she said of those drastic steps.

But those possibilities are what brought many concerned residents living in the fire district's county unincorporated jurisdictions to attend the discussion. Among those who came to listen and offer their own input into the discussion were longtime residents and farmers Mike Gikas, Marty and Kerry Harris, and Louie Tallerico of Tallerico Vineyards, LLC. Representing the Lathrop City Council was Councilman Christopher Mateo.

The board still has a number of meetings to discuss the budget before its adoption prior to the end of the district's fiscal year which is on Aug. 31.

Lathrop-Manteca Fire District has four stations, with only the following three currently open after the newest station at Mossdale Landing was closed due to budget cuts: Station 1 on J Street in Historic Lathrop, the Nile Station on Union Road near Nile Garden School, and New Haven Station on East Lathrop Road near New Haven School.

To contact Rose Albano Rizzo, e-mail ralbanorizzo@mantecabulletin.com or call (209) 249-3536.

Firefighters: Fire fire chief

Rank & file charge brass ignored deficit



Upcoming stories on the Lathrop Manteca Rural Fire District budget crisis:

- Myths and facts about the district
- Possible ballot measure for taxes
- Impacts feared by residents

By ROSE ALBANO RISSO
City editor of the
 MANTECA (CALIF.) BULLETIN

LATHROP — In the midst of Lathrop-Manteca Fire District's worst budget crisis since its founding in 1936, its union firefighters are stepping forward with a laundry list of suggestions to help soften the fiscal blow.

But while doing so, the union is also airing in public some dirty administration laundry.

Two realities that serve as backdrop to the volatile situation at hand:

BUDGET CRISIS

- the district's firefighters have not had a salary increase in the last five years,

- property tax revenue, the sole income for the district, dropped by \$1 million last year alone due to the effects of The Great Recession.

Josh Capper, the president of the Lathrop-Manteca Firefighters union, Local #4317, did not pull any punches when he spoke to the members of the district's board of directors Tuesday night. Among the cost-cutting sug-

gestions he presented:

- Eliminate the chief officers' stipend when running calls after work hours, as well as the \$300 per week-end pay that they receive, for an estimated savings of \$60,000 per year.

- Change the way the chief officers accrue and utilize sick leave and vacation hours. "Currently, chief officers accrue sick leave and vacation in the same increments as line personnel; however, when taken, they only use eight hours for every 24 hours that line personnel use. This allows them

SEE BUDGET, PAGE 3

BUDGET

FROM PAGE 1

to accrue a much larger amount which consequently costs the district upon their retirement," Capper pointed out. The district learned that hard lesson, he said, when the last two fire chiefs retired and had to pay "exorbitant amounts of money" for those accrued but unused sick leave and vacation pay.

- Have the board of directors forgo their monthly meeting stipend of \$100 per meeting and \$75 for each special meeting for an annual savings of \$7,500.

- Stop the use of official vehicles for personal uses by administrative staff and to use them only for business, and to have the vehicles parked at the station when they are off duty.

- Have the fire chief, the district's business manager, and the battalion chief all "consider" retirement. Salary and associated retirement costs for the chief would save a total of \$182,000 (\$117,000 in salary and nearly \$65,000 in retirement). Those figures for the battalion chief are \$92,000 a year in salary and more than \$50,000 in retirement. Cost savings for the business manager's retirement: \$65,000.

The reasons for the above cost-saving proposals are two-fold, Capper told the board.

"The executive staff have not been successful in leading this department and averting financial crisis, and because the majority, if not all, of their workload is currently being completed by Division Chief (Gene) Neely. There doesn't seem to be the need or justification for the other personnel at this point. Furthermore, it has to be recognized that a guaranteed retirement check is a lot more beneficial than an unemployment check," Capper explained.

Some of these cost-cutting proposals were presented to administration officials "many months ago" but "our proposals were adamantly refused," Capper said.

While their proposals may appear as an attack on the district's administration, he told the board, "I can assure you that is not the case. We are merely trying to curb unnecessary costs while continuing to provide the service to the citizens. ... And as someone recently mentioned, during a financial crisis, sometimes you have to trim the tree from the top."

Capper, speaking on behalf of the union members, expressed their "complete and utter disappointment in the

“The executive staff have not been successful in leading this department and averting financial crisis, and the majority, if not all, of their workload is currently being completed by Division Chief (Gene) Neely.

—JOSH CAPPER, THE PRESIDENT OF THE LATHROP-MANTECA
FIREFIGHTERS UNION, LOCAL #4317

administrative staff who have failed to effectively foresee this crisis from happening.”

There is no one to blame for the “economic meltdown,” he said, but since the administration knew there was a deficit of \$400,000 coming into the 2009-10 fiscal year, administrative staff should have foreseen the crisis and should have immediately taken necessary cost-cutting measures at that time “but did not.”

Instead, the administration “spent an unknown amount of money on station beautification” by painting the district’s two outlying stations on South Union Road near the Nile Garden School, and the East Lathrop station near the New Haven School, charged Capper.

In making the above statements and proposals, the union members are fully aware that they are “furthering the rift between the line personnel and the administration,” said Capper reading from a prepared statement at the meeting.

“Unfortunately, at this point, it is a necessary evil. We can no longer sit idly by and watch the ship be run aground. In ...making the (these) suggestions we know that there will be reprisal and retaliation. We have already started to experience the animosity against us. Nevertheless, we will stay the course united in action. ... We have advocated from the beginning that this course of action is not personal towards anyone; it’s just business..., and right now business is bad,” he said.

Only Manuel Medeiros of the five board-directors commented on Capper’s statements. He told the union president that he missed to mention one significant expense in the district’s budget, which is the union members’ retirement cost of \$200,000 a year.

“What can we do about it? And it’s ongoing. Your retirement (costs) create a lot of problems for us. I believe your retirement is really what’s causing us a lot of (budget) problems). No com-

pany can afford this kind of retirement expenses. I hope we can mitigate this,” Medeiros said.

Capper said the union will be “willing to mitigate” the costs and that “we’re willing to sit down and talk” with the district officials and discuss this issue.

One firefighter at the meeting said they have not had any salary raise in the last five years.

The other reality, however, is that property tax is the district’s sole source of revenue. As Medeiros explained, last year alone, due to The Great Recession and mortgage meltdown which sent that revenue source plunging to depths the district has not seen since its founding in 1936, the loss to district’s coffers was \$1 million.

During budget discussions last year, fire board chairman Bennie Gatto said that he believes part of their present fiscal problems resulted in the district’s lack of foresight during the incorporation of the city of Lathrop in setting up funding down the line for fire services.

“The city got off real lightly when we incorporated because LAFCo said Lathrop-Manteca Fire District will be the sole proprietor for the city without funding; we still relied on property tax,” Gatto said during last year’s budget discussions.

“We’re sitting here pulling our hair out, whatever is left. We should have been more diligent. Nobody looked that far down the line but we can’t go back now,” he said.

When the city incorporation was finalized in 1989, Lathrop-Manteca Fire gained some of the areas west of the freeway which were detached from the Tracy Rural Fire District. More geographical areas came under its jurisdiction with the subsequent annexations of the River Islands development area, then known as Gold Rush, and the Central Lathrop Specific Plan area where Richland Communities was going to be the master developer but has since “tanked,” as Gatto described it.

Fire district: 9-1-1 call to voters

Lathrop-Manteca Fire board OKs Nov. 2 parcel tax vote

By ROSE ALBANO RISSO
City editor of the
MANTECA (CALIF.) BULLETIN



Upcoming stories on the Lathrop-Manteca Rural Fire District budget crisis:

- » Myths and facts about the district
- » Impacts feared by residents

LATHROP — The Lathrop-Manteca Fire District will have until August 6 to fine-tune the language of the parcel tax measure that will be on the ballot in the November elections.

The inclusion in the ballot of the tentatively titled "Lathrop-Manteca Fire District Emergency 9-1-1 Fire and Medical Response Preservation Measure" was unanimously approved by the district's board

BUDGET CRISIS

of directors at their meeting last week.

A special board meeting Tuesday night, held in the now-closed fire station at Mossdale Landing, offered the directors an opportunity to rescind their earlier vote after listening to the input from concerned district residents and the results of a survey presented by the consultants hired by the district to see what the chances are for the measure to pass by a two-

thirds vote by district electors in November.

Despite the strong recommendation by the consultants that, based on the statistics gathered from a sampling of the voters, the "measure is not feasible at this time" and would not have a chance of being approved, the directors let their prior decision stay.

"I'd fear for the district if you put something on the ballot now," commented Catherine Lew, president of The

SEE BUDGET, PAGE A3



Bennie Gatto, chairman of the Lathrop-Manteca Fire District board of directors, gestures during discussion about the proposed tax measure to prevent the closure of two fire stations and the layoff of 10 firefighters.

ROSE ALBANO RISSO/The Bulletin

BUDGET

FROM PAGE A1

Lew Edwards Group of Oakland which conducted the survey.

With the "predictable results" from the survey, the district stands to lose \$40,000 to \$60,000 if the measure fails. The figures given by Lew are the amounts the district is expected to spend to get the measure to the voters. To get the measure on the ballot alone is estimated to cost about \$25,000.

But several district residents who attended the discussion were adamantly in favor of proceeding with the measure.

As a businessman, said City of Lathrop resident J. "Chaka" Santos, he has "a million in one chance" to get his product on a store shelf. Today, his product is on 1,500 stores' shelves "because of the passion I have," he said.

It's that kind of passion that will carry the proposed measure to victory in the polls, he said.

"You can't put a price on safety and somebody's life being saved. I think we should go forward," he said at the meeting.

Citing yet another example where sheer determination could win the day, he said, "Nobody thought Obama could win either. And nobody thought (Lathrop mayor) Kristy Sayles could win (in the 2008 elections), and they won! Let's get out there. I'm willing to help; I'll donate a bunch of food" for volunteers who will work on the campaign.

"We got to have it done; we have to get it done," Santos added. "This is not just about five guys (the district's board of directors). It's about everybody. It's about community. It's about us."

"We will fail in service if we don't do this," chimed in Josh Capper, the president of the Lathrop-Manteca firefighters local union.

During his prepared speech before the board of directors, he told of an incident that happened earlier in the day which threw into sharp relief the tragic consequences if two or three of the district's four stations are closed due to lack of funds.

With the station in Mossdale Landing closed (it operated for three years because of a \$1.1 million grant from the city but that was used up three months ago with nothing more coming from the pipeline), Station 1 on J Street had to respond to a cardiac arrest in west Lathrop. It took eight minutes for emergency crews to arrive at the home of the victim, and were unable to save the victim's life.

"These decisions are hard, and I know nobody likes taxes, but taxes are a necessary evil," Capper said.

Without money coming in to supplement the district's dwindling income from property taxes, the district will lose 10 firefighters on top of the half dozen that have already been let go. The district also receives funds from other sources such as permit and assessment fees, but these are not enough to save the district's financial boat.

Manteca farmer Mike Gikas said the proposed measure will be a "hard sell" especially in these hard economic times.

"I hate to see this go and fail," he said.

But there was also a lot of optimism.

"I think we can make it happen," said board chairman and former city mayor Bennie Gatto about getting the proposed measure win in the November elections. "I think we can make it go" if people get mobilized.

"It takes a lot of work" to get something like this passed, said retired fire division chief Chester Smith who pointed out that the last effort took place in 1981. There were only 12 of them at that time when Jim Ennis was the fire chief, he said.

But "we all walked and talked to voters. We walked and did this for months. It takes a lot of work," Smith said.

Another farmer, Marty Harris, said he does not know "what it's going to take" to get the proposal win in the coming elections. But, he added, "nobody wants to see this district fail."

Director Gloryanna Rhodes said she was "convinced it's not the time to go" the way of the ballot. However, "without winning this election, we don't know where else to go," she said.

7/24/2010

BUDGET CRISIS

Myths vs Facts: The truth about Lathrop-Manteca Fire District

By ROSE ALBANO RISSO

City editor of the

MANTECA (CALIF.) BULLETIN

LATHROP – Many residents in the Lathrop-Manteca Fire District geographical jurisdiction believe that the district receives money from the City of Manteca's sales tax measure established about four years ago.

That erroneous belief was just one of the glaring discoveries unearthed by the survey conducted last month by consultants

contracted by the fire district to see what chances the proposed parcel tax measure that will be on the ballot in the November elections has of being approved by two-thirds of the voters living in the district.

The measure is a last-ditch effort to secure



Upcoming stories on the Lathrop Manteca Rural Fire District budget crisis:

➤ Impacts feared by residents

SEE BUDGET, PAGE A3

BUDGET

FROM PAGE A1

directly needed funding to keep the district's remaining three fire stations open. The newest station built just four years ago at River Islands Parkway in the Mossdale Landing area to the tune of about \$4 million was closed three months ago when the \$1.1 million grant from the city to keep it open ended with no additional money coming in. That closure resulted in the layoff of six firefighters.

Below are some of the other myths that the survey brought to the surface.

MYTH: The City of Lathrop and the City of Manteca provide district residents fire and emergency response services. Nearly half of the 350 surveyed are unaware that the fire district provides them fire and emergency response services. Twenty-five percent of the survey responders said they believe it was the incorporated City of Lathrop providing these services, while 15 percent believe the service provider is the City of Manteca Fire Department.

FACT: The Manteca Fire Department serves the residents of Manteca alone and receives its funding from the city. However, there exists a mutual-response relationship between the two agencies – as with other fire agencies – that kicks in during emergencies.

MYTH: The Lathrop-Manteca Fire District includes the incorporated City of Manteca. That is the belief expressed by 65 percent of those surveyed, while 16 percent said they did not know.

FACT: The City of Manteca is not part of the LMFD's geographical jurisdiction, only the rural areas of Manteca. To better understand this distinction is to explain the historical background of the fire district.

In 1936, the Lathrop-Manteca Rural County Fire Protection District was established to provide fire protection for the township of Lathrop, rural Lathrop and rural Manteca. It evolved from the Manteca

Rural Fire Department which was an all-volunteer organization based in Manteca near the old El Rey Theater. To provide protection for the Lathrop area, this department loaned a fire engine to the Lathrop community. It was then decided to establish the Manteca-Lathrop Rural department and build three fire stations. Since 1936, the district has evolved into a pro-active fire district covering 100 square miles including the City of Lathrop which was incorporated in 1989. Neighboring fire districts include the French Camp Fire District to the north, the City of Ripon Fire Department to the south, and the Montezuma Fire District and City of Manteca Fire Department to the east.

The Lathrop-Manteca Fire District has been experiencing dramatic changes since it was initially formed. Initially, more than 90 percent of their area of responsibility was farm land, and the balance was in the unincorporated community of Lathrop. The geographical breakdown resulting from the rapid growth that has taken place is not available at press time. However, the foregoing historical background was provided by Louie Tallerico of Tallerico Vineyards LLC of French Camp.

MYTH 4: Local residents and businesses currently pay a special tax dedicated to the LMFD. 48 percent believed that's the case, while 42 percent said they don't know.

FACT: The majority of the district's funds come from property taxes (57 percent); to a lesser degree from property assessment fees (40 percent), and to a much lesser degree, from plan check fees and fire inspection fees.

MYTH 5: The district receives funds from the Manteca sales tax – 54 percent of those surveyed said.

FACT: The district does NOT receive a cent from Manteca's sales tax.

Other facts about the Lathrop-Manteca Fire District provided by the consultants contracted by the fire district:

#1: The current special assessment that is providing

funds to operate the district was passed by over two-thirds of voters in 1982, when the fire district received only 1,100 calls per year. The fire district today receives 2,500 calls per year, so the 30-year-old and outdated formula used in the 1981 measure needs to be updated, recommended the Lew Edwards Group consulting firm.

#2: According to the American Heart Association, the brain starts to deteriorate five minutes after a person stops breathing. Without the benefits of the measure that is hoped to raise critically needed funds, the fire district will be forced to lay off firefighters and close one fire station, significantly increasing 9-1-1 emergency response times and relying more on local ambulance companies with response times ranging from 8 to 15 minutes, far longer than the recommended response time necessary to save lives. The proposed measure ensures that people suffering from heart attacks, strokes or other medical emergencies receive the immediate attention they need to survive.

#3: Arguments offered by those surveyed as to why they are against the measure:

• With the present economy

in a major recession, now is not the time to increase taxes. Many working families are already having a hard time making ends meet.

• This measure would significantly raise taxes on farms and other businesses. We shouldn't pass this tax increase at a time when we need to be encouraging local businesses and helping them create new jobs.

• The fire district should already have enough funding for vital services like fire and emergency medical services. They need to cut wasteful spending and reduce bureaucracy instead of raising taxes on hard-working local residents.

• An overwhelming majority (89 percent) believe that "we need well-trained, professional firefighters who are available 24/7 and volunteers should only be used to support our fully trained firefighters. Only eight percent said that "if money is tight, we should just revert to an all-volunteer firefighter force." At the same time, up to four-fifths of those surveyed were convinced in the above statements.

To contact Rose Albano Rizzo, e-mail ralbanorizzo@mantecabulletin.com or call (9209) 249-3536.

Responses to Martin Harris, letter of July 26, 2010

Response 12A: This comment is directly related to financial mechanics associated with the cost and funding of projects within the Plan Area. It also raises financial questions regarding another unrelated project within the City of Lathrop. This comment raises no new environmental concerns or comments directly related to the physical environment addressed in the Draft EIR, thus no response is required.

Public Speaker: Harold Edwards
Public Comments Received: July 14, 2010

Comments:

Comment 13A: Mr. Edwards expressed general support for the project.

Responses to Mr. Edwards Comments:

Response 13A: Comment so noted.

Public Speaker: Charles Hechsen
Public Comments Received: July 14, 2010

Comments:

Comment 14A: Mr. Hechsen raised the following concerns/questions related to the following:

- Who is developing the project and what is their financial capacity?
- Were fees (traffic, fire and school) considered by the developer group?
- No issues with planning and environmental effort but concerned with new fees.
- Concern with Reclamation District fee.
- Was cost of annexation considered?
- Concerned with new regulations, fees and taxes.

Responses to Mr. Hechsen Comments:

Response 14A: These comments are directly related to financial mechanics associated with the cost and funding of projects within the Plan Area. This comment raises no new environmental concerns or comments directly related to the physical environment addressed in the Draft EIR, thus no response is required.

4.0 ERRATA

This section of the Final EIR identifies corrections and the addition of new or revised information to the Public Review Draft EIR. Changes to the EIR typically reflect the new or updated information that has become available since publication of the EIR or minor technical changes to the project that do not entail a significant impact on the environment. Added text has been underlined (example) and a strikethrough placed on deleted text (~~example~~). Only chapters of the Draft EIR that have been modified are shown below.

Errata to Public Review Draft EIR Chapter 2.0, Summary

The summary table is amended to reflect any changes to the significance of impacts and required mitigation measures, as described below. These changes are all reflected in Chapter 2.0 of this document, the Revised Summary for the Final EIR.

Errata to Public Review Draft EIR Chapter 6.0, Air Quality

Page 6-21, First Paragraph (modified):

URBEMIS analysis adequately describes the project's potential air quality impacts. While GAMAQI recommends using travel demand models for large specific plans, GAMAQI is an advisory document only. In addition, GAMAQI does not define a "large specific plan," other than such plans often cover 20 years or more of development. ~~The CEQA analysis for this project anticipates full buildout to occur approximately 10 years after initiation of the first development phase.~~

Page 6-24, Mitigation Measure 6-9 (modified):

- 6-9. The ODS of development projects in the Plan Area shall prepare and implement a transportation demand management (TDM) plan that incorporates the measures listed below, though the TDM plan shall not be limited to those measures. The plan shall be subject to City review and approval prior to issuance of the first building permit for construction in the Plan Area.
- 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 telecommuting options.
- Provide transit vouchers.
- Provide information to employees on carpooling, ride sharing and other available programs.
- Participate in the Commute Connection program sponsored by SJCOG.

Page 6-28, Mitigation Measure 6-10 (modified):

6-10. ~~ODSA~~ Health risk assessment shall be conducted by the ODS for the following future development projects that meet the following criteria:

- A distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units per day, or where transport refrigeration unit operations exceed 300 hours per week, placed within 1,000 feet of a residence in or adjacent to the Plan Area.
- A dry cleaning operation placed within 300 feet of a residence in or adjacent to the Plan Area.
- A gas station placed within 50 feet of a residence in or adjacent to the Plan Area.
- Projects whose land uses are not specifically identified in the ARB's *Air Quality and Land Use Handbook*, but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants
- Projects that would otherwise appear to be exempt from CEQA requirements, but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants.

If the health risk assessment identifies a significant risk as defined by GAMAQI, ~~the~~ a more detailed health risk assessment shall be performed that will identify measures to reduce the health risk to levels that are less than significant, which the project shall incorporate in its design and construction.

Errata to Public Review Draft EIR, Chapter 18.0 Transportation

Page 18-11, After “Existing Bicycle and Pedestrian Facilities” Discussion (Add Text):

Existing Railroad Facilities

Currently there are seven “at-grade” railroad crossings in the vicinity of the project site – one at D’Arcy Parkway, one at Yosemite Avenue, two at McKinley Avenue, one at Lathrop Road, and two at Louise Avenue. The railroad crossings are provided with crossbucks, advanced warning and “Stop lines and RR Xing” pavement markings, mast-mounted flashing lights (FLs), cantilever flashing lights and warning bells. Two traffic lanes cross the railroad at D’Arcy Parkway, Louise Avenue, Yosemite Avenue and Lathrop Road. A total number of 13 trains per day operate on the UPRR railroad tracks that cross Lathrop Road and Louise Avenue. Data on the usage of the tracks that cross D’Arcy Parkway, McKinley Avenue and Yosemite Avenue are currently unavailable. Per the US DOT “Highway-Rail Grade Crossing Accident/Incident Report”, there were a total of three accidents reported at the Louise Avenue crossing between 1975-2010 and four accidents reported at the Lathrop Road crossing between 1989-2010.

All the railroad crossings within the City of Manteca, namely Airport Way, Louise Avenue (on the Valley Route), Union Road, and S. Main Street, are at-grade railroad crossings with up to 20 trains per day operating on those tracks. All of these crossings are provided with advanced warning, “Stop Lines and RR Xing” pavement markings and train-activated devices such as gates, mast-mounted flash lights and warning bells. There have been four accidents reported at the Louise Avenue crossing between 1984-2010, four accidents reported at the Union Road crossing between 1979-2010, two accidents reported at the Airport Way crossing between 1976-2010, and one accident reported at S. Main Street railroad crossing between 1977-2010.

Page 18-12, Table 18-5 (Added Row at Bottom of Table):

<u>Study Facility</u>	<u>Responsible Jurisdiction(s)</u>	<u>Minimum Acceptable LOS</u>
Roadways and Freeways/Highways		
Mainline segments of I-5, I-205, SR 120 and SR 99	Caltrans	D
Study segments of Louise Ave, Lathrop Rd, Yosemite Ave, McKinley Ave, Airport Way	Lathrop, Manteca, SJ County	C
<u>Roads that are part of the SICOG 2007 RCMP Network</u>	<u>SICOG</u>	<u>D (Tier I)</u>
<u>Roads that are part of the SICOG 2007 RCMP Network</u>	<u>SICOG</u>	<u>E (Tier II)</u>

Page 18-13, Add Bullet After Fourth Bullet (5th Paragraph):

- San Joaquin Council of Governments – The SICOG, in the 2007 update of its congestion management plan, adopted a two-tiered LOS standard. The first tier is triggered when a roadway operates at LOS D. This begins an effort by SICOG to broaden alternative modal programs and target Transportation Demand Management measures on the likely sources of trips on the roadway, with the goal of reducing trips or shifting trips to alternate modes. The second tier is triggered when a roadway operates at LOS E or F. This triggers the state requirement for a Deficiency Plan, which can address the specific roadway or can be system-wide.

Page 18-13, Sixth and Seventh Paragraph (Modified):

Based on policies from General Plans of the Cities of Lathrop and Manteca, ~~Caltrans' 1996~~ the SICOG's 2007 Regional Congestion Management Plan (RCMP), Caltrans highway LOS goals/policies, and Appendix G of the CEQA Guidelines, the impacts associated with traffic operations are considered "significant" if the proposed project would have the following system impacts:

Intersections and Roadway/Freeway System

- ~~Worsen the LOS at an intersection in the cities of Lathrop or Manteca from LOS C or better to LOS D or worse. It should be noted that City of Lathrop's LOS C policy is more restrictive than the 1996 CMP policy of LOS D on principal arterials such as Lathrop Road, Louise Avenue and Airport Way.~~

Page 18-17, Mitigation Measure 18-1 (Modified):

18-1. The ODS of properties within the Plan Area shall pay their "fair share" costs of the improvements identified below, or the costs of the following improvements shall be subject to reimbursement in conjunction with other development projects that contribute vehicle trips to these locations. If improvements have not been initiated or installed by others at the time of approval of the first development within the Lathrop Gateway Business Park Specific Plan, the ODS processing the initial project will be conditioned to complete the following improvements prior to issuance of occupancy permits and be reimbursed by other development projects that contribute vehicle trips to these locations:

- Install a traffic signal at the I-5 SB Ramps/Lathrop Road intersection under existing conditions and in coordination with ramp signalization at the NB ramps intersection. *Projected LOS with mitigation: "C" or better.*
- Install a traffic signal at the I-5 NB Ramps/Lathrop Road intersection under existing conditions. *Projected LOS with mitigation: "C" or better.*
- Provide exclusive right-turn lanes/pockets for the eastbound and westbound approaches at the McKinley Avenue/Lathrop Road

intersection under Existing Plus Project conditions. *Projected LOS with mitigation: "D" or better.*

- Install a traffic signal at the McKinley Avenue/Yosemite Avenue intersection under Existing Plus Project conditions. *Projected LOS with mitigation: "D" or better.*

Page 18-17, Mitigation Measure 18-2 (Modified):

18-2. The ODS shall pay their "fair share" costs towards a Joint Traffic Impact Fee established by the Cities of Lathrop and Manteca, or if not adopted, pay a "fair share" of costs towards the City of Manteca's traffic impact fee program to cover project responsibilities towards the following improvement (under either scenario, fair share costs shall be paid to the City of Lathrop for appropriate distribution):

- Provide exclusive right-turn lanes/pockets for the eastbound and westbound approaches at the Main Street/Louise Avenue intersection under existing conditions. *Projected LOS with mitigation: "D" or better*

Page 18-20, "Traffic Safety Impacts" Section (Modified):

Traffic Safety Impacts

Level of Service

~~The Transportation Impact Study did not identify any specific traffic safety issues with the project.~~ As previously described, some intersections would have LOS that does not meet the applicable criteria. Under such conditions, traffic safety hazards may increase. However, implementation of the mitigation measures for intersection impacts would improve the LOS, thereby improving traffic flow and safety.

A few regional serving roadway segments in the vicinity would also experience unacceptable LOS, which could increase safety hazards. However, these roadway segments are on freeways, on which traffic conditions are more controlled and therefore less likely to lead to increased safety hazards than on streets or other roadways where cross traffic is present as well as multiple ingress and egress points (i.e., driveways) in which traffic conflicts could occur. Future regional planned improvements on these roadway segments would further reduce potential safety hazards by improving LOS and removing a weaving conflict identified on SR 120 between the westbound on-ramp of the Yosemite Avenue interchange to the SR 120/ I-5 westbound connector ramp. Using the HDM-based Leisch Method, a weaving length of approximately 1,600 feet would be necessary for this segment to sustain acceptable peak hour LOS D or better operations under 2030 conditions. Currently, the available weaving length on this segment is 1,300 feet. Therefore, the existing diagonal SR 120 westbound on-ramp from Yosemite Avenue should be eliminated as part of ultimate planned interchange improvements at the SR

120/Yosemite Avenue interchange, and be replaced with a westbound loop on-ramp that would help increase the weave distance to 1,600 feet or more. Mitigation measure 19-4 in the Cumulative Impacts section of this EIR, identifies the “fair share” responsibility for reconstructing the SR 120/Yosemite Avenue interchange. Incorporation of a westbound loop on-ramp would reduce weaving conflicts to less than significant levels.

Internal streets on the project site would be constructed in accordance with City of Lathrop street standards, established in part to make the traffic flow safer.

STAA Terminal Access

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-axle (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. The following mitigation measure identifies the requirement for the first phase of development that introduces semi-trailers 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.

Level of Significance: Potentially significant

Mitigation Measures:

18-4. The ODS responsible for the first proposed project within the Lathrop Gateway Business Park Specific Plan area that introduces the use of semi-trailers with a length of 48-feet as part of long-term operations will be required to identify STAA design deficiencies at the existing ramps at the SR 120/Yosemite Avenue interchange; engineer necessary improvements; obtain necessary approvals and permits from responsible agencies (i.e., City of Lathrop and Caltrans); and install necessary improvements prior to issuance of Certificate of Occupancy.

Significance After Mitigation: Less than significant

Implementation: The ODS of the first project within the Lathrop Gateway Business Park Specific Plan area that introduces the use of semi-trailers with a length of 48 feet as part of long-term operations will be responsible for the implementation of identified SR 120/Yosemite Avenue ramp improvements needed to meet STAA Terminal Access requirements.

Monitoring: The Public Works Department will be responsible for ensuring that the specified improvements to the SR 120/Yosemite Avenue ramps to meet STAA Terminal Access requirements are included in the project improvement plans and that the ODS install necessary improvements prior to issuance of Certificate of Occupancy.

Page 18-21, Mitigation Measure 18-4 (Revise Number):

Mitigation Measure:

~~18-4~~ 18-5. In coordination with the SJRTD, the ODS shall....

Page 18-21, Add Text to End of Chapter:

Impacts on Railroad Facilities

Development of the project site would increase the amount of traffic at railroad crossings in the vicinity, thereby increasing the potential for accidents. As previously noted, most crossings in the area are at-grade, and some accidents have occurred in the area. General statistical information as noted in the existing conditions section of this chapter indicates the risk of accidents or incidents at railroad crossings are relatively low.

Three of the crossings are considered in regional improvement programs. This inclusion and eventual construction of identified improvements will continue to address the potential conflicts associated with railroad crossings and maintain the

relatively low incident rate. As a part of the 2007 SJCOG RTP, Lathrop Road at UPRR (Westerly), Louise Avenue at UPRR and Airport Way at UPRR railroad grade-separation projects were identified as Tier I funded improvements. The RTP recommended construction of a four-lane overpass at the Lathrop Road UPRR railroad crossing and construction of at-grade improvements at the Louise Avenue UPRR railroad crossing. Improvements at Louise Avenue and right-of-way acquisition at Lathrop Road have been initiated. For the Airport Way UPRR railroad crossing, the RTP recommended construction of a five-lane grade separation over the tracks. The Lathrop Road at UPRR (Westerly) grade separation project is also included as part of the City's Capital Improvement Program.

The proposed project's pro-rata 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 proposed Specific Plan.

Any modifications to the other four railroad crossings (D'Arcy Parkway, Yosemite Avenue, and two at McKinley Avenue) as a result of project buildout 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 in the mitigation below, 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. Engineering improvements would include but are not limited to the following:

- Improve and/or install warning devices/signage
- Improve traffic signaling at intersections near crossings
- Install medians to prevent vehicles from driving around crossing gates
- Prohibit on-street parking within 100 feet of a crossing
- Install pedestrian-specific warning devices
- Install sidewalks and barriers to channelize pedestrians to specific crossings
- Consider the feasibility of pull out lanes for buses and vehicles carrying hazardous materials

The inclusion of the safety measures identified above 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 less than significant.

Level of Significance: Potentially significant

Mitigation Measures:

18-6: The owner, developer or successors-in-interest (ODS) within the Lathrop Gateway Business Park Specific Plan area that will alter railroad crossings as a result of a proposed project within the plan area, shall include within engineered improvement plans railroad

crossing safety measures. Improvements at crossings should include but are not limited to the following:

- Improve and/or install warning devices/signage
- Improve traffic signaling at intersections near crossings
- Install medians to prevent vehicles from driving around crossing gates
- Prohibit on-street parking within 100 feet of a crossing
- Install pedestrian-specific warning devices
- Install sidewalks and barriers to channelize pedestrians to specific crossings
- Consider the feasibility of pull out lanes for buses and vehicles carrying hazardous materials

The ODS shall seek the Public Utilities Commission's approval for any modifications to existing railroad crossings.

Significance After Mitigation: Less than significant

Implementation: The ODS that alters existing railroad crossings shall include railroad safety measures within project improvement plans.

Monitoring: The Public Utilities Commission and Public Works Department will be responsible for approving appropriate railroad crossing safety measures.

Errata to Public Review Draft EIR, Chapter 19.0 Cumulative Impacts

Page 19-7, Fifth Paragraph (Modified):

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, including emissions from construction activities, 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.

Page 19-20, The Following Two Subsections (Modified):

Intersections/Interchanges

- Reconstruction of SR 120/Airport Way Interchange
- Reconstruction of SR 120/Union Road Interchange
- Reconstruction of SR 120/Main Street Interchange
- Construction of SR 120/McKinley Avenue Interchange
- Modification/Reconstruction of I-5 interchanges with Louise Avenue and

- Lathrop Road
- Louise Avenue/McKinley Avenue Improvements
- Reconstruction of SR 120 Interchange with Yosemite Avenue

Planned Cumulative Base Improvements Assumed Not Constructed by 2030

The following planned improvements have been identified in prior agency planning documents, but do not necessarily have known funding sources at this time. Therefore, these improvements were not assumed to be in place under cumulative baseline conditions.

- ~~• Reconstruction of SR 120 Interchange with Yosemite Avenue/Guthmiller Road~~
- Reconstruction of SR 120/I-5 Interchange
- Reconstruction of I-5 Interchange with Roth Road
- Widening of Roth Road between I-5 and Airport Way

Page 19-27, First Paragraph (Modified):

- Modify SR 120/Yosemite Avenue interchange to a partial cloverleaf design. Due to weaving issues on the SR 120 segment from the Yosemite Avenue interchange to the I-5 interchange, it is recommended that the SR 120/Yosemite Avenue westbound on-ramp be eliminated. A potential traffic flow and safety issue is weaving of traffic on SR 120 between the westbound on-ramp of the Yosemite Avenue interchange to the SR 120/ I-5 westbound connector ramp. Using the HDM-based Leisch Method, a weaving length of approximately 1,600 feet would be necessary for this segment to sustain acceptable peak hour LOS D or better operations under 2030 conditions. Currently, the available weaving length on this segment is 1,300 feet. Therefore, the existing diagonal SR 120 westbound on-ramp from Yosemite Avenue should be eliminated as part of ultimate planned interchange improvements at the SR 120/Yosemite Avenue interchange, and be replaced with a westbound loop on-ramp that would help increase the weave distance to 1,600 feet or more.

Page 19-27, Mitigation Measure 19-1 (Modified):

- 19-1. If the necessary intersection improvements identified under the Cumulative Base (Current Project Site Condition) scenario (as identified on pages 19-24 through 19-27 of the Draft EIR) have not been constructed by the time construction development in the Specific Plan area begins is ready to commence with the issuance of the first building permit, the ODS of properties proposed for development within the Plan Area shall identify and pay their “fair share” costs of these improvements. once the City has identified and programmed them in the appropriate funding plan. If these improvements are not included in a City fee program at the time of project approvals (either a Joint Traffic Impact Fee or Cities of Lathrop and Manteca fee programs), the project applicant(s) shall pay its fair share towards the cost of these improvements into a road improvement trust fund to be

administered by the City of Lathrop prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program.

Page 19-30, Mitigation Measure 19-2 (Modified):

19-2. The ODS shall construct the following intersection improvements:

The initial development(s) within the Commercial Office designation or Limited Industrial designation to the west of Guthmiller Road (Yosemite Avenue) shall install a traffic signal at the Guthmiller Road (Yosemite Avenue)/Project Access 1 intersection (intersection #36) and construct the intersection with the following lane geometrics:

Northbound Approach – One left-turn lane, two through lanes, and one shared through-right lane.

Southbound Approach – One left-turn lane, two through lanes, and one shared through-right lane.

Eastbound Approach – One left-turn lane, one through lane, and one right lane.

Westbound Approach – Two left turn lanes, and one shared through-right lane.

Due to this intersection's close proximity to the Yosemite Avenue/SR 120 interchange ramp intersections, appropriate signal interconnect/coordination between the two intersections shall be implemented.

Projected LOS after mitigation: "D" or better.

The initial development(s) within the Service Commercial designation north of Yosemite Avenue, between D'Arcy Parkway and McKinley Avenue; and the Limited Industrial designation south of Yosemite Avenue, between D'Arcy Parkway and McKinley Avenue shall install a traffic signal at the Yosemite Avenue/Project Access 2 intersection (intersection #37) and construct the intersection with the following lane geometrics:

Northbound Approach – One left-turn lane, and one shared through-right lane.

Southbound Approach – One left-turn lane, and one shared through-right lane.

Eastbound Approach – One left-turn lane, two through lanes, and one shared through-right lane.

Westbound Approach – One left-turn lane, two through lanes, and one shared through-right lane.

Projected LOS after mitigation: “D” or better.

The initial development(s) within the Service Commercial designation east of McKinley Avenue and the Limited Industrial designation west of McKinley Avenue, between D’Arcy Parkway and McKinley Avenue shall install a traffic signal at the McKinley Avenue/Project Access 3 intersection (intersection #38) and construct the intersection with the following lane geometrics:

Northbound Approach – One left-turn lane, two through lanes and one right lane.

Southbound Approach – One left-turn lane, two through lanes and one right lane.

Eastbound Approach – One left-turn lane, and one shared through-right lane.

Westbound Approach – One left-turn lane, and one shared through-right lane.

Projected LOS after mitigation: “C” or better.

The initial development(s) within the Service Commercial designation south of Yosemite Avenue and east of McKinley Avenue shall install a traffic signal at the Yosemite Avenue/Project Access 4 intersection (intersection #39) and construct the intersection with the following lane geometrics:

Northbound Approach – One left-turn lane, and one right-turn lane.

Eastbound Approach – One left-turn lane, two through lanes, and one shared through-right lane.

Westbound Approach – One left-turn lane, and three through lanes.

Projected LOS after mitigation: “C” or better.

The initial development(s) within the Limited Industrial designation south of Yosemite Avenue, not accessed by improvements at intersections #37 and #38 shall construct the D'Arcy Parkway/Yosemite Avenue/Project Access 5 intersection with the following lane geometrics:

Northbound Approach – One left-turn lane, one through lane, and one right-turn lane.

Southbound Approach – Two left-turn lanes, and one shared through-right lane.

Eastbound Approach – Add one through lane and one right-turn lane.

Westbound Approach – One left-turn lane, three through lanes, and one right-turn lane.

Projected LOS after mitigation: "D" or better

The initial development within the Specific Plan area shall install a traffic signal at the McKinley Avenue/Yosemite Avenue intersection. The initial development within either the Service Commercial or Limited Industrial designations located adjacent to this intersection and shall construct the intersection with these additions to the geometrics required under Cumulative Base conditions:

Northbound Approach – Add one left-turn lane and one right-turn lane.

Southbound Approach – Add one right-turn lane.

Eastbound Approach – Add one through lane and one right-turn lane.

Westbound Approach – Add one through lane and one right-turn lane.

Projected LOS after mitigation: "D" or better

Page 19-32, Mitigation Measure 19-3 (Modified):

- 19-3. The ODS shall widen Guthmiller Road/Yosemite Avenue from two to six lanes from the SR 120 interchange to the eastern boundary of the Specific Plan area, prior to buildout of 80% of the Lathrop Gateway Business Park Specific Plan (equivalent to 34,300 average annual daily trips (AADT) on this roadway segment). ~~cumulative full buildout (year 2030)~~

Page 19-32, Mitigation Measure 19-4 (Modified):

19-4. The ODS throughout Lathrop Gateway Business Park Specific Plan shall pay their “fair share” costs towards both the preparation and completion of a Project Study Report (PSR) in order to identify the long-range improvements necessary at the SR 120/Yosemite Avenue interchange, as well as their “fair share” towards the reconstruction of the SR 120/Yosemite Avenue-Guthmiller Road interchange. Preparation of the PSR shall commence with development of Phase 1 of the specific plan and shall be prepared pursuant to Caltrans requirements. Reconstruction of the SR 120/Yosemite Avenue interchange shall commence once 40% of the Lathrop Gateway Business Park Specific Plan is built out.

Page 19-32 and 19-33, Mitigation Measure 19-5 (Modified):

19-5. The ODS shall pay “fair share” costs towards a Joint Traffic Impact Fee established by the Cities of Lathrop and Manteca, or if not adopted, pay a “fair share” of costs towards the City of Manteca’s traffic impact fee to cover project responsibilities towards the following improvement (under either scenario, fair share costs shall be paid to the City of Lathrop for appropriate distribution):

- The Main Street/Yosemite Avenue intersection shall have the following lane geometrics:

Northbound Approach – Two left-turn lanes, and one shared through-right lane.

Southbound Approach – One left-turn lane, one through lane, and one shared through-right lane.

Eastbound Approach – One left-turn lane, two through lanes, and one right-turn lane.

Westbound Approach – One left-turn lane, one through lane, and one shared through-right lane.

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Section 21081.6 of the Public Resources Code and the *CEQA Guidelines* Section 15097, a lead agency is required to adopt a monitoring and reporting program for assessing and ensuring compliance with the required mitigation measures applied to a proposed project for which an EIR has been prepared. As stated in the Public Resources Code: “...the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.”

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the EIR. The lead agency may delegate reporting or monitoring responsibilities to another public agency or a private entity, which accept delegations. The lead agency, however, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the program.

The mitigation monitoring table below lists mitigation measures that are required to reduce the significant effects of the Lathrop Gateway Business Project. These measures may also be included as conditions of approval for the project. These measures correspond to those outlined in Chapter 2, Executive Summary, and discussed in Sections 4.0 through 19.0 of the Draft EIR. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsible entity for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and various public agencies will have the primary responsibility for enforcing, monitoring, and reporting the implementation of the mitigation measures.

This Mitigation Monitoring and Reporting Program is set up as a Compliance Report, with space for confirming the correct mitigation measures have been implemented for the Lathrop Gateway Business Park Project. In order to sufficiently track and document the status of mitigation measures, the matrix below has been prepared with the following components:

- Mitigation measures
- Monitoring phase
- Enforcement agency
- Monitoring agency
- Action Indicating Compliance
- Verification of Compliance (for use during the reporting/monitoring)

Information pertaining to compliance with mitigation measures or any necessary modifications and refinements will be documented in the verification of compliance portion of the matrix. The mitigation measure matrix is provided in the following pages.

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
5.0 AGRICULTURE RESOURCES							
5-1: The Project Proponents/City would participate in the SJMSCP. Fees would be paid by the project applicant to the SJCOG on a per-acre basis for lost agricultural land during development of the proposed Lathrop Gateway Business Park. The SJCOG will use these funds to purchase conservation easements on agricultural and habitat lands in the project vicinity. The preservation in perpetuity of agricultural land throughout the SJMSCP, a portion of which would consist of Important Farmland, would ensure the continued protection of farmland in the project vicinity, partially offsetting project impacts. Written proof of such an agreement between the project proponent and SJCOG shall be provided to the City prior to the issuance of grading or other construction permits.	Pre-Construction of Individual Phases	City of Lathrop / Community Development Depart	City of Lathrop / Community Development Department	Issuance of Grading and/or Building Permits			
6.0 AIR QUALITY							
6-1: For construction projects in the Plan Area exceeding 40 acres in size or involving more 2,500 cubic yards per day of excavation, the owners, developers and/or successors-in-interest (ODS) shall prepare and submit a Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3, for the review and approval of the APCD Air Pollution Control Officer prior to start of construction activities.	Pre-Construction of Individual Phases	San Joaquin Valley Air Pollution Control District	City of Lathrop / Community Development Department	Issuance of Grading and/or Building Permits			
6-2: Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard.	During demolition and construction activities	City of Lathrop / Public Works	City of Lathrop / Community Development Department	Compliance with Grading Permit			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>6-3: During construction activities in the Plan Area, the ODS shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (San Joaquin Valley APCD, 2002):</p> <ul style="list-style-type: none"> a. All disturbed areas, including storage piles, which are not being actively utilized or construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover. b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking. d. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container. e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. g. Limit traffic speeds on unpaved roads to 15 mph; and h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent. 	During Construction Activities	San Joaquin Valley Air Pollution Control District	City of Lathrop / Community Development Department	Issuance and Daily Compliance with Grading Permit			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
6-4: Architectural coatings applied to all structures in the Plan Area shall meet or exceed volatile organic compound (VOC) standards set in APCD Rule 4601. The ODS shall submit to the APCD a list of architectural coatings to be used and shall indicate how the coatings meet or exceed VOC standards. If the APCD determines that any architectural coatings do not meet VOC standards, the ODS shall replace the identified coatings with those that meet standards.	Pre-Construction of Structures	San Joaquin Valley Air Pollution Control District	City of Lathrop / Community Development Department	Issuance of Building Permits			
6-5: The ODS shall make application to the APCD for a permit under APCD Rule 9510, Indirect Source Rule (ISR) prior to issuance of the first building permit for construction in the Specific Plan area, if required. The ODS shall incorporate mitigation measures into project construction and/or pay ISR fees as required to comply with Rule 9510 emission reduction requirements for construction NOx and PM emissions.	Pre-Construction of Structures	San Joaquin Valley Air Pollution Control District	City of Lathrop / Community Development Department	Payment of ISR Fees			
6-6: The ODS shall use emission-controlled construction equipment during demolition and construction activities in the Plan Area. The developers shall select construction contractors based in part on the age, condition and emission control status of their construction equipment fleets, recognizing that ISR permit fees will be reduced for project elements that can be constructed with cleaner equipment fleets.	Pre-Grading	City of Lathrop / Public Works Department	City of Lathrop / Public Works Department	Issuance of Grading Permits			
6-7: The ODS shall receive a permit under APCD Rule 9510, Indirect Source Rule (ISR) prior to issuance of the first building permit for construction in the Plan Area. The ODS shall incorporate mitigation measures into the project and/or pay the required ISR fees to the APCD as required to comply with Rule 9510 emission reduction requirements for NOx and PM emissions associated with project operations.	Pre-Construction of Structures	San Joaquin Valley Air Pollution Control District	City of Lathrop / Community Development Department	Payment of ISR Fees			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>6-8: The ODS of development projects in the Plan Area shall prepare improvement plans that incorporate the following features, consistent with adopted City improvement standards and to be installed by the developer:</p> <ul style="list-style-type: none"> • Bus turnouts and transit improvements where requested by the San Joaquin RTD. • Continuous public sidewalks adjacent to all proposed public streets. • Pavement and striping for bike lanes/paths. • Street lighting. • Pedestrian signalization, signage and safety designs at signalized intersections. • Shade trees to shade sidewalks in street-side landscaping areas. 	Pre-Construction	City of Lathrop / Community Development Department and Public Works	City of Lathrop / Community Development Department	Issuance of Grading and Building Permits			
<p>6-9: The ODS of development projects in the Plan Area shall prepare and implement a transportation demand management (TDM) plan that incorporates the measures listed below, though the TDM plan shall not be limited to those measures. The plan shall be subject to City review and approval prior to issuance of the first building permit for construction in the Plan Area.</p> <ul style="list-style-type: none"> • Provide secure bicycle parking in conjunction with commercial and office development. • Provide designated vanpool parking spaces close to the employment center entry locations. • Provide preferential carpool parking spaces close to the employment center entry locations. • Provide on-site amenities that encourage alternative transportation modes 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 telecommuting options. • Provide transit vouchers. • Provide information to employees on carpooling, ride sharing and other available programs. • Participate in the Commute Connection program sponsored by SJCOG. 	Pre-Construction	City of Lathrop / Community Development Department and Public Works	City of Lathrop / Community Development Department	Issuance of Grading and Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>6-10: A health risk assessment shall be conducted by the ODS for the following future development projects that meet the following criteria:</p> <ul style="list-style-type: none"> • A distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units per day, or where transport refrigeration unit operations exceed 300 hours per week, placed within 1,000 feet of a residence in or adjacent to the Plan Area. • A dry cleaning operation placed within 300 feet of a residence in or adjacent to the Plan Area. • A gas station placed within 50 feet of a residence in or adjacent to the Plan Area • Projects whose land uses are not specifically identified in the ARB's <i>Air Quality and Land Use Handbook</i>, but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants • Projects that would otherwise appear to be exempt from CEQA requirements, but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants. <p>If the health risk assessment identifies a significant risk as defined by GAMAQI, a more detailed health risk assessment shall be performed that will identify measures to reduce the health risk to levels that are less than significant, which the project shall incorporate in its design and construction.</p>	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Grading and Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks

7.0 BIOLOGICAL RESOURCES

<p>7-1: The ODS shall, where feasible, preserve the maximum amount of the seasonal pond, the fire suppression pond and the seasonal wetlands along the storm drain alignment and establish minimum 25 to 50 foot buffers around all sides of these areas. In addition, the final project design shall not cause significant changes to the pre-project hydrology, water quality or water quantity in any wetland that is to be retained on site.</p> <p>Where avoidance of existing wetlands and drainages is not feasible, and fill material is to be placed within the ponds and wetlands, then the ODS shall prepare a wetland delineation with the assistance of a qualified wetland specialist, and submit the delineation to ACOE for verification. If any of the ponds and wetlands are deemed jurisdictional wetland by ACOE, then the ODS shall acquire all appropriate wetland permits prior to the issuance of grading permits by the City. These permits may include, but are not limited to, a Section 404 Wetlands Fill Permit from the U.S. Army Corps of Engineers and a Section 401 Water Quality Certification from the Regional Water Quality Control Board. The ODS shall comply with all conditions and mitigation requirements attached to the granted wetland permits.</p>	Pre-Construction	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Grading Permits			
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Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
8.0 CULTURAL RESOURCES							
8-1: If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The City of Lathrop Community Development Department shall be notified, and the ODS shall be responsible for mitigation and associated costs of any significant cultural resources pursuant to the CEQA Guidelines.	During Grading Operations	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Observations by General Contractor During Grading Activities			
8-2: If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Community Development Department shall be notified immediately. If it is determined that the remains are those of a Native American, the Coroner must contact the Native American Heritage Commission. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin. The ODS shall be responsible for all mitigation costs.	During Grading Operations	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Observations by General Contractor During Grading Activities			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>8-3: Prior to the initiation of demolition activities within a development phase, any buildings and/or structures within that phase shall be evaluated by an individual who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History to determine if any of the buildings or structures qualify as historical resources as defined in §21083.2 of CEQA and §15064.5 of the State CEQA Guidelines. The City of Lathrop Community Development Department shall be notified of the findings, and the ODS shall be responsible for all mitigation costs. The following procedures shall be followed unless specified differently by the qualified individual:</p> <p>a. <u>Documentation and Recordation of Significant Historical Resources</u> – For any buildings or structures that qualify as historical resources under CEQA, written and photograph documentation shall be prepared to record the property. The written documentation for the property shall be prepared based on the National Park Services' (NPS) Historic American Building Survey (HABS) Historical Report Guidelines. Photograph documentation standards shall meet the intent of the NPS – Advisory Council on Historic Preservation (ACHP) revised policy for developing alternate forms of documentation for properties meeting a criterion of less than nationally significant. The alternative documentation shall not be reviewed by the NPS or transmitted to the Library of Congress and therefore will not be a full-definition HABS dataset. This type of documentation is based on a combination of both HABS standards (Levels II and III) and NPS new policy for NR-NHL photographic documentation as outlined in the National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion (March 2005).</p> <p>Either HABS standard large format or digital photography may be used. If digital photography is used, the ink and paper combinations for printing photographs must be in compliance with NR-NHL photo expansion policy and have a permanency rating of approximately 115 years. Digital photographs will be taken as uncompressed .TIF file format. The size of each image will be 1600x1200</p>	Pre-Demolition of Existing Structures	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Demolition Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>pixels at 300 ppi (pixels per inch) or larger, color format, and printed in black and white. The file name for each electronic image will correspond with the Index to Photographs and photograph label.</p> <p>b. <u>Dissemination of Documentation</u> –The written and photograph documentation of historical resources shall be disseminated on archival quality paper to appropriate repositories and interested parties. The distribution of the documentation shall include the State Historic Preservation Officer in the California Office of Historic Preservation; the California Historical Resources Information System Central California Information Center at California State University, Stanislaus; the San Joaquin County Historical Society & Museum; and other local repositories identified by the City of Lathrop Community Development Department</p>							
<p>8-4: Should paleontological or unique geological resources be identified at any project construction sites during any phase of construction, the project manager shall cease operation at the site of the discovery and immediately notify the City of Lathrop Community Development Department. The project applicant shall retain a qualified paleontologist to provide an evaluation of the find and the significance of the materials and mitigation measures if needed, and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City of Lathrop Community Development Department shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, specific plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.</p>	<p>During Grading Operations</p>	<p>City of Lathrop / Community Development Department</p>	<p>City of Lathrop / Community Development Department</p>	<p>Observations by General Contractor During Grading Activities</p>			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
9.0 GEOLOGY AND SOILS							
9-1: A site-specific, design-level geotechnical study shall be completed for each project development component in the Specific Plan area (i.e., light industrial areas, commercial areas, office areas, and infrastructure) before a grading permit is issued. The studies shall include an evaluation of liquefaction potential in the development area and identify appropriate means to minimize or avoid damage from liquefaction. Geotechnical design recommendations included in each study shall be implemented during project design and construction. Potential recommendations include over-excavating and recompacting the area with engineered fill or in-place soil densification. In-place densification measures may include deep dynamic compaction, compaction grouting, vibro-compaction, and the use of non-liquefiable caps. Special design features may need to be utilized for foundations. Other foundation types may be considered if further geotechnical study shows the liquefaction potential to be less than significant or if the effects of liquefaction-induced settlement can be mitigated with earthwork.	Pre-Construction of Individual Phases	City of Lathrop / Public Works Department	City of Lathrop / Community Development Department	Issuance of Grading Permits			
9-2: A site-specific, design-level geotechnical study shall be completed for the stormwater drainage pipeline from the Specific Plan area to the San Joaquin River before appropriate construction permits are issued. The studies shall include an evaluation of shrink-swell potential in the pipeline construction area and identify appropriate means to minimize or avoid damage from expansive soils. Geotechnical design recommendations included in the study shall be implemented during project design and construction. Potential recommendations may include, but are not limited to, removing expansive soils and replacing them with engineered fill.	Pre-Construction of Individual Phases	City of Lathrop / Public Works Department	City of Lathrop / Community Development Department	Issuance of Grading Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
10.0 GLOBAL CLIMATE CHANGE							
10-1: Applicant(s) shall employ green building techniques in the design of proposed buildings within the Lathrop Gateway Business Park Plan Area. Specifically, projects shall conform at a minimum to the California Green Building Code or equivalent green building standards.	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			
<p>10-2: The ODS shall implement a Transportation Demand Management program applicable to businesses with 25 or more employees to reduce potential vehicle trips. The Transportation Demand Management program shall contain at least five of the following components, although other components not listed may be included:</p> <ul style="list-style-type: none"> • Free transit passes. • Telecommuting. • Secure bicycle parking (at least one space per 20 vehicle parking spaces). • Showers/changing facilities. • Car-sharing services. • Information on transportation alternatives, such as bus schedules and bike maps. • Dedicated employee transportation coordinator. • Carpool matching programs. • Preferential carpool/vanpool parking. <p>The ODS shall provide a funding mechanism to maintain the Transportation Demand Management program, which may include but is not limited to creation of a special assessment district. The Transportation Demand Management program shall be submitted to the Community Development Department for its review and approval.</p>	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>10-3: The following mitigation measures shall be implemented during future development in the Plan Area:</p> <ul style="list-style-type: none"> • Parking in the Specific Plan area shall be provided at the minimum level required by the Lathrop Municipal Code. Shared parking shall be implemented when determined to be feasible. • Parking lot designs shall include clearly marked and shaded pedestrian pathways between transit facilities and building entrances, for projects adjacent to or containing transit facilities. • Buildings shall use Energy Star roofs, or equivalent, and shall be designed so that their orientation to take advantage of the winter sun and to shade building from the summer sun. 	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			

11.0 HAZARDS AND HAZARDOUS MATERIAL

<p>11-1: The SJCEHD shall be notified by the ODS if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during excavation and dewatering activities. Any contaminated areas shall be remediated by the ODS in accordance with recommendations made by SJCEHD; RWQCB; DTSC; or other appropriate federal, state, or local regulatory agencies.</p>	During Grading Activities	San Joaquin County Environmental Health Department	City of Lathrop / Community Development Department	Issuance of Building Permits			
<p>11-2: Before demolition of any onsite buildings built prior to 1980, the ODS shall hire a qualified consultant to investigate whether any of these buildings contain asbestos-containing materials and lead that could become friable or mobile during demolition activities. If found, the asbestos-containing materials and lead shall be removed by an accredited inspector in accordance with EPA and California Occupational Safety and Health Administration (Cal/OSHA) standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. The asbestos-containing materials and lead shall be disposed of properly at an appropriate offsite disposal facility.</p>	Pre-Demolition of Existing Structures	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Demolition Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
13.0 HYDROLOGY AND WATER QUALITY							
13-1: Any proposed improvements within the San Joaquin River floodway shall be subject to the approval of the City Engineer and the Community Development Director as well as federal, state and local permit agencies with jurisdiction, including the US Army Corps of Engineers, the Central Valley Flood Protection, the Regional Water Quality Control Board, the San Joaquin County Flood Control and Water Conservation District, and the California Department of Fish and Game.	Pre-Construction	City of Lathrop / Community Development Department and Public Works	City of Lathrop / Community Development Department	Issuance of Building Permits			
13-2: The ODS shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for Lathrop Gateway Business Park construction activities and file a Notice of Intent (NOI) with the State Water Resources Control Board prior to commencement of construction activity. The SWPPPs shall be available on the construction site at all times.	Pre-Construction	City of Lathrop / Community Development Department and Public Works	City of Lathrop / Community Development Department	Issuance of Grading Permits			
13-3: Site development (i.e. construction) plans shall incorporate all applicable provisions of the SWPPP. The SWPPP shall be submitted to Public Works Department for approval.	Pre-Construction	City of Lathrop / Public Works	City of Lathrop / Community Development Department	Issuance of Building Permits			
14.0 NOISE							
14-1: Rubberized asphalt shall be installed on the segments of 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). Because these segments are located within the jurisdiction of the City of Manteca, the City of Lathrop shall prepare and negotiate an inter-agency agreement on the apportionment of costs and responsibilities related to the installation of the rubberized asphalt. The ODS shall be responsible for all costs related to the agreement and installation of material.	Pre-Construction	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
14-2: Acoustically rated exterior doors and windows shall be installed at facades with line-of-sight to State Route 120. These upgraded windows and doors shall provide a minimum STC performance of 35.	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			
14-3: Contractors performing grading and construction work in the Plan Area shall fit all internal combustion engines with factory-specified mufflers.	Pre-Construction of Individual Phases	City of Lathrop / Public Works Department	City of Lathrop / Community Development Department	Issuance of Grading and Building Permits			
14-4: Contractors performing grading and construction work in the Plan Area shall not place construction staging and heavy equipment storage areas within 500 feet of residential receivers to the south-southeast of the Plan Area.	Pre-Construction of Individual Phases	City of Lathrop / Public Works Department	City of Lathrop / Community Development Department	Issuance of Grading and Building Permits			

16.0 PUBLIC SERVICES/FACILITIES

16-1: The ODS shall pay, prior to issuance of building permits, the appropriate City of Lathrop Capital Facility Fees for police and fire protection services. Also, prior to issuance of the first building permit for a project in the Specific Plan area, the ODS shall form a special assessment district that covers the Plan Area and provides adequate funding for the annual cost to provide City services specific to and directly benefiting the Plan Area. The City and the ODS shall determine the level of funding the special assessment district shall provide.	Pre-Issuance of First Building Permit	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			
16-2: The ODS shall incorporate access, water supply and other fire suppression and emergency access/response needs in the proposed project designs. Said designs shall be developed in consultation with the Fire, Police and Public Works Departments, and shall address such items as the mapping and measures deemed necessary to permit access of emergency vehicles and firefighting equipment, minimize response times and provide adequate evacuation routes.	Pre-Construction of Individual Phases	City of Lathrop / Fire, Police and Public Works Departments	City of Lathrop / Community Development Department	Issuance of Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
16-3: The ODS shall fence and monitor contractors' storage yards during the construction phases of the project to prevent theft and vandalism, and to reduce calls for assistance from the Police Department.	Initiation of Construction Activities	City of Lathrop / Site Inspectors	City of Lathrop / Community Development Department	Issuance of Certificate of Occupancy			
16-4: As development proceeds within the Plan Area, the City shall authorize occupancy of new structures only if confirmation of three to four-minute average emergency response times to the structures can be provided using Fire District methodologies. . If the required response time cannot be satisfied, the ODS shall coordinate with the Fire District to identify temporary fire prevention measures to allow development to proceed to the satisfaction of the Fire District. In addition, the ODS shall coordinate with the Fire District and identify potential alternative locations along Yosemite Avenue near D'Arcy Parkway, within the Plan Area, for a possible new fire station site.	Pre-Construction of Individual Phases	City of Lathrop / Fire Department and Public Works	City of Lathrop / Community Development Department	Issuance of Certificate of Occupancy			
16-5: The ODS shall pay all applicable fire service fees and assessments required to fund its fair share of fire district facilities and services required to serve the Plan Area.	Pre-Construction of Individual Phases	City of Lathrop / Building Division	City of Lathrop / Community Development Department	Issuance of Building Permits			
16-6: The ODS shall install fire hydrants and water distribution facilities that will provide fire flows that are adequate to support the City's existing ISO rating and that conform to adopted Building Code Fire Safety Standards for all of the uses proposed within the Plan Area.	Pre-Construction of Individual Phases	City of Lathrop / Fire Department and Public Works	City of Lathrop / Community Development Department	Issuance of Certificate of Occupancy			
16-7: The City shall not approve any structures in the Plan Area greater than 50 feet in height until the Fire District possesses appropriate equipment that can serve such heights. If site plans includes structures greater than 50 feet, the ODS shall pay fees toward its fair share of this equipment.	Pre-Construction of Individual Phases	City of Lathrop / Fire Department and Public Works	City of Lathrop / Community Development Department	Issuance of Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
16-8: As identified in Mitigation Measure 16-1, prior to issuance of the first building permit for a project in the Specific Plan area, the ODS shall form a special assessment district that covers the Plan Area and provides adequate funding for the annual cost to provide City services specific to and directly benefiting the Plan Area. Animal Control Services shall be included in this community facilities district or an equivalent funding mechanism. The City and the ODS shall determine the level of funding the special assessment district shall provide.	Pre-Issuance of First Building Permit	City of Lathrop / Community Development Department and Animal Control Services	City of Lathrop / Community Development Department	Issuance of Building Permits			
16-9: The ODS shall pay capital facilities fees to defray capital facility costs associated with an animal control facility.	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			

17.0 PUBLIC UTILITIES

17-1: No element of the proposed project shall be occupied until both adequate treatment capacity at WRP-1, WRP-2, Lathrop-Manteca WQCF or another comparable wastewater treatment facility is available and wastewater infrastructure (e.g., pipelines) is in place to serve that portion of the Plan Area.	Pre-Construction of Individual Phases	City of Lathrop / Public Works Department	City of Lathrop / Community Development Department	Issuance of Building Permits			
17-2: The ODS shall remove existing septic systems prior to development of the parcel in which the septic system is located. Removal shall be in accordance with the rules and regulations of the San Joaquin County Environmental Health Department.	Pre-Construction of Individual Phases	City of Lathrop / Public Works Department	City of Lathrop / Community Development Department	Issuance of Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
18.0 TRANSPORTATION/CIRCULATION							
<p>18-1: The ODS of properties within the Plan Area shall pay their "fair share" costs of the improvements identified below, or the costs of the following improvements shall be subject to reimbursement in conjunction with other development projects that contribute vehicle trips to these locations. If improvements have not been initiated or installed by others at the time of approval of the first development within the Lathrop Gateway Business Park Specific Plan, the ODS processing the initial project will be conditioned to complete the following improvements prior to issuance of occupancy permits and be reimbursed by other development projects that contribute vehicle trips to these locations:</p> <ul style="list-style-type: none"> • Install a traffic signal at the I-5 SB Ramps/Lathrop Road intersection under existing conditions and in coordination with ramp signalization at the NB ramps intersection. <i>Projected LOS with mitigation: "C" or better.</i> • Install a traffic signal at the I-5 NB Ramps/Lathrop Road intersection under existing conditions. <i>Projected LOS with mitigation: "C" or better.</i> • Provide exclusive right-turn lanes/pockets for the eastbound and westbound approaches at the McKinley Avenue/Lathrop Road intersection under Existing Plus Project conditions. <i>Projected LOS with mitigation: "D" or better.</i> • Install a traffic signal at the McKinley Avenue/Yosemite Avenue intersection under Existing Plus Project conditions. <i>Projected LOS with mitigation: "D" or better.</i> 	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>18-2: The ODS shall pay their "fair share" costs towards a Joint Traffic Impact Fee established by the Cities of Lathrop and Manteca, or if not adopted, pay a "fair share" of costs towards the City of Manteca's traffic impact fee program to cover project responsibilities towards the following improvement (under either scenario, fair share costs shall be paid to the City of Lathrop for appropriate distribution):</p> <ul style="list-style-type: none"> • Provide exclusive right-turn lanes/pockets for the eastbound and westbound approaches at the Main Street/Louise Avenue intersection under existing conditions. <i>Projected LOS with mitigation: "D" or better</i> 	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			
<p>18-3: The City of Lathrop shall ensure that the ODS pay their applicable Transportation Impact Fees for their "fair share" costs for the following freeway improvements.</p> <ul style="list-style-type: none"> • Add northbound lanes on Interstate 5 from I-205 to the SR 120 interchange, and widen Interstate 5 from the SR 120 interchange to the Lathrop Road interchange, as identified in the San Joaquin Regional Transportation Plan 2007. Project contribution towards regional traffic impact fees covers project responsibility for this freeway segment. • Widen the segment of SR 120 from I-5 to Yosemite Avenue from four to six lanes, as identified in the San Joaquin Regional Transportation Plan 2007. Project contribution towards regional traffic impact fees covers project responsibility for this freeway segment. • Widen the segment of SR 99 from SR 120 to Arch Road from four to six lanes along with interchange modifications, as identified in the San Joaquin Regional Transportation Plan 2007. Project contribution towards regional traffic impact fees covers project responsibility for this freeway segment. 	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
18-4: The ODS responsible for the first proposed project within the Lathrop Gateway Business Park Specific Plan area that introduces the use of semi-trailers with a length of 48-feet as part of long-term operations will be required to identify STAA design deficiencies at the existing ramps at the SR 120/Yosemite Avenue interchange; engineer necessary improvements; obtain necessary approvals and permits from responsible agencies (i.e., City of Lathrop and Caltrans); and install necessary improvements prior to issuance of Certificate of Occupancy.	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Certificate of Occupancy			
18-5: In coordination with the SJRTD, the ODS shall provide for the extension of a bus route to the project site, either the existing Route 95 or another route, and shall provide at least one on-site bus stop for this route.	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			
18-6: The owner, developer or successors-in-interest (ODS) within the Lathrop Gateway Business Park Specific Plan area that will alter railroad crossings as a result of a proposed project within the plan area, shall include within engineered improvement plans railroad crossing safety measures. Improvements at crossings should include but are not limited to the following: <ul style="list-style-type: none"> • Improve and/or install warning devices/signage • Improve traffic signaling at intersections near crossings • Install medians to prevent vehicles from driving around crossing gate • Prohibit on-street parking within 100 feet of a crossing • Install pedestrian-specific warning devices • Install sidewalks and barriers to channelize pedestrians to specific crossings • Consider the feasibility of pull out lanes for buses and vehicles carrying hazardous materials <p>The ODS shall seek the Public Utilities Commission's approval for any modifications to existing railroad crossings.</p>	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department and Public Works Public Utilities Commission	City of Lathrop / Community Development Department	Issuance of Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
19.0 CUMULATIVE							
19.1: If the necessary intersection improvements identified under the Cumulative Base (Current Project Site Condition) scenario (as identified on pages 19-24 through 19-27 of the Draft EIR) have not been constructed by the time development in the Specific Plan is ready to commence with the issuance of the first building permit, the ODS of properties proposed for development within the Plan Area shall identify and pay their “fair share” costs of these improvements. If these improvements are not included in a City fee program at the time of project approvals (either a Joint Traffic Impact Fee or Cities of Lathrop and Manteca fee programs), the project applicant(s) shall pay its fair share towards the cost of these improvements into a road improvement trust fund to be administered by the City of Lathrop prior to the issuance of building permits. This trust fund shall fund improvements to intersections identified as operating unacceptably under cumulative conditions and not identified in a fee program.	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			
19-2: The ODS shall construct the following intersection improvements: The initial development(s) within the Commercial Office designation or Limited Industrial designation to the west of Guthmiller Road (Yosemite Avenue) shall install a traffic signal at the Gutmiller Road (Yosemite Avenue)/Project Access 1 intersection (intersection #36) and construct the intersection with the following lane geometrics: <i>Northbound Approach</i> – One left-turn lane, two through lanes, and one shared through-right lane. <i>Southbound Approach</i> – One left-turn lane, two through lanes, and one shared through-right lane. <i>Eastbound Approach</i> – One left-turn lane, on through lane, and one right lane <i>Westbound Approach</i> – Two left turn lanes, and one shared through-right lane.	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department and Public Works	City of Lathrop / Community Development Department	Issuance of Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Due to this intersection's close proximity to the Yosemite Avenue/SR 120 interchange ramp intersections, appropriate signal interconnect/coordination between the two intersections shall be implemented. <i>Projected LOS after mitigation: "D" or better.</i>							
<p>The initial development(s) within the Service Commercial designation north of Yosemite Avenue, between D'Arcy Parkway and McKinley Avenue; and the Limited Industrial designation south of Yosemite Avenue, between D'Arcy Parkway and McKinley Avenue shall install a traffic signal at the Yosemite Avenue/Project Access 2 intersection (intersection #37) and construct the intersection with the following lane geometrics:</p> <p><i>Northbound Approach</i> – One left-turn lane, and one shared through-right lane.</p> <p><i>Southbound Approach</i> – One left-turn lane, and one shared through-right lane.</p> <p><i>Eastbound Approach</i>- One left-turn lane, two through lanes, and one shared through-right lane.</p> <p><i>Westbound Approach</i> – One left-turn lane, two through lanes, and one shared through-right lane.</p> <p><i>Project LOS after mitigation: "D" or better.</i></p>	See Note Above.	See Note Above.	See Note Above.	See Note Above.			
<p>The initial development(s) within the Service Commercial designation east of McKinley Avenue and the Limited Industrial designation west of McKinley Avenue, between D'Arcy Parkway and McKinley Avenue shall install a traffic signal at the McKinley Avenue/Project Access 3 intersection (intersection #38) and construct the intersection with the following lane geometrics:</p> <p><i>Northbound Approach</i> – One left-turn lane, two through lanes and one right lane.</p> <p><i>Southbound Approach</i> – One left-turn lane, two through lanes and one right lane.</p> <p><i>Eastbound Approach</i> – One left-turn lane, and one</p>	See Note Above.	See Note Above.	See Note Above.	See Note Above.			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>shared through-right lane. <i>Westbound Approach</i> – One left-turn lane, and one shared through-right lane. <i>Projected LOS after mitigation: "C" or better.</i></p>							
<p>The initial development(s) within the Service Commercial designation south of Yosemite Avenue and east of McKinley Avenue shall install a traffic signal at the Yosemite Avenue/Project Access 4 intersection (intersection #39) and construct the intersection with the following lane geometrics: <i>Northbound Approach</i> - One left-turn lane, and one right-turn lane. <i>Eastbound Approach</i> – One left-turn lane, two through lanes, and one shared through-right lane. <i>Westbound Approach</i> – One left-turn lane, and three through lanes. <i>Projected LOS after mitigation: "C" or better.</i></p>	See Note Above.	See Note Above.	See Note Above.	See Note Above.			
<p>The initial development(s) within the Limited Industrial designation south of Yosemite Avenue, not accessed by improvements at intersections #37 and #38 shall construct the D'Arcy Parkway/Yosemite Avenue/Project Access 5 intersection with the following lane geometrics: <i>Northbound Approach</i> – One left-turn lane, one through lane, and one right-turn lane. <i>Southbound Approach</i> – Two left-turn lanes, and one shared through-right lane. <i>Eastbound Approach</i> – Two left-turn lanes, two through lanes, and one shared through-right lane. <i>Westbound Approach</i> – One left-turn lane, three through lanes, and one right-turn lane. <i>Projected LOS after mitigation: "D" or better.</i></p>	See Note Above.	See Note Above.	See Note Above.	See Note Above.			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>The initial development within the Specific Plan area shall install a traffic signal at the McKinley Avenue/Yosemite Avenue intersection. The initial development within either the Service Commercial or Limited Industrial designations located adjacent to this intersection shall construct the intersection with these additions to the geometrics required under Cumulative Base conditions:</p> <p><i>Northbound Approach</i> – Add one left-turn lane and one right-turn lane.</p> <p><i>Southbound Approach</i> – Add one right-turn lane.</p> <p><i>Eastbound Approach</i> – Add one through lane and one right-turn lane.</p> <p><i>Westbound Approach</i> – Add one through lane and one right-turn lane.</p> <p><i>Projected LOS after mitigation: "D" or better.</i></p>	See Note Above.	See Note Above.	See Note Above.	See Note Above.			
<p>19-3: The ODS shall widen Guthmiller Road/Yosemite Avenue from two to six lanes from the SR 120 interchange to the eastern boundary of the Specific Plan area, prior to buildout of 80% of the Lathrop Gateway Business Park Specific Plan (equivalent to 34,300 average annual daily trips (AADT) on this roadway segment.</p>	Pre-Construction of Phase 2 as defined by the Traffic Impact Study	City of Lathrop / Community Development Department and Public Works	City of Lathrop / Community Development Department	Issuance of Building Permits			
<p>19-4: The ODS shall pay "fair share" costs towards both the preparation and completion of a Project Study Report (PSR) in order to identify the long-range improvements necessary at the SR 120/Yosemite Avenue interchange, as well as their "fair share" towards the reconstruction of the SR 120/Yosemite Avenue interchange. Preparation of the PSR shall commence with development of Phase 1 of the specific plan and shall be prepared pursuant to Caltrans requirements. Reconstruction of the SR 120/Yosemite Avenue interchange shall commence once 40% of the Lathrop Gateway Business Park Specific Plan is built out.</p>	Pre-Construction of Phase 1 as defined by the Specific Plan	City of Lathrop / Community Development Department and Public Works	City of Lathrop / Community Development Department	Issuance of Building Permits			

Lathrop Gateway Business Park Specific Plan Final EIR - MITIGATION MONITORING/REPORTING PROGRAM

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>19-5: The ODS shall pay "fair share" costs towards a Joint Traffic Impact Fee established by the Cities of Lathrop and Manteca, or if not adopted, pay a "fair share" of costs towards the City of Manteca's traffic impact fee to cover project responsibilities towards the following improvement (under either scenario, fair share costs shall be paid to the City of Lathrop for appropriate distribution):</p> <ul style="list-style-type: none"> The Main Street/Yosemite Avenue intersection shall have the following lane geometrics: <p><i>Northbound Approach</i> – Two left-turn lanes, and one shared through-right lane.</p> <p><i>Southbound Approach</i> – One left-turn lane, one through lane, and one shared through-right lane.</p> <p><i>Eastbound Approach</i> – One left-turn lane, two through lanes, and one right-turn lane.</p> <p><i>Westbound Approach</i> – One left-turn lane, one through lane, and one shared through-right lane.</p> 	Pre-Construction of Individual Phases	City of Lathrop / Community Development Department	City of Lathrop / Community Development Department	Issuance of Building Permits			

6.0 DOCUMENT AVAILABILITY AND DISTRIBUTION NOTICES

This section displays the various notices circulated in conjunction with the public review of the Draft Environmental Impact Report (EIR). These materials are organized as follows:

1. State Clearinghouse: Notice of Preparation
2. City of Lathrop: Notice of Preparation
3. State Clearinghouse: Notice of Completion of Draft EIR
4. City of Lathrop: Notice of Completion of Draft EIR
5. City of Lathrop: Notice of Draft EIR Meeting
6. City of Lathrop: Draft EIR Distribution List
7. City of Lathrop: July 14, 2010 Planning Commission Agenda (Informational Meeting)

2009062106

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

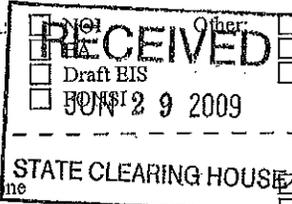
SCH # 2009062106

Project Title: Lathrop Gateway Business Park Specific Plan
Lead Agency: City of Lathrop
Mailing Address: 390 Towne Center Drive
City: Lathrop, CA
Contact Person: Charlie Mullen
Phone: 209 941-7298
County: San Joaquin
Zip: 95330

Project Location: County: San Joaquin City/Nearest Community: Lathrop
Cross Streets: SR 120/Vierra Road/Yosemite Avenue Zip Code: 95330
Lat./Long.: 37 047 33 "N/ 121 016 40 "W Total Acres: 384
Assessor's Parcel No.: see attached sheet Section: 2 Twp.: 2S Range: 6E Base: MDM
Within 2 Miles: State Hwy #: SR 120 Waterways: San Joaquin River
Airports: Stockton Metropolitan Airport Railways: UPRR Schools: None

Document Type:

CEQA: [x] NOP [] Draft EIR [] NEPA: [] NEPA [] Other [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] Final Document
[] Neg Dec (Prior SCH No.) [] Other
[] Mit Neg Dec Other



Local Action Type:

[] General Plan Update [x] Specific Plan [] Rezone [x] Annexation
[x] General Plan Amendment [] Master Plan [x] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other

Development Type:

[] Residential: Units _____ Acres _____
[x] Office: Sq.ft. 883658 Acres 67.6 Employees _____
[x] Commercial: Sq.ft. 912377 Acres 48.7 Employees _____
[x] Industrial: Sq.ft. 3,57M Acres 190.2 Employees _____
[] Educational _____
[] Recreational _____
[] Water Facilities: Type _____ MGD _____
[] Transportation: Type _____
[] Mining: Mineral _____
[] Power: Type _____ MW _____
[] Waste Treatment: Type _____ MGD _____
[] Hazardous Waste: Type _____
[x] Other: Supporting Infrastructure (roads and utilities)

Project Issues Discussed In Document:

[x] Aesthetic/Visual [] Fiscal [x] Recreation/Parks [x] Vegetation
[x] Agricultural Land [x] Flood Plain/Flooding [] Schools/Universities [x] Water Quality
[x] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [x] Water Supply/Groundwater
[x] Archeological/Historical [x] Geologic/Seismic [x] Sewer Capacity [x] Wetland/Riparian
[x] Biological Resources [] Minerals [x] Soil Erosion/Compaction/Grading [x] Wildlife
[] Coastal Zone [x] Noise [x] Solid Waste [] Growth Inducing
[x] Drainage/Absorption [x] Population/Housing Balance [x] Toxic/Hazardous [x] Land Use
[x] Economic/Jobs [x] Public Services/Facilities [x] Traffic/Circulation [x] Cumulative Effects
[x] Other Global Climate Change

Present Land Use/Zoning/General Plan Designation:

Ag, Industrial, & Residential/Zoning: Warehouse-Industrial, Ag Urban Reserve/GP: Service Commercial, Freeway Commercial & General Industrial

Project Description: (please use a separate page if necessary)

The proposed project involves the adoption and implementation of the proposed Lathrop Gateway Business Park Specific Plan. The Specific Plan provides for the planned urban industrial and commercial development of approximately 384 gross acres to create a comprehensively planned development. The uses proposed within the Plan Area include office Commercial (68 acres, net), limited industrial (190 acres, net) and service commercial (49 acres, net). The remaining acreage includes roadways, two detention basins, three well sites and open space.

Note: The state Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

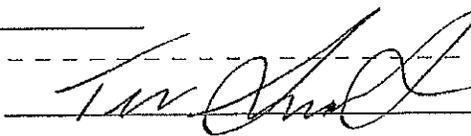
- | | |
|---|---|
| <input checked="" type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input checked="" type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Parks & Recreation |
| <input checked="" type="checkbox"/> Caltrans District # 10 | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Planning (Headquarters) | <input checked="" type="checkbox"/> Reclamation Board |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy | <input checked="" type="checkbox"/> Regional WQCB # 5S |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> S.F. Bay Conservation & Development Commission |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input checked="" type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> Santa Monica Mountains Conservancy |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input checked="" type="checkbox"/> Fish & Game Region # 2 | <input checked="" type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Forestry & Fire Protection | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Health Services, Department of | <input checked="" type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Integrated Waste Management Board | <input type="checkbox"/> Other _____ |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |
| <input type="checkbox"/> Office of Emergency Services | |

Local Public Review Period (to be filled in by lead agency)

Starting Date July 1, 2009 Ending Date July 31, 2009

Lead Agency (Complete if applicable):

Consulting Firm: <u>InSite Environmental, Inc.</u>	Applicant: <u>City of Lathrop</u>
Address: <u>6653 Embarcadero, Suite Q</u>	Address: <u>390 Towne Center Drive</u>
City/State/Zip: <u>Stockton, CA 95219</u>	City/State/Zip: <u>Lathrop, CA 95330</u>
Contact: <u>Trevor Smith</u>	Phone: <u>(209) 941-7298</u>
Phone: <u>(209) 472-8650</u>	

Signature of Lead Agency Representative:  Date: 6/25/09

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Assessor's Parcel Numbers	
241-030-05	241-310-08
241-280-01	241-310-09
241-280-02	241-310-10
241-280-03	241-310-11
241-280-04	241-310-33
241-280-05	241-310-45
241-280-06	241-310-46
241-280-07	241-390-05
241-280-11	241-390-07
241-280-12	241-390-08
241-280-13	241-390-09
241-280-14	241-390-10
241-290-01	241-390-15
241-290-02	241-390-21
241-290-03	241-390-22
241-290-04	241-400-02
241-290-05	241-400-03
241-290-06	241-400-04
241-290-07	241-400-05
241-290-08	241-400-06
241-290-09	241-400-07
241-290-10	241-400-08
241-290-11	241-400-09
241-290-16	241-400-10
241-290-17	241-400-11
241-290-18	241-400-12
241-290-21	241-400-13
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241-290-23	241-400-18
241-290-25	241-400-20
241-290-26	241-400-26
241-290-27	241-400-27
241-310-01	241-400-28
241-310-02	241-400-29
241-310-04	241-400-30
241-310-05	241-400-31
241-310-06	241-400-32
241-310-07	241-400-33

CITY OF LATHROP
320 Towne Center Drive
Lathrop, CA 95330

NOTICE OF PREPARATION

LATHROP GATEWAY BUSINESS PARK SPECIFIC PLAN EIR

To: Reviewing Agencies

From: Community Development Department
City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330
Attn: Charlie Mullen, Assistant Community Development Director

Subject: Notice of Preparation of a Draft Environmental Impact Report

Project Title: Lathrop Gateway Business Park Specific Plan EIR

Project Applicant: South Lathrop, LLC
634 North Santa Cruz Avenue
Los Gatos, CA 95030
Attn: David Lazares

The Community Development Department of the City of Lathrop will be the Lead Agency and will prepare an environmental impact report for the project identified above. We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. An Initial Study has been prepared for the project that describes the project, the environmental setting and the potential environmental effects of the project; a copy of the Initial Study is attached.

The public review period for the Notice of Preparation of an EIR is July 1, 2009 through July 31, 2009. A Public Scoping Meeting will be held on Thursday, July 30, 2009 at 7:00 PM at the City of Lathrop, 320 Towne Center Drive, Lathrop, CA. Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Charlie Mullen, Assistant Community Development Director, at the address shown above. We will need the name for a contact person in your agency.

Date

6/25/09


Charlie Mullen, Asst. Community Development Dir.
Community Development
City of Lathrop
209-941-7298

Attachments:

Initial Study
Location Maps
Parcel Map

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Notice of Completion & Environmental Document Transmittal

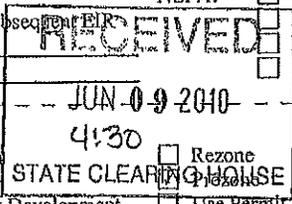
Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Lathrop Gateway Business Park Specific Plan
 Lead Agency: City of Lathrop Contact Person: Charlie Mullen
 Mailing Address: 390 Towne Center Drive Phone: (209) 941-7298
 City: Lathrop Zip: 95330 County: San Joaquin

Project Location: County: San Joaquin City/Nearest Community: Lathrop
 Cross Streets: SR 120 and Guthmiller Road/Yosemite Avenue Zip Code: _____
 Longitude/Latitude (degrees, minutes and seconds): 37 ° 47 ' 29 " N / 121 ° 16 ' 34 " W Total Acres: 385
 Assessor's Parcel No.: Vierra Rd/Yosemite Ave/SR 120 Section: _____ Twp.: _____ Range: _____ Base: _____
 Within 2 Miles: State Hwy #: I-5/Highway 120 Waterways: San Joaquin River
 Airports: _____ Railways: Union Pacific RR Schools: _____

Document Type:
 CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) Draft EIS Other: _____
 Mit Neg Dec Other: _____



Local Action Type:
 General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: _____

Development Type:
 Residential: Units _____ Acres _____
 Office: Sq.ft. 741K Acres 57-net Employees 2,169 Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. 3.14M Acres 168-net Employees 1,249 Power: Type _____ MW
 Educational: _____ Waste Treatment: Type _____ MGD
 Recreational: _____ Hazardous Waste: Type _____
 Water Facilities: Type _____ MGD Other: Service Commercial, 1.55M sq.ft., 83-net ac., 2,591 emp

Project Issues Discussed in Document:
 Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: Global Climate Ch.

Present Land Use/Zoning/General Plan Designation:
 Land Uses: Ag, Industrial, Residential and Commercial / Zoning: I-W, AU-20 and C-G / GP: I-L and A-UR

Project Description: *(please use a separate page if necessary)*
 Project involves adoption and implementation of proposed Lathrop Gateway Business Park Specific Plan, located in San Joaquin County within the City of Lathrop's Sphere of Influence. Project is about 384 acres bordered by Vierra St. and West Yosemite to the north, SR 120 to the south, and the UPRR tracks to east and west. Project envisions development of a combination of new commercial office, limited industrial and service commercial uses.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

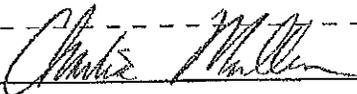
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|---|--|
| <input checked="" type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input checked="" type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Historic Preservation |
| <input checked="" type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Office of Public School Construction |
| <input checked="" type="checkbox"/> Caltrans District # <u>10</u> | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Public Utilities Commission |
| <input checked="" type="checkbox"/> Central Valley Flood Protection Board | <input checked="" type="checkbox"/> Regional WQCB # <u>5S</u> |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input checked="" type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Quality |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>2</u> | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> General Services, Department of | <input checked="" type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Integrated Waste Management Board | |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date June 10, 2010 Ending Date July 26, 2010

Lead Agency (Complete if applicable):

Consulting Firm: <u>InSite Environmental, Inc.</u>	Applicant: <u>South Lathrop, LLC</u>
Address: <u>6653 Embarcadero, Suite Q</u>	Address: <u>634 North Santa Cruz Avenue</u>
City/State/Zip: <u>Stockton, CA 95219</u>	City/State/Zip: <u>Los Gatos, CA 95030</u>
Contact: <u>Trevor Smith</u>	Phone: <u>(408) 399-4393</u>
Phone: <u>(209) 472-8650</u>	

Signature of Lead Agency Representative:  Date: 6/7/10

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

LEGAL
CITY OF LATHROP
390 TOWNE CENTRE DR.
LATHROP, CA. 95330

CITY OF LATHROP

NOTICE OF COMPLETION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF MEETING

LATHROP GATEWAY BUSINESS PARK SPECIFIC PLAN PROJECT

NOTICE IS HEREBY GIVEN that the City of Lathrop has undertaken the preparation of an Environmental Impact Report (EIR) to study the proposed Lathrop Gateway Business Park Specific Plan Project. The proposed Project consists of a request for City approval of the Lathrop Gateway Business Park Specific Plan, associated applications and the annexation of the 384-acre specific plan area into the City of Lathrop. The Land Use Plan proposes approximately 57 acres of commercial office uses, 168 acres of limited industrial uses, 83 acres of service commercial uses and the remaining 77 acres in roads and public facility sites.

The Project site is south of the existing City of Lathrop city limits, located south of Vierra Road and Yosemite Avenue, between two Union Pacific Railroad tracks that pass through southern Lathrop, east of the I-5 freeway and north of SR-120.

Serving as the Lead Agency, the City of Lathrop has prepared a Draft Environmental Impact Report (DEIR), which examines the potentially significant environmental effects of the proposed development described above that could occur as a result of the Specific Plan. The DEIR has identified potentially significant environment effects in the areas of agriculture, air, biological, cultural resources, geology, global climate change, hazards, hydrology and water quality, noise, public services and utilities, transportation and cumulative.

The City of Lathrop (as Lead Agency) is seeking agency and public comment on the DEIR. If you represent a public agency, please provide information that is germane to your statutory responsibilities as they may be affected by this project. Responsible and trustee agencies are encouraged to use the EIR when considering approvals they may grant related to the project.

The Lathrop Gateway Business Park Specific Plan and Draft Environmental Impact Report are available for public review at the City of Lathrop, Community Development Department, 390 Towne Centre Drive, Lathrop, CA 95330 between the hours of 8:00 a.m. to 6:00 p.m., Monday thru Thursday. **The subject Lathrop Gateway Business Park Specific Plan and DEIR are also available for review on the City of Lathrop website at www.ci.lathrop.ca.us.**

A 45-day public review period is being provided beginning on June 10, 2010 and ending on July 26, 2010. Written comments should be submitted to the address below prior to 6:00 p.m., Monday, July 26, 2010.

Submit comments to:

Charlie Mullen, Princial Planner
City of Lathrop
390 Towne Centre Dr.
Lathrop, CA 95330
(209) 941-7298 Direct
(209) 941-7268 Fax
cmullen@ci.lathrop.ca.us

NOTICE OF DEIR MEETING

An informational meeting on the Lathrop Gateway Business Park Specific Plan Draft Environmental Impact Report will be held by the City of Lathrop Planning Commission on **Wednesday, July 14, 2010 beginning at 7:00 p.m.** in the Council Chambers, Lathrop City Hall, 390 Towne Centre Drive, Lathrop. A presentation on the DEIR will be made at 7:00 p.m. at the meeting followed by a period for the general public to comment on the DEIR. Those wanting to comment on the project, but not in public, can also provide written comments during the 45-day public comment period (June 10 through July 26, 2010).

FOR FURTHER INFORMATION, PLEASE CALL CHARLIE MULLEN, PRINCIPAL PLANNER AT (209) 941-7298.

E-MAILED TO TRI-VALLEY HEARLD, JUNE 7, 2010 TO BE PUBLISHED ON OR BEFORE THURSDAY, JUNE 10, 2010.

**City of Lathrop
EIR/MND
Distribution List
May 09**

U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814

U.S. Fish & Wildlife Service
Attn: State Supervisor
2800 Cottage Way, Room E1823
Sacramento, CA 94825

FEMA Region IX
1111 Broadway, Suite 1200
Oakland CA 94602

Bureau of Reclamation
Mid Calif. Office
7794 Folsom Dam Road
Folsom CA 95630

San Joaquin County Council of
Governments – Habitat Conserv.
Planning Division
222 Weber Street Avenue
Stockton CA 95202

National Marine Fisheries Agency
501 W. Ocean Blvd.
Long Beach CA 90802

National Oceanic and Atmospheric
Agency
14th St & Constitution Ave.
Room 6217
Washington CA 20230

State Department of Conservation
801 K Street, 24th Floor
Sacramento CA 95814

California Air Resources Board
PO Box 2815
Sacramento CA 95812

~~California Department of Education-
School Facility Planning
1430 N Street
Sacramento CA 95814~~

~~California Department of Toxic
Substances Control
PO Box 806
Sacramento CA 95812~~

California Department of Water
Resources
PO Box 942836
Sacramento CA 94236

California Department of Fish &
Game
1416 Ninth Street
Sacramento CA 95814

Caltrans District 10
PO Box 2048
Stockton CA 95201

Regional Water Quality Control Board
Central Valley Office
11020 Sun Center Dr. #200
Rancho Cordova CA 95670

Mr. Patrick Kerr
Manager of Industry and Pub.
Projects
Union Pacific Railroad
10031 Foothills Blvd.
Roseville CA 95747
San Joaquin Valley Air Pollution
Control District
4800 Enterprise Way
Modesto CA 95356

~~San Joaquin Regional Rail
Commission
Attn: Stacey Mortensen
949 E. Channel St.
Stockton CA 95202~~ *OK*

Delta Protection Commission
PO Box 530
Walnut Grove CA 95690

Reclamation District 17
1812 Burnside Way
Stockton CA 95207

~~San Joaquin County Council of
Governments
222 Weber Street Avenue
Stockton CA 95202~~

Manteca Unified School District
Attn: S. Dwyer
PO Box 32
Manteca CA 95336

San Joaquin Co Audubon Society
PO Box 7755
Stockton CA 95217

Duplicate

San Joaquin County
Environmental Health Department
304 Weber Avenue, Third Floor
Stockton CA 95202

San Joaquin County Public Works
Department
1810 E. Hazelton Avenue
Stockton CA 95205

San Joaquin County Community
Development Department
1810 E. Hazelton Avenue
Stockton CA 95205

San Joaquin County LAFCO
1860E. Hazelton Ave.
Stockton CA 95205

~~Stockton East Water District
6767 E. Main St.
Stockton CA 95215~~

~~Northern California Water Agencies
455 Capitol Mall #335
Sacramento CA 95814~~

RD 2062
73 W. Stewart Rd.
Lathrop CA 95330

PG & E
2730 Gateway Oaks, Suite 220
Sacramento CA 95833

AT & T
44. W. Yokuts
Stockton CA 95205

~~Sierra Club-Mother Lode Chapter
1414 K Street, Suite 500
Sacramento CA 95814~~

~~Building Association of the Delta
509 Weber #410
Stockton CA 95203~~

San Joaquin Partnership
2800 W. March Lane #470
Stockton CA

Lathrop Chamber of Commerce
P.O. Box 313
Lathrop CA 95330

~~Central Valley Farm Trust
8788 Elk Grove Blvd.
Building 1, Suite 1
Elk Grove CA 95624~~

Lathrop Manteca Fire District
800 J Street
Lathrop CA 95330

South San Joaquin Irrigation District
PO Box 747
Ripon CA 95366

~~Stockton Planning Department
345 N. El Dorado St.
Stockton CA 95202~~

Manteca Community Development
Department
1001 West Center St.
Manteca CA 95337

~~Tracy Community Development
Department
520 Tracy Boulevard
Tracy CA 95376~~

~~Ripon Planning Department
259 North Wilma Avenue
Ripon CA 95366~~

~~Alameda County Community
Development Agency
399 Elmhurst St. Room 136
Hayward CA 94544~~

~~Stanislaus County Planning &
Community Development Department
1010 Tenth Street, Suite 3400
Modesto CA 95350~~

~~Contra Costa County Community
Development Department
651 Pine Street, 4th Floor,
North Wing
Martinez CA 94533~~

~~Sacramento County Community
Development Department
827 7th St. Room 230
Sacramento CA 95814~~

~~Santa Clara County Planning &
Development Department
70 West Hedding 7th floor
East Wing
San Jose CA 95110~~

~~Solano County Resource
Management Department
675 Texas #550
Fairfield CA 94533~~

~~Calaveras County Planning
Department
891 Mountain Ranch Road
San Andreas CA 95249~~

~~Tuolumne County Planning Department
AN Francisco Bldg. #48
West Yancy Street
Sonora CA 95370~~

~~Amador County Planning
Department
500 Argonaut Lane
Jackson CA 95642~~

CITY OF LATHROP
PLANNING COMMISSION
AGENDA

REGULAR MEETING
WEDNESDAY, JULY 14, 2010 AT 7:00 P.M.
CITY COUNCIL CHAMBERS
390 TOWNE CENTRE DRIVE
LATHROP, CA 95530

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. CORRESPONDENCE

5. DECLARATION OF CONFLICT OF INTEREST

6. PUBLIC COMMENT

(Persons who wish to speak to the Commission regarding an item that is not on tonight's agenda may do so at this time. All Public Comments must be made in compliance with the City of Lathrop Planning Commission Procedural Rules).

7. CONSENT CALENDAR

7.1 Approval of the minutes of the Planning Commission meeting of May 26, 2010.

8. PUBLIC HEARING ITEMS

None.

9. UNFINISHED BUSINESS

None.

10. NEW BUSINESS

10.1 Draft Environmental Impact Report for the Lathrop Gateway Business Park Specific Plan Project; 45-day Public Review Period (SP-09-012).

Receive an informational update on the project, including the environmental review process (CEQA), and receive public comments on the Draft Environmental Impact Report (as part of CEQA mandated 45-day Public Review Period).

11. ITEMS FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

12. ITEMS FROM THE PLANNING COMMISSION

13. ADJOURNMENT

Appeals of any decisions made tonight must be received by the Planning Division within 10 days but not later than 6:00 p.m. on Monday, July 26, 2010 and must be made on a form provided by the Planning Division, and meet all the requirements of the Municipal Code.

This agenda was posted at the following locations: City Hall, Lathrop Community Center, and "J" Street Fire Station. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call (209) 941-7290. Notification 48 hours in advance of the meeting will enable the city to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.35.104 AD Title III)

Agendas are available on the City of Lathrop's web site at www.ci.lathrop.ca.us



PLANNING COMMISSION
STAFF REPORT

DATE: July 14, 2010

ITEM NO. 10.1

SUBJECT: Draft Environmental Impact Report for the Lathrop Gateway Business Park Specific Plan Project; 45-day Public Review Period (SP-09-012).

LOCATION: The Project site is south of the existing City of Lathrop city limits, located south of Vierra Road and Yosemite Avenue, between two Union Pacific Railroad tracks that pass through southern Lathrop, east of the I-5 freeway and north of SR-120.

REQUEST: Receive an informational update on the project, including the environmental review process (CEQA), and receive public comments on the Draft Environmental Impact Report (as part of CEQA mandated 45-day Public Review Period).

APPLICANT: South Lathrop, LLC

SUMMARY:

The Lathrop Gateway Business Park Specific Plan Project Draft Environmental Impact Report (EIR) has been published and released to the public (including public agencies and interested parties) to satisfy a California Environmental Quality Act (CEQA) mandated 45-day public review period. The public review period commenced on June 10, 2010 and will end on July 26, 2010. The Draft EIR is available for public review on the City of Lathrop's website as well as at the Planning Division front counter, Community Center and Library. All written comments should be submitted to the City prior to 6:00 p.m., Monday, July 26, 2010. An alternative means of providing written comment on the Draft EIR is being offered to the public at tonight's meeting, in which individuals are encouraged to provide verbal comments. All verbal comments received tonight will be noted by staff and the environmental consultant and addressed or responded to in the Final EIR.

Tonight's meeting is being held only to receive public comments, no action or decision on the Lathrop Gateway Business Park Specific Plan or Draft EIR will be made.

GENERAL PLAN

The Lathrop Gateway Business Park Specific Plan area is currently located in an unincorporated portion of San Joaquin County. However, the entire 384-acre specific plan area is located within the Sphere of Influence of the City of Lathrop and the entire plan area is proposed to be annexed into the City of Lathrop. All applicable City of Lathrop General Plan policies will apply to the proposed project. The City General Plan currently designates the land uses for the project area as Service Commercial (SC), Freeway (FC) and General Industrial (GI). The proposed specific plan would re-designate land within the plan area to Service Commercial (SC), Commercial Office (CO) and Limited Industrial (LI). Please refer to the Lathrop Gateway Business Park Specific Plan and/or EIR for more details.

ZONING DESIGNATION

The City of Lathrop Zoning Map does not currently designate zoning district for lands within the subject plan area. However, the Lathrop Gateway Business Park Specific Plan project proposes to amend the Zoning Map to add zoning district designations over the entire 384-acre plan area to be consistent with the General Plan land use designations. The Zoning Map amendments will include corresponding Service Commercial (CS), Commercial Office (OC) and Limited Industrial (IL). Please refer to the Lathrop Gateway Business Park Specific Plan and/or EIR for more details.

PROJECT DESCRIPTION

The Lathrop Gateway Business Park Specific Plan Project Draft Environmental Impact Report (EIR) has been prepared by the professional environmental consulting firm of InSite Environmental, Inc. The Draft EIR has been published and released to the public (including public agencies and interested parties) to satisfy a California Environmental Quality Act (CEQA) mandated 45-day public review period. The proposed Project consists of a request for City approval of the Lathrop Gateway Business Park Specific Plan, associated applications and the annexation of the 384-acre specific plan area into the City of Lathrop. The Land Use Plan proposes approximately 57 acres of commercial office uses, 168 acres of limited industrial uses, 83 acres of service commercial uses and the remaining 77 acres in roads and public facility sites.

The Project site is south of the existing City of Lathrop city limits, located south of Vierra Road and Yosemite Avenue, between two Union Pacific Railroad tracks that pass through southern Lathrop, east of the I-5 freeway and north of SR-120.

Serving as the Lead Agency, the City of Lathrop has contracted with the professional environmental consulting firm of InSite Environmental, Inc. to prepare an Environmental Impact Report to examine the potentially significant environmental effects of the proposed development described above that could occur as a result of the Specific Plan. The Draft EIR has identified potentially significant environment effects in the areas of agriculture, air, biological, cultural resources, geology, global climate change, hazards, hydrology and water quality, noise, public services and utilities, and transportation. A representative from InSite Environmental will be present at tonight's meeting to expand on these issue areas and the CEQA process.

The City of Lathrop (as Lead Agency) is seeking agency and public comment on the Draft EIR. The public review period commenced on June 10, 2010 and will end on July 26, 2010. The

Draft EIR is available for public review on the City of Lathrop's website as well as at the Planning Division counter, Community Center and Library. All written comments should be submitted to the City prior to 6:00 p.m., Monday, July 26, 2010. An alternative means of providing written comment on the Draft EIR is being offered to the public at tonight's meeting, in which individuals are encouraged to provide verbal comments. All verbal comments received tonight will be noted by staff and the environmental consultant and addressed or responded to in the Final EIR.

Next Steps

After tonight's meeting, the professional environmental consulting firm of InSite Environmental, Inc. will address and respond to all agency and public comments in a Final EIR. The Final EIR and Lathrop Gateway Business Park Specific Plan project will be considered at future publicly noticed and advertised public meetings before the Planning Commission and City Council.

RECOMMENDATION:

Staff recommends that the Planning Commission receive an informational update on the project, including the environmental review process (CEQA), and receive public comments on the Draft Environmental Impact Report (as part of CEQA mandated 45-day Public Review Period).

Tonight's meeting is being held only to receive public comments, no action or decision on the Lathrop Gateway Business Park Specific Plan or Draft EIR will be made.

ATTACHMENTS:

1. Vicinity Map
2. Gateway Business Park Specific Plan - Land Use Diagram
3. Gateway Business Park Specific Plan Draft EIR, dated June 8, 2010 (previously distributed to the Planning Commission)
4. Gateway Business Park Specific Plan, dated May 2010 (previously distributed to the Planning Commission)

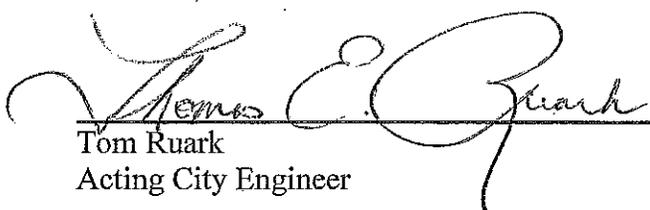
APPROVALS:



Charlie Mullen
Principal Planner

6/29/10

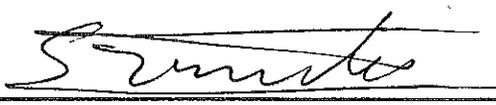
Date



Tom Ruark
Acting City Engineer

7/6/10

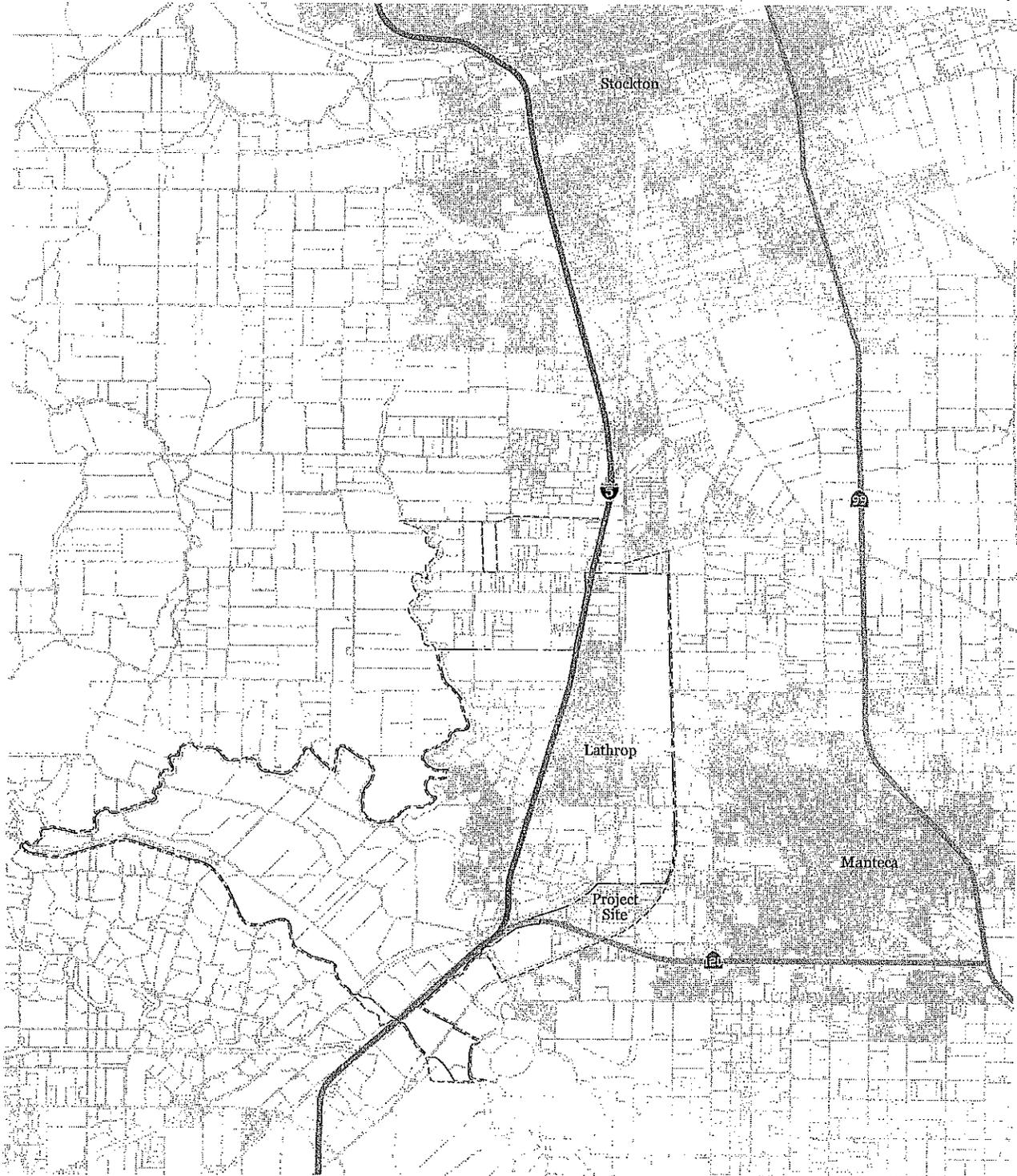
Date



Salvador Navarrete
City Attorney

6-29-10

Date



Legend
 Project Location
 City Limits
 Sphere of Influence

Figure 1.1: Regional Map		Date: April 2010	
Lathrop Gateway Business Park Specific Plan Lathrop, California	NOT TO SCALE		

J:\Maps\2010\Lathrop Gateway Business Park Specific Plan\04-01-2010\Map\Map1-1_April-2010.dwg 4/20/10 8:08:43 AM

