

RESOLUTION NO. 11-3200

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING AND CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH #2009062106), CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATIONS MEASURES/MONITORING PLAN FOR THE LATHROP GATEWAY BUSINESS PARK SPECIFIC PLAN PROJECT (SP-09-012)

WHEREAS, the City of Lathrop City Council held a duly noticed public hearing meeting on May 16, 2011, to consider the Environmental Impact Report (EIR), CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Measures/Monitoring Reporting Plan (SCH #2009062106) prepared for the Lathrop Gateway Business Park Specific Plan project and associated entitlements, including General Plan Amendment, Specific Plan, and Zoning Amendments, for a 384-acre specific plan area with 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; and

WHEREAS, in accordance with Public Resources Code Section 21000 et. seq. and State CEQA Guidelines Section 15000 et. seq., the City of Lathrop prepared and circulated for a 45-day public review period a Draft Environmental Impact Report (DEIR) for Lathrop Gateway Business Park Specific Plan project, dated June 8, 2010 (incorporated by reference herein), beginning June 10, 2010 and ending June 26, 2010, that evaluated the potential environmental effects of the proposed project; and

WHEREAS, the City of Lathrop distributed copies of the DEIR to State Office of Planning and Research (OPR/State Clearinghouse), interested and responsible public agencies, and other interested persons and sought the comments of such agencies and persons; and

WHEREAS, the City of Lathrop held a public meeting to take public comment on the DEIR at the regular Planning Commission meeting of July 14, 2010, at which time comments were received; and

WHEREAS, the City of Lathrop received 14 written and verbal communications and/or comments on the DEIR and responses to those comments were prepared in the form of the Final Environmental Impact Report (FEIR), dated January 21, 2011 (incorporated by reference herein); and

WHEREAS, the City of Lathrop provided notice regarding the availability of and mailed copies of the FEIR with proposed responses to comments to all public agencies and persons submitting comments on the DEIR; and

WHEREAS, the two completed environmental documents for the Lathrop Gateway Business Park Specific Plan project, consisting of the DEIR and FEIR, make up and are referred to as the project EIR; and

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing meeting on April 20, 2011, to consider the Environmental Impact Report (EIR), CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Measures/Monitoring Reporting Plan (SCH #2009062106) prepared for the Lathrop Gateway Business Park Specific Plan project and associated entitlements, including General Plan Amendments, Specific Plan, and Zoning Amendments, and after reviewing and considering all information provided and submitted (including late communications), and after taking and considering all public testimony adopted resolutions recommending City Council approval of the EIR and associated entitlements; and

WHEREAS, the nine (9) late communications submitted prior to or at the Planning Commission meeting of April 20, 2011, have been attached to the City Council report for review and consideration; and

WHEREAS, the City Council has independently reviewed and considered all written evidence and oral testimony presented to date, including the Environmental Impact Report (consisting of the DEIR and FEIR) prepared for the Lathrop Gateway Business Park Specific Plan project and associated entitlements, City staff reports and all information received at the duly noticed public hearings (including late communications), all of these documents and evidence of which are incorporated in the record herein by reference; and

WHEREAS, proper notice of this public meeting was given in all respects as required by law; and

WHEREAS, the City Council has utilized its own independent judgment in adopting this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop does hereby Approve and Certify the *Environmental Impact Report* (consisting of the DEIR and FEIR), CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Measures Monitoring Plan for the Lathrop Gateway Business Park Specific Plan prepared for the Lathrop Gateway Business Park Specific Plan project and associated entitlements, subject to the "Mitigation Monitoring Reporting Plan" (MMRP) and as detailed in the "CEQA Findings of Fact and Statement of Overriding Considerations" attached to this resolution as Exhibit "A".


PASSED AND ADOPTED this 16th day of May, 2011, by the following vote:

AYES: Dhaliwal, Mateo, Ornelas, Salcedo and Santos.

NOES: None.

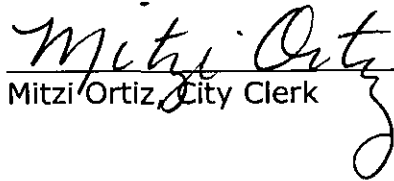
ABSENT: None.

ABSTAIN: None.



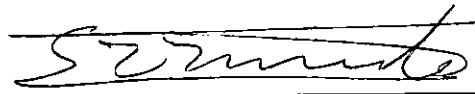
J. "CHAKA" SANTOS, MAYOR

ATTEST:



Mitzi Ortiz, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

**CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE
LATHROP GATEWAY BUSINESS PARK SPECIFIC PLAN PROJECT
ENVIRONMENTAL IMPACT REPORT (EIR)**

INTRODUCTION

The California Environmental Quality Act (CEQA) requires that the environmental impacts of a project be examined and disclosed prior to approval of a project. CEQA Guidelines Section 15091 provides the following guidance regarding findings:

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

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

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

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

CEQA Guidelines Section 15093 provides the following additional guidance regarding a Statement of Overriding Considerations:

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

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

The City of Lathrop, as Lead Agency, has subjected both the Draft and Final EIR for the Lathrop Gateway Business Park Specific Plan Project to the agency's own review and analysis, in order to ensure their adequacy and objectivity, as mandated under CEQA Guideline §15084. The Draft EIR that was circulated for public review on June 10, 2010 reflected the independent judgment of the City of Lathrop.

The City of Lathrop has independently reviewed and considered the Final Environmental Impact Report for the Lathrop Gateway Business Park Specific Plan Project, SCH #2009062106 (FEIR), as well as all other information in the record of proceedings on this matter. The following Findings of Fact regarding the Final Environmental Impact Report for the Lathrop Gateway Business Park Specific Plan Project (Findings) are hereby adopted by the City of Lathrop for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Lathrop Gateway Business Park Specific Plan Project.

For purposes of these Findings, references to the Final EIR for the Lathrop Gateway Business Park Specific Plan Project include the Final EIR document as well as the Draft EIR, which is incorporated by reference.

PROJECT SUMMARY

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. 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 SR 120/Yosemite Avenue 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. Agricultural uses are located in the southern and central Plan Area. Rural residential units 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 Yosemite Avenue (also referred to as Guthmiller Road). No agricultural 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, and rezoning of the Plan Area. 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 new office commercial uses in the western sub-area, 167.6 net acres of limited industrial uses in the central sub-area, and 83.0 net acres of service commercial uses in the eastern sub-area. The primary Plan Area

also includes 1.6 acres of open space, and 2.9 acres divided between three well sites and 15.6 net acres of detention area.

The proposed project is described in more detail in Chapter 3.0 of the Draft EIR, dated June 8, 2010.

ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The Draft Environmental Impact Report (DEIR) was prepared for the proposed Lathrop Gateway Business Park Specific Plan Project by InSite Environmental, Inc., under contract with the City of Lathrop. The document was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA). The purpose of the DEIR is to evaluate the project and identify potential environmental impacts on the community. The EIR is required by CEQA to be “an informational document.” (Public Resources Code §21061.) “The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (*Ibid.*) “CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure.” (CEQA Guidelines §15003(i).)

A Notice of Preparation (NOP) was prepared and circulated by the City of Lathrop on July 1, 2009 for the required 30-day review period. Twelve comments on the NOP were received from public agencies and the general public:

- No. 1: State of California, Department of Transportation, Office of Intermodal Planning, dated July 28, 2009
- No. 2: State of California, Department of Transportation, Office of Intermodal Planning, dated July 29, 2009
- No. 3: Darryl Foreman, Land Planning + Entitlements, Inc., no date
- No. 4: Martin Harris, dated July 29, 2009
- No. 5: Pacific Gas and Electric Company, dated July 17, 2009
- No. 6: Public Utilities Commission, dated July 28, 2009
- No. 7: San Joaquin County Environmental Health Department, dated July 30, 2009
- No. 8: San Joaquin Council of Governments (SJCOG), Inc., dated August 5, 2009
- No. 9: San Joaquin Valley Air Pollution Control District, dated July 6, 2009
- No. 10: U.S. Dept. of Homeland Security, FEMA Region IX, dated July 10, 2009
- No. 11: Union Pacific, dated July 31, 2009
- No. 12: Michael and Karel Brown, dated July 23, 2009

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

Based upon a review of the project and the CEQA Initial Study checklist, the Draft EIR was prepared to address specific areas of concern. The Draft EIR did identify potential impacts that could be mitigated to less than significant levels; unavoidable impacts that could not be mitigated to less than significant levels; as well as cumulative impacts that were deemed Considerable and Significant. These specific areas of concern are discussed in detail below.

Fourteen comments on the DEIR were received from public agencies and the general public:

- No. 1: FEMA, June 10, 2010
- No. 2: Central Valley Farmland Trust, June 15, 2010
- No. 3: San Joaquin County Environmental Health Department, June 17, 2010
- No. 4: California Regional Water Quality Control Board, June 23, 2010
- No. 5: San Joaquin Council of Governments, July 22, 2010
- No. 6: California Department of Transportation, July 26, 2010
- No. 7: City of Manteca Community Development Department, July 26, 2010
- No. 8: California Public Utilities Commission, July 26, 2010
- No. 9: Mike and Karel Brown, July 26, 2010
- No. 10: California Department of Conservation, July 26, 2010
- No. 11: San Joaquin Valley Air Pollution Control District, July 26, 2010
- No. 12: Martin Harris, July 26, 2010
- No. 13: Harold Edwards, July 14, 2010
- No. 14: Charles Hechsen, July 14, 2010

Responses were prepared to the comments and are included in the Final EIR, pursuant to CEQA Guidelines sections 15025 and 15088. City of Lathrop staff, in conjunction with InSite Environmental Inc., has independently prepared and reviewed the responses to comments provided in the Final EIR. Based on the City of Lathrop staff's independent analysis of the Draft and Final EIR for the Lathrop Gateway Business Park Specific Plan Project, SCH #2009062106 (FEIR), as well as all other information in the record of proceedings on this matter, the City's Staff Report and Findings were prepared for consideration by the Planning Commission and City Council.

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

The Lathrop Planning Commission and City Council finds that this project and its accompanying FEIR have been properly noticed and proper procedures followed, ensuring full participation in the process by interested parties.

FINDINGS OF IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines requires an Environmental Impact Report (EIR) to briefly describe any possible significant effects that were determined not to be significant. The Lathrop Gateway Business Park Specific Plan Draft EIR includes a discussion of such environmental effects that were determined by the City of Lathrop to be less than significant.

The City determined that the following project's potential environmental effects were not significant, following the preparation and distribution of a Notice of Preparation; and analysis in the Draft EIR:

4.0 Aesthetics

- Effects on Scenic Routes, Vistas and Off-Site Lands
- Effects on Existing Visual Characteristics of the Site

- Effects of Off-Site Stormwater Pipeline and Outfall Structure on Surrounding Areas
- Effects of Light and Glare

5.0 *Agriculture*

- Conflicts with Current Zoning
- Impacts of the Project to Existing Land Uses
- Impact of Project on Existing Agricultural Land and Adjacent Land Uses

6.0 *Air Quality*

- Odors

7.0 *Biological Resources*

- Impacts on Specific Special-Status Plant and Wildlife Species
- Impacts on Wildlife Corridors
- Project Consistency with Applicable Plans

9.0 *Geology and Soils*

- Impacts of Groundshaking on Plan Area
- Impacts of Other Potential Seismic Events on Plan Area
- Impacts of Project Resulting in Soil Erosion or Loss of Topsoil

10.0 *Global Climate Change*

- Project Consistency with Applicable Greenhouse Gas (GHG) Reduction Plans
- Impact of Climate Change on Project

11.0 *Hazards and Human Health*

- Use of Hazardous Materials in Construction and Operation
- Potential Public Health Impacts Associated with Recycled Water
- Potential Hazard Associated with Railroad Adjacent to Plan Area

12.0 *Land Use*

- Consistency with San Joaquin County LAFCO
- Consistency with City of Lathrop General Plan
- Consistency with the Land Use and Resource Management Plan
- Consistency with Existing Zoning
- Conflict Between Existing Agricultural Lands and Future Non-Agricultural Proposed land uses Within the Plan Area

13.0 *Hydrology and Water Quality*

- Changes in Volume or Flow in Surface Water Resources
- Exposure of Proposed Development to Flooding Hazards
- Effects of Project Operation on Surface Water Quality
- Effects of Recycled Water Use on Surface and Groundwater Quality

15.0 Population and Housing

- Project Effects on Population Growth
- Project impacts on Employment
- Project impacts on Housing

16.0 Public Services/Facilities

- Impacts of Project on Solid Waste Generation
- Impacts of Project on Schools
- Impacts of Project on Parks and Recreation

17.0 Public Utilities

- Project Impacts on Water Supplies
- Project Impacts on Water Supply Infrastructure, Including City Wells and Treatment Facilities
- Project Impacts from Recycled Water Generation
- Project Impact on Electrical Service
- Project Impact on Natural Gas Supplies

18.0 Transportation/Circulation

- Impacts on Bicycle and Pedestrian Facilities

19.0 Cumulative (Less than Considerable)

- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Human Health
- Hydrology and Water Quality
- Land Use
- Noise
- Population and Housing
- Public Utilities: Stormwater Conveyance
- Cumulative Impacts on Bicycle and Pedestrian Transportation

FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS WHICH CAN BE MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

Based on the City's review of the Lathrop Gateway Business Park Specific Plan Project Final EIR, the City of Lathrop determined that several potentially significant impacts would be reduced to a level of less than significant with the implementation of feasible mitigation measures that are identified in the FEIR. These measures will also be adopted by the City as conditions of project approval and included in the Mitigation Monitoring Plan. Based upon the environmental analysis presented in Sections 4.0 through 19.0 of the Draft EIR, no substantial evidence has been submitted to, or identified by, the City that indicates that the impacts in the following areas would occur at levels that would require adoption of a statement of overriding considerations. Mitigation Measures identified in the Final EIR will be adopted for the following areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Human Health
- Hydrology and Water Quality
- Noise
- Public Services/Facilities
- Public Utilities
- Transportation/Circulation
- Cumulative (Transportation)

6.0 – Air Quality

Finding – The City hereby finds that existing regulatory requirements, project design features, and/or project conditions have been incorporated into the Lathrop Gateway Business Park Specific Plan Project and as a result, avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

References – Section 6.0 of the Draft EIR (Air Quality); Section 3.0 of the Final EIR (Responses to Comments); and Section 4.0 of the Final EIR (Errata)

Facts in Support of Finding: Air Quality (Project Construction) – As shown in Section 6.0 of the Draft EIR, demolition and construction activities would generate emissions of ozone precursors and particulate matter from heavy equipment operations, and particulate matter produced by land clearing, earth moving and wind erosion. The air quality analysis assumed a construction period of 20 years and development in accordance with the maximum square footage based on net acreage for each proposed land use and the applicable floor area ratio (see Table 3.1 in Chapter 3.0, Project Description of the Draft EIR).

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

Mitigation Measures 6-4 through 6-6 address construction related concerns associated with diesel particulate matter (PM), volatile organic compounds (VOCs) associated with architectural coatings applied to all structures in the Plan Area, and oxides of nitrogen (NOx). Implementation of mitigation measures will reduce potential short-term construction impacts related to these pollutants of concern to less than significant levels.

Facts in Support of Finding: Air Quality (Generation of or Exposure to Toxic Air Contaminants) – The proposed project would involve the development of commercial, office and industrial land uses. The industrial uses proposed in the Plan Area would be "limited industrial." According to the Specific Plan, land use activities included in the "limited industrial" designation are office, research and development, light manufacturing, warehousing, distribution, and service commercial. The Specific Plan explicitly prohibits certain industrial activities that would be likely to generate air toxics. In contrast, the limited industrial uses the Specific Plan proposes to allow would be less likely to generate air toxics. New business that could involve such emissions would be subject to APCD regulations that would prohibit operations unless risks to vulnerable sensitive receptors (i.e., residential land uses) were below significance criteria. This restriction would apply whether those receptors were located in or outside of the Plan Area. The Lathrop Gateway Business Park Specific Plan does not propose any sensitive land uses, as defined in the Air Resources Board (ARB) Handbook. However, some residential units do exist within the Plan Area that will exist and eventually phased out as development progresses over the 20-year build out period. Implementation of Mitigation Measure 6-10 will reduce the potential risk to sensitive receptors to less than significant by requiring the preparation of a Health Risk Assessment should certain distance criteria be met regarding future distribution centers, dry cleaning operations and/or gas stations in relation to existing residential uses.

7.0 – Biological Resources

Finding – The City hereby finds that existing regulatory requirements, project design features, and/or project conditions have been incorporated into the Lathrop Gateway Business Park Specific Plan Project and as a result, avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

References – Section 7.0 of the Draft EIR (Biological Resources); and Appendix B (Biological Study) of the Draft EIR

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

8.0 – Cultural Resources

Finding – The City hereby finds that existing regulatory requirements, project design features, and/or project conditions have been incorporated into the Lathrop Gateway Business Park Specific Plan Project and as a result, avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

References – Section 8.0 of the Draft EIR (Cultural Resources); and Appendix C (Cultural Resources Survey) of the Draft EIR

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

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

9.0 – Geology and Soils

Finding – The City hereby finds that existing regulatory requirements, project design features, and/or project conditions have been incorporated into the Lathrop Gateway Business Park Specific Plan Project and as a result, avoid or substantially lessen the potentially significant

environmental effect on the environment to below a level of significance.

References – Section 9.0 of the Draft EIR (Geology and Soils)

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

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

11.0 – Hazards and Human Health

Finding – The City hereby finds that existing regulatory requirements, project design features, and/or project conditions have been incorporated into the Lathrop Gateway Business Park Specific Plan Project and as a result, avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

References – Section 11.0 of the Draft EIR (Hazards and Human Health)

Facts in Support of Finding: Hazards and Human Health (Exposure to Existing Hazardous Materials) – As shown in Section 11.0 of the Draft EIR, past agricultural and farming operations, as well as existing industrial and commercial types of uses in the western, northern and eastern portions of the Plan Area could have resulted in contamination of soil and/or groundwater in some locations. Excavation and other subsurface construction activities in the Plan Area could result in the exposure of construction workers to undocumented hazardous materials, including petroleum hydrocarbons. In addition, several onsite structures could include asbestos-containing building materials and lead-containing materials (e.g., paint, sealants, pipe solder), which could become friable or mobile during demolition activities and come into contact with construction workers. Implementation of Mitigation Measures 11-1 and 11-2 would reduce potential impacts to less than significant levels by requiring the notification

of the San Joaquin County Environmental Health Department upon the discovery of soil or groundwater contamination during excavation activities; and requiring the evaluation of on-site structures for the presence of asbestos-containing materials and lead-containing materials prior to demolition.

13.0 – Hydrology and Water Quality

Finding – The City hereby finds that existing regulatory requirements, project design features, and/or project conditions have been incorporated into the Lathrop Gateway Business Park Specific Plan Project and as a result, avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

References – Section 13.0 of the Draft EIR (Hydrology and Water Quality)

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

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

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

Facts in Support of Finding: Hydrology and Water Quality (Project Construction Effects on Surface Water Quality) – As shown in Section 13.0 of the Draft EIR, construction activities within the Plan Area would be extensive. Grading, earth moving, excavation and utility installation, infrastructure development, and building construction would disturb the existing vegetative cover, soil, and drainage systems over the entire Plan Area. Although the Plan Area is relatively flat and the potential for soil erosion is considered low, intense rainfall and associated stormwater runoff could result in short periods of sheet erosion within areas of

exposed or stockpiled soils. If this erosion is uncontrolled, these soil materials could cause sedimentation and blockage of drainage channels. Further, the compaction of soils by heavy equipment may reduce the infiltration capacity of soils and increase the potential for runoff and erosion.

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

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

14.0 – Noise

Finding – The City hereby finds that existing regulatory requirements, project design features, and/or project conditions have been incorporated into the Lathrop Gateway Business Park Specific Plan Project and as a result, avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

References – Section 14.0 of the Draft EIR (Noise)

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

Facts in Support of Finding: Noise (Construction Noise Impacts) – As shown in Section 14.0 of the Draft EIR, activities associated with the Plan Area construction would result in elevated noise levels, with maximum noise levels ranging from 77 to 85 dB (Lmax). Such

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

16.0 – Public Services/Facilities

Finding – The City hereby finds that existing regulatory requirements, project design features, and/or project conditions have been incorporated into the Lathrop Gateway Business Park Specific Plan Project and as a result, avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

References – Section 16.0 of the Draft EIR (Public Services/Facilities)

Facts in Support of Finding: Public Services/Facilities (Impacts on Police Protection Services) – As shown in Section 16.0 of the Draft EIR, The proposed project would involve the development of limited industrial uses, office/commercial uses and service commercial uses, which would increase the demand for police protection in the Plan Area as it is built out. The existing police station maintains some capacity for new development. However, at some point during development, a new police station or other facility would be required to accommodate the additional officers and administrative staff. According to the City’s Municipal Service Review, any new facility would likely be located adjacent to the new government center at 390 Towne Center Drive (City of Lathrop, 2009).

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

Facts in Support of Finding: Public Services/Facilities (Impacts on Fire Protection Services) – As shown in Section 16.0 of the Draft EIR, the Lathrop Gateway Business Park Specific Plan proposes the development of industrial, office commercial and service commercial land uses, all of which would require fire protection services to be provided by the Fire District. The increase in demand for fire protection services could result in the need for

additional staff and equipment to maintain current levels of service and standard response times.

The Fire District determines appropriate locations for new fire stations using guidelines for maximum travel distance based on fire flow requirements. These guidelines require that areas with high fire flow requirement be no further than ¾ mile from an engine company and one mile from a ladder company. Areas with low fire flow requirements should be no more than ½ mile from an engine company and two miles from a ladder company. The Plan Area includes commercial and industrial areas, which have a high fire flow requirement. Since the Plan Area is two miles from the nearest fire station, response times could be adversely affected and may not meet the Fire District's response time standard of three to four minutes in urban areas. This may require the construction of a fire station closer to the Plan Area to ensure adequate response times. The Fire District Master Plan and the City's General Plan have identified a couple locations just north of the Plan Area for a future fire station. Possibly not meeting the Fire District's response time standard is considered a potentially significant impact, however, construction of a new fire station along Yosemite Avenue, somewhere in the area between D'Arcy Parkway and McKinley Avenue would reduce impacts to less than significant levels. Until the future fire station site is constructed, if development within the Plan Area exceeds the Fire District guidelines for response times, this will remain a potentially significant impact. Implementation of Mitigation Measure 16-4 would require the ODS to confirm response times can be provided using Fire District methodologies prior to authorizing occupancy of new structures.

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

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

Facts in Support of Finding: Public Services/Facilities (Impacts on Animal Control Services) – As shown in Section 16.0 of the Draft EIR, the Plan Area contains several existing residences that would become part of the City of Lathrop upon annexation of the Plan Area. As Plan Area development progresses, existing residences would be removed, thereby reducing, but not eliminating, the main source of demand for animal control services over time. While office, commercial and industrial land uses at full build out may require particular services, such as removal of wild animals, these occurrences would likely be infrequent. However, until build out of the Plan Area occurs, the existing residences and the introduction on new businesses into a rural setting will have a potentially significant impact on Animal Control services. Implementation of Mitigation Measures 16-8 would require the creation of a special assessment district that would provide adequate funding for area-specific services that the Plan Area would receive, including Animal Control.

17.0 – Public Utilities

Finding – The City hereby finds that existing regulatory requirements, project design features, and/or project conditions have been incorporated into the Lathrop Gateway Business Park Specific Plan Project and as a result, avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

References – Section 17.0 of the Draft EIR (Public Utilities)

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

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

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

18.0 – Transportation/Circulation

Finding – The City hereby finds that existing regulatory requirements, project design features, and/or project conditions have been incorporated into the Lathrop Gateway Business Park Specific Plan Project and as a result, avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

References – Section 18.0 of the Draft EIR (Transportation/Circulation); Section 3.0 of the Final EIR (Responses to Comments); and Section 4.0 of the Final EIR (Errata)

Facts in Support of Finding: Transportation/Circulation (STAA Terminal Access) – As shown in Section 18.0 of the Draft EIR, STAA stands for Surface Transportation Assistance Act of 1982. STAA is a symbol that helps drivers of large vehicles (i.e., Trucks) know that they are on an approved highway, interstate, local and/or state road for such vehicles. Roads that display the symbol are part of the STAA Network, which includes all the previously mentioned categories. An STAA truck is a truck with a 48-foot semi-trailer, an unlimited overall length, and an unlimited kingpin-to-rear-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. Mitigation Measure 18-4 identifies the requirement for the

first phase of development that introduces semi-trailers for operational purposes with a length of 48 feet to improve ramp conditions at the SR 120/Yosemite Avenue interchange to meet STAA Terminal Access requirements. These improvements will reduce potential impacts to less than significant levels.

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

Facts in Support of Finding: Transportation/Circulation (Impacts on Railroad Facilities) – As shown in Section 18.0 of the Draft EIR, development of project's within the Plan Area 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 indicates the risk of accidents or incidents at railroad crossings near the Plan Area vicinity are relatively low. Some of the crossings near the Plan Area are part of the 2007 SJCOG RTP (Lathrop Road at UPRR, Louise Avenue at UPRR and Airport Way at UPRR) and were identified as Tier I funded improvement projects. The 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 Mitigation Measure 18-6, improvement plans will be required to include sufficient safety measures to maintain (or improve on) the relatively low incident rate at the existing railroad crossings. The inclusion of safety measures and review and approval of such plans by the City of Lathrop and the Public Utilities Commission will continue to maintain a relatively low incident rate at existing crossings, thus project impacts would be reduced to a less than significant level.

19.0 – Cumulative

Finding – The City hereby finds that existing regulatory requirements, project design features, and/or project conditions have been incorporated into the Lathrop Gateway Business Park Specific Plan Project and as a result, avoid or substantially lessen the potentially significant environmental effect on the environment to below a level of significance.

References – Section 19.0 of the Draft EIR (Cumulative)

Facts in Support of Finding: Cumulative (Transportation/Circulation: Intersection Operation) – As shown in Section 19.0 of the Draft EIR, “Cumulative Base Plus Project” traffic volumes were developed by incrementally superimposing proposed Specific Plan-

generated trips at full buildout on top of “Cumulative Base (Current Project Site Condition)” traffic volumes. As shown in Table 19-3 of the Draft EIR, 10 signalized and one unsignalized study intersections are projected to operate at AM and PM peak hour LOS “E” or worse under the Cumulative Base Plus Project condition. Another seven signalized intersections are projected to operate at PM peak hour LOS “E” or worse. Therefore, the project would have cumulatively considerable impacts on LOS at specific intersections. Mitigation Measures 19-1 and 19-2 specifically address these cumulative conditions and with their implementation through payment of fair share costs and construction of specific improvements (Mitigation Measure 19-2), potential cumulative impacts will be reduced to less than considerable.

FINDINGS ON MITIGATION MEASURES

The City of Lathrop finds, based on substantial evidence in the Final EIR for the Lathrop Gateway Business Park Specific Plan Project and all other information in the record of proceedings on this matter that no mitigation measures considered for application to this project that would serve to avoid or lessen significant and unavoidable impacts have been rejected or found to be infeasible. The mitigation measures presented in the record of proceedings will be effective in mitigating significant effects on the environment to a less than significant level and that do not cause any potentially significant effect on the environment. Therefore, all mitigation measures presented in the EIR will be included in the adopted mitigation monitoring and reporting program (MMRP). The MMRP will be designed to ensure compliance during project implementation, and its implementation is a condition of the project’s approval.

FINDINGS ON SIGNIFICANT AND UNAVOIDABLE IMPACTS

Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and as more fully described in the EIR and the MMRP, the City of Lathrop finds that the following impacts of the Project are significant and unavoidable, and that no feasible mitigation measures are available. The City of Lathrop also finds that any alternatives discussed in the EIR that may reduce the significance of these impacts are rejected as infeasible for the reasons given below. The City of Lathrop further finds that no additional feasible mitigation measures or alternatives are available to substantially lessen or avoid these impacts.

5.0 Agriculture (Conversion of Agricultural Land) – The Development of the Plan Area would result in the permanent conversion of approximately 60 acres of Prime Farmland, 135 acres of Farmland of Statewide Importance, and 40 acres of Farmland of Local Importance. The loss of Important Farmland as classified under the FMMP is considered a significant environmental impact. The SJMSCP provides policies, recommendations, or other direction dealing with the loss of farmland. The SJMSCP establishes mitigation measures for such a loss (including the payment of a fee). However, fees contributed to the SJMSCP would only partially offset conversions of Important Farmland associated with project impacts. In addition, no new farmland would be made available, and the productivity of existing farmland would not be improved as a result of the SJMSCP mitigation. Therefore, full compensation for losses of Important Farmland would not be achieved resulting in a significant and unavoidable impact.

It should be noted that the Lathrop Comprehensive General Plan Environmental Impact Report, dated December 17, 1991 and amended twice (June 24, 1992 and May 20, 1997), evaluated the Plan Area as part of the overall evaluation of the build out of the City of Lathrop. The City of

Lathrop Comprehensive General Plan EIR (1997) has documented that the level of impact related to the conversion of productive agricultural land to urban use within the Lathrop planning area (which includes the Lathrop Gateway Business Park Specific Plan area) would be irreversible.

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

6.0 Air Quality (Effects of Project Operations on Criteria Pollutant Emissions, Including Ozone Precursors) – The Project buildout would involve unmitigated emissions of ROG, NO_x and particulate matter that would substantially exceed the established significance thresholds of 10, 10 and 15 tons per year, respectively. ROG and NO_x emissions would contribute significantly to existing ozone nonattainment, and PM emissions would contribute significantly to particulate matter nonattainment. There are no separate significance thresholds for PM₁₀ and PM_{2.5}. Without mitigation, development of the project would result in significant air quality effects and would contribute to adverse health effects associated with these pollutants. The proposed project would include several design features that would contribute to potential reductions in ozone precursor emissions, as recognized in the URBEMIS model. The URBEMIS model was run again, incorporating the applicable mitigation options built into the model. The mitigation options are displayed explicitly in the model output shown in Appendix D of the Draft EIR. The assumed mitigation measures generated reductions in ROG, NO_x and particulate matter emissions of approximately 9%. Even with the incorporation of these design features, emissions of ROG, NO_x, PM₁₀ and PM_{2.5} would exceed the defined significance thresholds.

Unmitigated project emissions would contribute to countywide totals for ROG, NO_x and particulate matter in a range from 0.44% to 0.70%. Although small by percentage, these increases would contribute to local and regional pollutant levels, which would in turn have potential health effects on the general population and portions of the population with pollution-related health issues.

In addition to any design features that may be incorporated into the proposed project, the required application of the APCD's adopted Rule 9510 Indirect Source Rule to the project would also result in substantial mitigation of NO_x and PM emissions. The required NO_x and PM reductions required by Rule 9510 amount to 33.3% and 50% reductions, respectively, from the unmitigated levels associated with the project. To fulfill the requirements of the Rule, the project applicant must pay the required Indirect Source Rule fee for any required reductions that have not been accomplished through project mitigation commitments (i.e., design features). The actual fees will be calculated by the APCD and the project applicants as individual projects (i.e. portions of the Specific Plan) are brought forward to the APCD for approval under Rule 9510.

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

10.0 Global Climate Change (Generation of Project-Related Greenhouse Gas Emissions) – Development of the industrial, office commercial and service commercial land uses pursuant to the adoption of the Lathrop Gateway Business Park Specific Plan would generate greenhouse gas (GHG) emissions. These emissions would be long-term, continuing indefinitely. Direct GHG sources would include emissions from the combustion of natural gas for water and space heating in industrial type structures. Vehicle travel associated with the three land uses would produce continuing GHG emissions by internal combustion engines. The use of electrical energy for heating, lighting and other services would also generate indirect GHG emissions from electrical generation. Water usage and waste disposal associated with the project would generate additional GHG emissions. Total projected annual emissions associated with Specific Plan development would be 0.189 MMT CO₂e, which would amount to approximately 0.04% of the 2004 statewide GHG emissions, and approximately 0.044% of the 2020 statewide GHG emission goal of 427 MMT CO₂e.

Design features built into the Specific Plan would reduce mobile source CO₂ emissions from 89,346.71 tons to 80,675.73 tons – a reduction of approximately 9.7%. Overall CO₂e emissions (excluding construction emissions) would decrease from 196,328.37 tons to 169,696.09 tons – a reduction of approximately 13.5%. In addition, Implementation of the Mitigation Measures 10-1, 10-2 and 10-3, along with the use of green building techniques, would further reduce the amount of GHG emitted by development with the Plan Area. However, it cannot be stated with certainty that such measures would reduce GHG emissions from unmitigated levels by the 29% threshold set by the APCD. Therefore, as a conservative conclusion, project impacts on GHG emissions are considered significant and unavoidable.

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

The use of rubberized asphalt through the implementation of Mitigation Measure 14-1 would reduce impacts along the Yosemite Avenue segment to a less than significant level. However, the impacted section of McKinley Avenue would still experience a noise level increase of

approximately 5-7 dB under Existing plus Project conditions. Therefore, even after mitigation, the noise impacts along McKinley Avenue would be significant and unavoidable.

18.0 Transportation/Circulation (Existing Plus Project (Year 2012/Phase 1) Intersection Operations Impacts) – As documented in the Draft EIR, development of the first phase of the specific plan is projected to generate 9,629 daily trips, with 763 AM peak hour trips (581 inbound, 182 outbound) and 889 PM peak hour trips (217 inbound, 672 outbound) that could be characterized as incremental “new” trips on the adjacent off-street system.

The following significant impacts were identified:

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

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

Transportation/Circulation (Existing Plus Project Roadway Segment Operations Impacts) – All studied local roadway segments are projected to meet at least minimally acceptable LOS standards under Existing Plus Project conditions. However, the following regional segments will have significant impacts under Existing Plus Project conditions:

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

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

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

Cumulative (Agriculture) – Development of the proposed project and additional development within the Cities of Lathrop and surrounding cities would result in the conversion of Important

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

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

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

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

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

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

Cumulative (Public Utilities: Water, Wastewater, and Recycled Water) – In 2001, the City completed the Water Master Plan, which programmatically plans for the provision of adequate water and wastewater treatment/disposal capacity to serve City growth through 2030. The Water Master Plan provides for all the water and wastewater needs for cumulative City development. Needed facilities are included in the Water Master Plan to meet the needs of buildout of the City, and the Water Master Plan EIR evaluates related impacts of constructing and operating these facilities. It is assumed that the development of related projects, and/or the development of the additional utility systems required to serve them, would be preceded by the required CEQA review. However, it cannot be assumed that all potential environmental impacts associated with the development of the additional water and wastewater capacity and infrastructure required to serve these related projects would necessarily be mitigated to less than significant levels. Therefore, potentially significant cumulative utilities impacts could occur related to water and wastewater treatment/disposal capacity.

Cumulative (Cumulative Impacts on Roadway Segment Operations) – As shown in Table 19-4 of the Draft EIR, 11 study segments are projected to operate at LOS “E” or worse under the Cumulative Base Plus Project condition. Therefore, the project would have cumulatively considerable impacts on LOS at these 11 specific roadway segments.

Implementation of Mitigation Measure 19-3 would reduce the cumulative impacts of the project to a level that is less than cumulatively considerable. However, because the interchange improvements named in Mitigation Measure 19-4 and the roadway segment improvements on I-5, SR 120 and SR 99 described previously are outside the scope of the project (i.e., these are regional improvements), the project would result in significant and unavoidable cumulative traffic impacts at the identified freeway segments until necessary improvements are completed

by Caltrans. In addition, although impact fee payments to a Joint Traffic Impact Fee established by the Cities of Lathrop and Manteca required under Mitigation Measure 19-5 would discharge project responsibilities toward the proposed improvement, there is no certainty that the improvement would be constructed. Since this improvement is outside the scope of the project (i.e., this is an improvement located in the City of Manteca), the project would result in significant and unavoidable cumulative traffic impacts at the Main Street/Yosemite Avenue intersection until necessary improvements are completed by the City of Manteca.

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

FINDINGS ON PROJECT ALTERNATIVES

CEQA requires that reasonable alternatives to the proposed project be reviewed in the EIR. The alternatives should not be remote or speculative and do not need to be analyzed in the same level of detail as the proposed project. CEQA Section 15126.6 (c) states, “[a]mong the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

Section 20.0, Alternatives, in the Draft EIR discusses each of the identified project alternatives in greater detail.

The City of Lathrop finds that specific economic, social, environmental, technological, legal or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the alternatives to the Project, and justify approval of the Project despite the remaining unavoidable impacts, as more fully set forth in the Statement of Overriding Considerations below.

The Draft EIR evaluated a reasonable range of alternatives to the project. The Draft EIR identified three alternatives to the proposed project. Three additional alternatives (“Development Under Lathrop General Plan Land Use Designations”, “Alternate Land Uses”, and “Alternative Location for the Project”) were initially rejected as infeasible for the reasons stated in the Draft EIR. The City of Lathrop hereby adopts the EIR’s analysis and conclusions regarding the alternatives eliminated from further consideration.

The three potentially feasible alternatives analyzed in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more potentially significant impacts of the Project. The alternatives analyzed are as follows:

No Project Alternative

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

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

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

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

No Development East of McKinley Avenue Alternative

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

The “No Development East of McKinley Avenue” Alternative would involve some lessening of the direct physical effects of the Lathrop Gateway Business Park Specific Plan. The reduction in the land area under this alternative would result in proportional reductions in its effects on loss of open space, conversion of agricultural land, increase in noise levels and biological resources. Also, reduction of the footprint and corresponding reductions in the development yield of the Lathrop Gateway Business Park Specific Plan would result in minor reductions in the traffic and air pollution effects of the

proposed project. Although this alternative is considered feasible, the City rejects this alternative as it falls short of avoiding or reducing significant environmental effects. In addition, this alternative does not meet the principal objectives of the Lathrop Gateway Business Park Specific Plan project.

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

STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Lathrop finds that, notwithstanding the imposition of all feasible mitigation measures and alternatives, seven (7) environmental areas will remain significant and unavoidable, and, in accordance with CEQA Guidelines Section 15092(b)(2)(B), such remaining impacts are acceptable because of the overriding considerations described herein. In accordance with CEQA Guidelines Section 15093, the City of Lathrop hereby finds that each of the specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh the remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above is acceptable in light of each of these overriding considerations:

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

- The Specific Plan ensures consistency between project designs throughout the Plan Area.
- The Specific Plan provides an efficient circulation system that satisfies public safety access standards and maximizes alternatives to the automobile, including walking, biking and public transit.

STATEMENT OF LOCATION OF DOCUMENTS

In accordance with Public Resources Code Section 21081.6(a)(2), the documents which constitute the record of proceedings related to the City of Lathrop’s consideration of the Lathrop Gateway Business Park Specific Plan Project are located in the Community Development Department at the Lathrop City Hall, 390 Towne Center Drive, Lathrop, California, 95330 and the custodian of said records is the Secretary of the Community Development Department.

FINDINGS ON MITIGATION MONITORING PLAN

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

- 1) A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared for the project, and the mitigation measures therein are made a condition of project approval. The MMRP is incorporated herein by reference and is considered part of the record or proceedings for the proposed project.
- 2) The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the overall MMRP coordinator and will be primarily responsible for ensuring that all project mitigation measures are complied with. Mitigation measures are programmed to occur at, or prior to, specific timelines identified in the MMRP, thereby integrating mitigation monitoring into existing City processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.
- 3) The MMRP prepared for the project has been adopted concurrently with these Findings. The MMRP meets the requirements of Section 21021.6 of the Public Resources Code. The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

SECTIONS 21082.1(c)(3), 15091 and 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the City of Lathrop has made one or more of the following findings with respect to the significant effects of the project:

- 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Based on the foregoing findings and the information contained in the record, and as conditioned by the MMRP, all but seven significant effects on the environment due to the project have been eliminated or substantially lessened where feasible. The City of Lathrop has determined that the remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns as described under “Statement of Overriding Considerations” in this document (See CEQA Guidelines §§15091 and 15092).

Pursuant to Public Resources Code §21082.1(c)(3), the City of Lathrop hereby finds that the Final EIR reflects the independent judgment of the lead agency.