

**CITY MANAGER'S REPORT
FEBRUARY 17, 2004**

ITEM: 8 **PUBLIC HEARING: MOSSDALE LANDING EAST
FINAL SUPPLEMENTAL ENVIRONMENTAL
IMPACT REPORT**

**RECOMMENDATION: ADOPT RESOLUTION NO. 04-1618
CERTIFYING THE FINAL SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT, ADOPTING
MITIGATION MEASURES, MAKING FINDINGS
CONCERNING ALTERNATIVES, AND ADOPTING
A STATEMENT OF OVERRIDING
CONSIDERATIONS IN ACCORDANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
FOR THE MOSSDALE LANDING EAST PROJECT**

BACKGROUND:

The existing use of the Mossdale Landing East site is agriculture and farm residential. The site is relatively flat, with a slight gradient sloping down toward the San Joaquin River to the west. The site is located outside the 100-year floodplain due to improvements to the levee system maintained by Reclamation District No. 17 completed in 1989 and included in FEMA's Letter of Map Revision (LOMR) issued on February 9, 1990. Interstate 5 and Louise Avenue provide local and regional access to the site.

The Mossdale Landing East project is proposed for residential, commercial, and public development, as well as open space amenities. The applicants, Western Pacific Housing and Watt Commercial Properties have requested approval of a number of entitlements that will allow development to occur in accordance with the City's adopted General Plan and the West Lathrop Specific Plan (WLSP). The project proposal is to develop two separate sites: the first, northerly site (referred to as Unit 1, or the McKee Properties) consists of approximately 122.5 acres of land to be subdivided to accommodate:

- 85 low-density residential lots,
- 252 medium-density residential lots,
- an approximately 4.6-acre parcel for development of 80 high-density apartments,
- an approximately 27.5-acre parcel for Highway Commercial use,
- an approximately 12.5 acre parcel for Service Commercial use, and
- an approximately 6.5-acre parcel for Village Commercial use.

The second southerly site (referred to as Unit 2, or the Lathrop Associates Properties) consists of approximately 28 acres of land to be subdivided to accommodate:

- 66 low-density residential lots,
- an approximately 1.5-acre parcel for Service Commercial use,
- an approximately 3.6-acre parcel along the levee for open space,
- an approximately 1.7-acre parcel adjacent to the open space as a portion of the City's linear park, and
- an approximately 4.1-acre parcel for use as a future neighborhood park.

The majority of Unit 2, including the parks and residential areas, will be used for recycled water storage ponds and sprayfields as required by the City until a river discharge permit can be obtained from the Regional Water Control Board, or until alternative disposal areas can be found. Once alternative disposal is obtained, the parks and the residential lots could be developed. The Service Commercial site within Unit 2 is proposed as the location for a water storage tank needed to serve the project and surrounding development within the Mossdale Village area. A portion of the neighborhood park would be developed for use as a storm water retention facility.

SUPPLEMENTAL EIR:

The Mossdale Landing East Supplemental EIR (Attachments B and C) is intended to provide information for the City Council to make an informed decision on environmental issues affecting the project. The Supplemental EIR identifies mitigation measures that reduce significant environmental impacts to the maximum extent feasible. A Mitigation Monitoring Program (MMP) has been developed to identify implementation and monitoring responsibilities for each recommended mitigation measure (see Exhibit B).

In order to certify the SEIR, the City Council is required to make certain findings. Where, as here, the SEIR has identified significant environmental impacts, two sets of findings are required. First, for each significant effect, the Council must make at least one "Findings of Fact" concerning mitigation measures and alternatives. The second set of findings is known as a "Statement of Overriding Considerations". The purpose of these findings is to authorize the approval of a project with unmitigated significant environmental impacts. The Findings of Fact and Statement of Overriding Considerations are attached to this report as Exhibit A.

RECOMMENDATIONS:

At the February 10, 2004 regularly scheduled Planning Commission meeting, the Commission reviewed and considered the Mossdale Landing East EIR, along with the Mitigation Monitoring Program and Findings (see 2/10 Planning Commission Staff Report, Attachment D). Following their discussion, the Commission adopted Resolution No. 04-02 (Attachment E). This resolution recommended that the City Council certify the Final Supplemental Environmental Impact Report, adopt the Mitigation Monitoring Program, make Findings concerning Mitigation measures, make Findings concerning alternatives, and adopt a Statement of Overriding Considerations in accordance with the California Environmental Quality Act for the Mossdale Landing East project.

In accordance with the Planning Commission recommendations, City staff recommends the City Council adopt:

City Council Resolution No. 04- 1618 (Attachment A), Certifying the Final Supplemental Environmental Impact Report, Adopting a Mitigation Monitoring Program, Making Findings Concerning Mitigation Measures, Making Findings Concerning Alternatives, and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing East Project.

SUBSEQUENT ACTIONS:

If the recommended actions for certifying the Mossdale Landing East Supplemental EIR are taken by the City Council today, the Planning Commission would then hold a public hearing on February 24, 2004. The purpose of this hearing will be to consider approval of the Mossdale Landing East Urban Design Concept (UDC), and to provide recommendations to the City Council regarding approval of the Vesting Tentative Map, tentative cancellation of Williamson Act contracts, and approval of the development agreement for the project.

Following the Planning Commission's actions on February 24th, the City Council will then consider, at a public hearing tentatively scheduled for March 2, 2004, approval of the Vesting Tentative Map, tentative cancellation of Williamson Act contracts, and the first reading of an ordinance adopting the development agreement for the project.

ATTACHMENTS:

"A" Resolution No. 04-1618 Certifying the Final Supplemental Environmental Impact Report, Adopting Mitigation Measures, Making Findings Concerning Alternatives, and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing East Project

Exhibit "A" - City of Lathrop Findings and Statement of Overriding Considerations

Exhibit "B" - Mitigation Monitoring Program

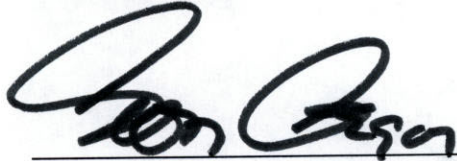
"B" Draft Supplemental Environmental Impact Report

"C" Final Supplemental Environmental Impact Report

"D" February 10, 2004 Planning Commission Staff Report

"E" Planning Commission Resolution No. 04-02

APPROVALS:



Scott Gregory, Contract Planner

2-10-04

Date



Matt Browne, Acting Community Development Director

2-10-04

Date



Bruce Coleman, Assistant City Manager

2-10-04

Date



Pam Carder, City Manager

2/11/04

Date

Attachment A

City Council Resolution No. 04-1618 Certifying the Final Supplemental Environmental Impact Report, Adopting Mitigation Measures, Making Findings Concerning Alternatives, and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing East project

RESOLUTION NO. 04- 1618

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP
CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT
REPORT, MAKING FINDINGS CONCERNING MITIGATION MEASURES,
ADOPTING A MITIGATION MONITORING PROGRAM, MAKING FINDINGS
CONCERNING ALTERNATIVES AND ADOPTING A STATEMENT OF
OVERRIDING CONSIDERATIONS IN ACCORDANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT FOR THE MOSSDALE LANDING EAST
PROJECT

WHEREAS, a Notice of Preparation of the Supplemental Environmental Impact Report ("SEIR") for the Mossdale Landing East Project was mailed to all responsible and affected agencies on May 13th, 2001, pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082; and

WHEREAS, a Draft Subsequent Environmental Impact Report for the Mossdale Landing East UDC ("DEIR") was prepared for the Mossdale Landing East Project in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq.; and

WHEREAS, the Planning Commission has independently reviewed and analyzed the Final Supplemental Environmental Impact Report for the Mossdale Landing East Project ("FSEIR") and considered the information contained therein and all comments, written and oral, received at the public hearing on the FSEIR prior to adopting its Resolution No. 04- 02 and recommending action on the Mossdale Landing East Project; and

WHEREAS, the City distributed copies of the DEIR to the public agencies which have jurisdiction by law with respect to the Mossdale Landing East Project and to other interested persons and agencies and sought the comments of such persons and agencies; and

WHEREAS, notice inviting comments on the DEIR was given on December 5, 2003, in compliance with CEQA Guidelines Section 15085; and

WHEREAS the Public Comment Period for the DEIR ended on January 21, 2004; and

WHEREAS, written and oral comments to the DEIR have been received and responses to those comments were prepared in the form of the FSEIR; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City provided notice regarding the availability of the FSEIR and circulated the proposed responses to comments to public agencies submitting comments on the DEIR; and

WHEREAS, the City Council has reviewed the FSEIR prepared for the Mossdale Landing East Project, City Staff reports pertaining to the DEIR and FSEIR, and all evidence received at the duly noticed public hearings. All of these documents and evidence are herein incorporated by reference into this Resolution; and

WHEREAS, the FSEIR identified certain significant and potentially significant adverse effects on the environment caused by the Mossdale Landing East Project. It is the intent of the City Council that the mitigation measures contained in the SEIR are implementation measures for the development of the Mossdale Landing East Project; and

WHEREAS, the City is required whenever possible, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social and other considerations for approving the Mossdale Landing Project East that the City Council believes justify the occurrence of those impacts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY CERTIFY THE FSEIR FOR THE MOSSDALE LANDING EAST PROJECT, AS FOLLOWS:

1. It is hereby certified that the FSEIR has been completed in compliance with CEQA.
2. It is hereby certified that the FSEIR has been presented to the City Council, which reviewed and considered the information and analysis contained therein before making the findings attached hereto, and the City Council adopts the mitigation monitoring program as set forth in the FSEIR, and issues the statement of overriding considerations. The findings and statement of overriding considerations are contained in "The City of Lathrop Findings Required Under The California Environmental Quality Act" attached hereto as **Exhibit A** and incorporated herein by reference.
3. The City Council finds, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that many of the proposed mitigation measures described in the FSEIR are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the Planning Commission approves the Project.
4. To the extent that these findings conclude that various proposed mitigation measures outlined in the FSEIR are feasible and have not been modified, superseded, or withdrawn, the City Council hereby binds itself, all landowners within the Project area,

and their assigns and successors in interest to implement those measures. These findings are not merely informational but constitute a binding set of obligations that will come into effect when the City Council adopts a Resolution approving the Mossdale Landing East Project. The actual implementation of the mitigation measures hereby adopted shall occur by having them included as conditions of approval on subsequent discretionary entitlements granted within the Mossdale Landing Project area.

5. As set forth in its findings of fact, the City Council hereby finds that none of the proposed project alternatives set forth in the FSEIR can feasibly substantially lessen or avoid the significant adverse environmental effects that will not be substantially lessened or avoided by the adoption of all feasible mitigation measures.

6. In order to comply with the Public Resources Code Section 21080.6, the City Council hereby adopts the mitigation and monitoring program as set forth in the attached **Exhibit B**. The program is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest, and any other responsible parties comply with the feasible mitigation measures identified below. The mitigation and monitoring program identifies, for each mitigation measure, the party responsible for implementation.

7. Since the adoption of all feasible mitigation measures will not mitigate or avoid all significant adverse environmental effects caused by approval of the Mossdale Landing East Project, the City Council hereby issues, pursuant to CEQA Guidelines Section 15093 and attached hereto, a statement of overriding considerations that renders those effects acceptable, as set forth in **Exhibit A**.

8. The DEIR and FSEIR set forth environmental impacts that would be significant or potentially significant in the absence of mitigation measures. As to each such impact, the City Council hereby finds that changes or alterations incorporated into the project mitigate or avoid the significant or potentially significant environmental impacts. Also set forth are impacts that are significant and unavoidable and that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the City Council hereby finds that there exist certain overriding economic, social and other considerations for approving the Mossdale Landing East Project that the City Council believes justify the occurrence of those impacts.

9. The City Council finds that the Mossdale Landing East Project is consistent with the City of Lathrop General Plan and is the best way to implement the goals and policies of the General Plan.

Based on the findings set forth in this Resolution and the evidence in the Staff Report, the City Council hereby certifies the FSEIR, makes findings concerning mitigation measures, adopts a mitigation monitoring program, makes findings concerning alternatives and adopts a statement of overriding considerations in accordance with CEQA for the Mossdale Landing East Project.

The foregoing resolution was passed and adopted this 17th day of February 2004,
by the following vote of the City Council, to wit:

AYES:

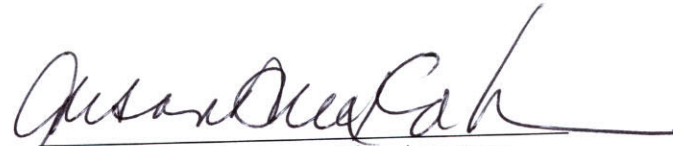
NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

ATTEST:



Susan Burns Cochran, City Attorney

Nancy Rustigian, City Clerk

Exhibit A

**Findings required under the California Environmental Quality
Act and Statement of Overriding Considerations**

**THE CITY OF LATHROP FINDINGS REQUIRED UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 et seq)**

I. Introduction

In 1996, the City of Lathrop ("City") certified the Final Environmental Impact Report ("WLSP FEIR") for the West Lathrop Specific Plan ("WLSP"). The WLSP and its FEIR contemplated the annexation to the City of approximately 7,000 acres to be converted from agricultural/rural land uses to urbanization. The WLSP addressed two separate areas: the Stewart Tract, an island of approximately 5,800 acres, and Mossdale Village, an area of approximately 1,200 acres. The land encompassed by the WLSP was annexed to the corporate limits of the City in 1997 following action by the Local Agency Formation Commission ("LAFCO").

On January 27, 2003, the City Council of the City of Lathrop ("City") prepared a Final Environmental Impact Report ("Mossdale Landing FEIR") for the Mossdale Landing UDC Project and other related entitlements including an Urban Design Concept ("UDC"), a Preliminary Development Plan, Neighborhood Design Review, a Development Agreement, and Vesting Tentative Maps, ("Mossdale Landing Project"). The Mossdale Landing FEIR addressed the potential environmental effects associated with the development of 477 acres of the Mossdale Village portion of the WLSP into a mixed-use residential/commercial development known as Mossdale Landing. The entire area covered by the Mossdale Landing UDC has since been subdivided according to the California Subdivision Map Act (Government Code sections 66410, *et seq.*)

In early 2000, the City received applications from Schuler Homes of California for various land use entitlements consistent with the WLSP. The Schuler Homes application contemplated the creation of a UDC, a Development Agreement, Vesting Tentative Maps, and cancellation of Williamson Act contracts. Since 2000, Schuler has been acquired by Western Pacific Housing. Western Pacific, along with Watt-McKee Commercial, is now the project applicant for the entitlements now referred to as "Mossdale Landing East".

Consistent with the California Environmental Quality Act, the City of Lathrop prepared an initial study to identify the potential environmental review necessary for the Mossdale Landing East project. The initial study disclosed that many of the impacts of the Mossdale Landing East project had been analyzed, at least at some level of detail, in the 1995 WLSP FEIR and in the 2003 Mossdale Landing FEIR. Accordingly, the environmental checklist indicated that a Supplemental EIR tiered to the 1995 WLSP FEIR was required. In approving a later project that utilizes a previously approved environmental document, an agency must still review the significant impacts of the specific project being approved and make findings consistent with CEQA Section 21081. *See CEQA Section 21094; Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 124-125.*

The Findings, recommendations, and statement of overriding considerations set forth below ("Findings") are made by the City Council, as the City's findings under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §21000 *et seq.*)

and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this Council's view, justify approval of the Mossdale Landing East Project, despite its environmental effects.

II. General Findings and Overview

A. Relationship to the City of Lathrop General Plan and the West Lathrop Specific Plan.

Mossdale Village, of which the Mossdale Landing East Project is a part, was originally planned for urban development in 1991 with the adoption of the City of Lathrop General Plan ("General Plan"). The General Plan provides the long-term vision or blueprint for development of the City; all subsequent land use approvals are required to be consistent with the goals, objectives, and policies embodied in the General Plan. In 1996, the City further refined the vision and implementing policies contained in the General Plan for urban development of Mossdale Village with the adoption of the West Lathrop Specific Plan ("WLSP"). The development envisioned in the WLSP for the project site was traditional residential and commercial uses oriented to pedestrian and bicycle friendly pathways.

B. Procedural Background

The Draft Supplemental Environmental Impact Report (referred to as, the "Draft SEIR" or the "DEIR") was published for public review and comment on December 5, 2003, and was filed with the State Office of Planning & Research under State Clearinghouse No. 2002052083 on December 8, 2003. The Draft SEIR was made available for review and comment by interested persons and public agencies through January 21, 2004.

The City prepared written responses to the comments received during the comment period and included these responses in a separate volume entitled "Final Supplemental Environmental Impact Report for Mossdale Landing East". The Final EIR consists of: Introduction, List of Agencies and Persons Commenting, and Comments and Responses. The Final EIR was made available for public review on January 30, 2004.

On February 10, 2004, the Planning Commission of the City of Lathrop considered the Final EIR at a public hearing. Following the Public Hearing, the Planning Commission unanimously adopted its Resolution 04-02, A Resolution Of The Planning Commission Of The City Of Lathrop Recommending Certification Of The Final Supplemental Environmental Impact Report, Making Findings Concerning Mitigation Measures, Adopting A Mitigation Monitoring Program, Making Findings Concerning Alternatives And Adopting A Statement Of Overriding Considerations In Accordance With The California Environmental Quality Act For The Mossdale Landing East Project. By that resolution, the Planning Commission recommended that the City Council adopt the Final EIR for the Mossdale Landing East Project.

C. Description of the Prior Environmental Impact Reports

In 1996, the City certified as adequate under CEQA the prior Final EIR for the West Lathrop Specific Plan (SCH#93112027) and adopted Resolution 96-494, Making Findings of Fact, Adopting a Mitigation Monitoring Program and Issuing a Statement of Overriding Considerations for the West Lathrop Specific Plan. In 1996 the City adopted Resolution 96-512, certifying as adequate under CEQA the Final EIR (SCH#95052081) and adopting the Statement of Overriding Considerations and the Mitigation Monitoring Plan for the Wastewater Facilities Plan for the City of Lathrop.

In July 2001, the City adopted Resolution No.01-1148, certifying as adequate under CEQA the Lathrop Water, Wastewater, and Recycled Water Master Plan Draft and Final Environmental Impact Reports (SCH#98082050) prepared by EDAW, Inc., March 2001.

On January 27, 2003, the City adopted Resolution No. 03-1380, certifying as adequate under CEQA the Mossdale Landing UDC Draft and Final Environmental Impact Reports (SCH#2001052059), prepared by EDAW, Inc., July 2002.

D. Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City of Lathrop's findings and determinations consists of the following documents and testimony, at a minimum:

- The prior Final EIR for the West Lathrop Specific Plan (SCH#93112027) and all reports, documents, studies, memoranda, and maps related thereto.
- The Final EIR for the Mossdale Landing Project (SCH#2001052059) and all reports, documents, studies, memoranda, and maps related thereto.
- LAFCO San Joaquin County CEQA Findings and Statement of Overriding Considerations: West Lathrop Specific Plan and Related Approvals.
- LAFCO San Joaquin County CEQA Findings: Sphere of Influence Amendment and Annexation of the West Lathrop Public Use Area to the City of Lathrop.
- The Notice of Preparation and other public notices issued by the City in conjunction with the Mossdale Landing Project East and the DEIR.
- All written and oral comments submitted by agencies or members of the public during the public review period for the DEIR (December 2003) and any public hearings or meeting held on Project approvals.
- All other public reports, documents, studies, memoranda, maps, or other planning documents related to the Mossdale Landing East Project or the Supplemental EIR or the Final EIR and the DEIR, prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the Project Entitlements.

- All public reports, documents, studies, memoranda, and findings related to the development and approval of the Water, Wastewater, and Recycled Water Master Plan for the City of Lathrop.
- The SSJID Environmental Impact Report for the SCSWSP Project (SCH#98022018) and all reports, documents, studies, memoranda, and maps related thereto.
- The City of Lathrop General Plan, as amended, and all environmental review documents, findings and statements of overriding considerations made pursuant to Section 21081 of the Public Resources Code related thereto;
- The 1996 West Lathrop Specific Plan and all environmental review documents, findings and statements of overriding considerations made pursuant to Section 21081 of the Public Resources Code related thereto;
- The West Lathrop Specific Plan Reorganization proceedings and all environmental review documents, findings and statements of overriding considerations made pursuant to Section 21081 of the Public Resources Code related thereto;
- All matters of common knowledge to this City Council, including, but not limited to (1) the Lathrop General Plan and other applicable policies, (2) the Lathrop Zoning Ordinance and other applicable ordinances, (3) information regarding the City's fiscal status, (4) applicable City policies and regulations, (5) reports, projections, and documentation regarding development within and surrounding the City, and (6) federal, state, and county laws, regulations, guidelines, and publications.

The documents described above comprising the record of proceedings are located in the offices of the Community Development Department, City of Lathrop, 16775 Howland Rd., Suite 1, Lathrop, CA 95330. The custodian of these documents is the Community Development Director or his designee.

E. Consideration of the Supplemental Environmental Impact Report

In recommending adoption of these Findings, this City Council finds that the Final EIR was presented to this City Council, which reviewed and considered the information in the Final EIR prior to recommending approval of the Mossdale Landing East Project. By these findings, this City Council ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments and conclusions of the Final Supplemental EIR. The Final SEIR represents the independent judgment of the City.

F. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Mossdale Landing East Project, shall continue in full force and effect unless amended or modified by the City.

III. Findings and Recommendations Regarding Significant and Unavoidable Impacts

A. Agriculture

1. Conversion of Agricultural Land

(a) **Potential Impact:** The potential impact of the Project on the conversion of agricultural lands to urban uses is discussed at pages 5-2 to 5-3 of the DEIR.

(b) **Mitigation Measures:** There are no mitigation measures proposed for this impact; however, the City through phased development and the continuation of existing farming operations seeks to limit the effect of this conversion.

(c) **Findings.** Based upon the DEIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation:** Implementation of the mitigation measure indicated above will serve to reduce the impact on agricultural lands. However, this mitigation is not sufficient to avoid the levels of insignificance. As a result, there is no other feasible mitigation measure available.

(2) **Remaining Impacts:** See above.

(3) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact to the Project on important agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VI, below. In addition, this impact was previously identified in the WLSP and the Mossdale Landing UDC EIR. Because the Mossdale Landing East Project is consistent with the WLSP, the Statement of Overriding Considerations adopted with the certification of that EIR is incorporated herein by this reference.

2. Williamson Act Cancellation

(a) **Potential Impact:** The potential impact of the Project on the cancellation of existing Williamson Act contracts on project lands is discussed at pages 5-4 to 5-7 of the DEIR.

(b) **Mitigation Measures:** There are no mitigation measures proposed for this impact; however, the City through phased development and

the continuation of existing farming operations seeks to limit the effect of this conversion, particularly on neighboring contracted lands.

(c) **Findings.** Based upon the DEIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation:** Implementation of the mitigation measure indicated above will serve to reduce the impact on agricultural lands. However, this mitigation is not sufficient to avoid the levels of insignificance. As a result, there is no other feasible mitigation measure available.

(2) **Remaining Impacts:** See above.

(3) **Overriding Considerations:** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact to the Project on important agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VI, below. In addition, this impact was previously identified in the WLSP and the Mossdale Landing UDC EIR. Because the Mossdale Landing East Project is consistent with the WLSP, the Statement of Overriding Considerations adopted with the certification of that EIR is incorporated herein by this reference.

B. Air Quality

1. Ozone Precursor Emissions (Short Term)

(a) **Potential Impact.** The potential impact of the Project related to the increase in ozone precursor emissions in the short-term is discussed at pages 6-9 through 6-11 of the DSEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 6.11

(c) **Findings.** Based upon the DSEIR and the entire record before this City, this City finds that:

(1) **Effects of Mitigation.** Impacts related to short-term (prior to 2025) ozone precursors will remain at a significant level after implementation of the Mitigation Measure 6.11 because this measure will not reduce levels below the URBEMIS2002 significant thresholds for ozone precursors.

(2) **Remaining Impacts.** As Mitigation Measure 6.11 cannot reduce Project impacts related to increases in short-term ozone precursors to less than significant levels, the short-term increases to regional criteria pollutants attributable to the Project are considered a significant and unavoidable impact.

Although such impacts may be partially reduced under one or more of the Project alternatives discussed in the DSEIR, these alternatives have been rejected as infeasible as discussed in Section VI below.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project related to the increase in short-term ozone precursors, as more fully stated in the Statement of Overriding Considerations in Section VI below.

C. Transportation and Circulation

1. Year 2007 Freeway Level of Service

(a) Potential Impact. The potential impact of the Project related to the degradation of freeway operations on Interstate 5 and Interstate 205 is discussed at pages 16-16 through 16-17 and 16-60 through 16-61 of the DSEIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 16.4

(c) Findings. Based upon the DSEIR and the entire record before this City, this City finds that:

(1) Effects of Mitigation. Impacts related to freeway levels of service in 2007 on Interstate 5 and Interstate 205 will remain at a significant level after implementation of the Mitigation Measure 16.4 because mere payment of the impact fees required under this Mitigation Measure does not guarantee construction of the necessary improvements by another governmental entity.

(2) Remaining Impacts. As Mitigation Measure 16.4 cannot reduce Project impacts related to degradation of freeway levels of service for Interstate 5 and Interstate 205 in Year 2007, the degradation attributable to the Project is considered a significant and unavoidable impact.

Although such impacts may be partially reduced under one or more of the Project alternatives discussed in the DSEIR, these alternatives have been rejected as infeasible as discussed in Section VI below.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project related to the degradation of freeway operations, as more fully stated in the Statement of Overriding Considerations in Section VI below.

2. Year 2025 Freeway Level of Service

(a) Potential Impact. The potential impact of the Project related to the degradation of freeway operations on Interstate 5, Interstate 205 and State Route 120 is discussed at pages 16-64 through 16-65 of the DSEIR.

Mossdale Landing East CEQA City Council Findings

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures **16.10**

(c) Findings. Based upon the DSEIR and the entire record before this City, this City finds that:

(1) Effects of Mitigation. Impacts related to freeway levels of service in 2025 on Interstate 5, Interstate 205 and State Route 120 will remain at a significant level after implementation of the Mitigation Measure 16.10 because mere payment of the impact fees required under this Mitigation Measure does not guarantee construction of the necessary improvements by another governmental entity.

(2) Remaining Impacts. As Mitigation Measure 16.10 cannot reduce Project impacts related to degradation of freeway levels of service for Interstate 5, Interstate 205, and State Route 120 in Year 2025, the degradation attributable to the Project is considered a significant and unavoidable impact.

Although such impacts may be partially reduced under one or more of the Project alternatives discussed in the DSEIR, these alternatives have been rejected as infeasible as discussed in Section VI below.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project related to the degradation of freeway operations, as more fully stated in the Statement of Overriding Considerations in Section VI below.

3. Year 2025 Intersection Level of Service Impacts (Golden Valley Parkway)

(a) Potential Impact: The potential impact of the Project on the level of service for the intersection of Golden Valley Parkway and River Islands Parkway conversion of agricultural lands to urban uses is discussed at pages 16- of the DEIR.

(b) Mitigation Measures:

Implement Mossdale Landing East Mitigation Measure 16.8
(REJECTED)

(c) Findings. Based upon the DEIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation: Implementation of the mitigation measure indicated above will serve to reduce the impact on level of service at the intersection. However, as set forth below, this mitigation measure is being rejected as infeasible.

(2) Remaining Impacts: See above.

(3) Finding Under §15091(a) of the CEQA Guidelines.

The mitigation measure identified to add third lanes is infeasible because the project applicants, through the Development Agreement, have agreed to provide three lanes as an interim construction which would allow for a more comprehensive and coordinated approach to the construction of the ultimate alignment and width of the roadways involved. By substituting the construction of the same amount of pavement immediately for these ultimate right-of-way improvements, the mitigation measure is essentially comparable and results, in the long term with the complete construction of the roadway by others, of the same level of mitigation as called for by Mitigation Measure 16.8. Therefore, the environmental, economic, social and other benefits of the Project override any remaining significant adverse impact to the Project on important agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VI, below. In addition, this impact was previously identified in the WLSP and the Mossdale Landing UDC EIR. Because the Mossdale Landing East Project is consistent with the WLSP, the Statement of Overriding Considerations adopted with the certification of that EIR is incorporated herein by this reference.

D. Cumulative Impacts

1. Cumulative Impacts on Air Quality, Noise, Loss of Open Space and Traffic

(a) Potential Impact. The potential impact of the Project related to the cumulative impacts to air quality, noise, loss of open space and traffic levels of service is discussed at pages 18-3 through 18-6 of the DSEIR.

Mitigation Measures. There are no mitigation measures proposed for these cumulative impacts; however, the City has imposed those mitigation measures available, but those do not reduce the cumulative impacts to a level of less than significance.

(b) Findings. Based upon the DSEIR and the entire record before this City, this City finds that:

(1) Effects of Mitigation. Cumulative impacts of the project when added to impacts of past, present and reasonably foreseeable future projects will remain at a significant level after implementation of the available mitigation measures in each category for air quality, noise, loss of open space and levels of service for traffic and transportation.

(2) Remaining Impacts. As there are no mitigation measures other than those already applied to the Project, the cumulative impacts of the Project are considered to be significant and unavoidable.

Although such impacts may be partially reduced under one or more of the Project alternatives discussed in the DSEIR, these alternatives have been rejected as infeasible as discussed in Section VI below.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project related to the cumulative impacts on air quality, noise, loss of open space and levels of service for traffic and transportation, as more fully stated in the Statement of Overriding Considerations in Section VI below.

IV. Findings and Recommendations Regarding Significant and Potentially Significant Impacts Which Are Avoided or Mitigated to a Less-Than-Significant Level

A. AGRICULTURE

1. Urban Agricultural Conflicts.

a) **Potential Impact.** The construction and development associated with the proposed project would result in the potential conflict between urban and agricultural uses based on noise, dust, and odors from agricultural operations.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measure 5.1

c) **Findings.** Based upon the DEIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project's impacts on agricultural/urban conflicts will be mitigated to a less-than-significant level by the mitigation measures described above. This is because buffer areas between development, the City's right to farm ordinance disclosure requirements and the development of previously approved urbanizing projects will reduce and/or eliminate the potential conflicts.

(2) **Remaining Impacts.** Any remaining impacts related to the urban agricultural conflicts not be significant.

B. AIR QUALITY

1. Construction-Related Emissions.

- a) **Potential Impact.** The construction and development associated with the proposed project would result in the temporary generation of PM₁₀ emissions, primarily through the entrainment of fugitive dust from land clearing, earth moving and wind erosion of exposed soil. Therefore, project construction activities would result in a significant short-term air quality impact without the incorporation and implementation of the required SJVAPCD control measures.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 6.1
through 6.10

- c) **Findings.** Based upon the DEIR and the entire record before this City Council, this City Council finds that:
- (1) **Effects of Mitigation.** The project's short-term construction air quality impacts (i.e., generation of PM₁₀ emissions) will be mitigated to a less-than-significant level by the mitigation measures described above. This is because implementation of SJVAPCD fugitive dust control measures has been determined by the SJVAPCD as adequate to avoid significant air emissions associated with construction.
- (2) **Remaining Impacts.** Any remaining impacts related to the project's short-term construction emissions would not be significant.

C. BIOLOGICAL RESOURCES

1. Swainson's Hawk, Burrowing Owl and Other Sensitive Species.

a) **Potential Impact.** The potential impact of the proposed Project on Swainson's Hawk, Burrowing Owl and other Sensitive Species is discussed at pages 7-14 through 7-15 of the DEIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 7.1 and
7.2

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project impacts to Swainson's hawk Burrowing Owls and other Sensitive Species would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., adherence to SJMSCP requirements, avoidance of take). This is because adherence to the SJMSCP requirements for the hawk, owl and other species and avoidance of take would avoid significant impacts to these species according to the SJMSCP, the City of Lathrop, the California Department of Fish and Game, and the California Endangered Species Act (CESA).

(2) **Remaining Impacts.** Any remaining project impacts to Swainson's hawk, burrowing owls and other sensitive species would not be significant.

D. CULTURAL RESOURCES

1. Unknown Archaeological Resources.

a) **Potential Impact.** The potential impact of the proposed Project undiscovered or unrecorded archaeological resource sites is discussed at page 8-3 of the DEIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 8.1 and 8.2

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** Project-related impacts to unrecorded/undiscovered archaeological sites would be mitigated to a less-than-significant level by the mitigation measures described above. This is because Phase II testing of any sites suspected of containing archaeological/paleontological deposits, with subsequent implementation of archaeologist recommendations, if required, would preserve and/or record any archaeological resource at the project site which may represent a unique archaeological or paleontological resource. Such preservation and/or recording are considered adequate mitigation under CEQA and the CEQA Guidelines for this impact.

(2) **Remaining Impacts.** Any remaining impacts related to unrecorded/undiscovered archaeological sites would not be significant.

E. GEOLOGY AND SOILS

1. Seismic-Related and Soils Hazards.

- a) **Potential Impact.** The potential impact on the proposed Project due to liquefaction and other seismic events is discussed at pages 10-5 through 10-6 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 10.1 and
10.2

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation.** The potential impacts to the Project caused by seismic events would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., adherence to the Uniform Building Code and submission of appropriate geotechnical and soils reports). This is because adherence to the Building Code and recommendations in a soils report should avoid problems with liquefaction.
 - (2) **Remaining Impacts.** Any remaining project impacts relating to seismic soils would not be significant.

2. Soil Erosion.

- c) **Potential Impact.** The potential impact on the proposed Project due to soil erosion is discussed at page 10-7 of the DEIR.
- d) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measure 10.3

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The potential impacts to the Project caused by soil erosion would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., adherence to the Storm Water Quality run off mandates). This is because adherence to the mandates should avoid problems with run off of dirt into rivers.

(2) **Remaining Impacts.** Any remaining project impacts relating to soil erosion would not be significant.

F. HAZARDS AND HAZARDOUS MATERIALS

1. **Construction Effects on Surface Water Quality.**

a) **Potential Impact.** The potential impact of the proposed Project on surface water quality caused by construction of the Project is discussed at pages 12-11 through 12-12 of the DEIR.

c) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measure 12.1

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project impacts to surface water quality caused by construction of the Project would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., best management practices to avoid runoff through runoff controls and detention facilities). This is because runoff controls and detention facilities would prevent the run off to enter into the surface water bodies.

- (2) **Remaining Impacts.** Any remaining project impacts on surface water quality caused by construction of the Project would not be significant.

G. NOISE

1. **Construction Activities.**

- a) **Potential Impact.** The potential impact of the proposed Project on adjacent land uses caused by construction activities is discussed at pages 14-8 through 14-9 of the DEIR.

- d) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measure 14.1

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The project impacts to adjacent land uses during the construction of the Project would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., restricted hours during which construction activities may occur). This is because limited hours of noise would occur during normal working hours.

- (2) **Remaining Impacts.** Any remaining project impacts on residential uses from traffic noise would not be significant.

2. **Traffic Noise Impacts at Proposed Residential Land Uses.**

- a) **Potential Impact.** The potential impact of the proposed Project on proposed residential uses caused by traffic noise is discussed at pages 14-9 through 14-10 of the DEIR.

- e) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measure 14.2

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project impacts to residential uses caused by traffic noise would be mitigated to a less-than-significant level by the mitigation measures described above (i.e., construction of appropriate sound walls and noise barriers). This is because noise walls and sound barriers would attenuate noise from traffic sources on residential users by lessening or eliminating the noise generated by vehicles.

(2) **Remaining Impacts.** Any remaining project impacts on residential uses from traffic noise would not be significant.

H. PUBLIC SERVICES

1. **Project Impact on Law Enforcement.**

- a) **Potential Impact.** The potential impact of the proposed Project on police services is discussed at pages 15-6 through 15-7 of the DEIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 15-1 through 15-4.

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project demand for police protection facilities/services would be mitigated to a less-than-significant level by the mitigation measures described above as the mitigation requires that the project applicant to provide its own security for, and lighting of, its construction sites (thus reducing demand for City police protection of the construction sites) and by requiring the project applicant to fund additional officers and equipment.

(2) **Remaining Impacts.** Any remaining impacts related to project demand for police protection facilities/services would not be significant.

2. **Demand for Animal Control Facilities/Services.**

a) **Potential Impact.** The potential impact of the proposed Project on the provision of animal control services is discussed at pages 15-7 through 15-8 of the DEIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 15.5 through 15.7

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project demand for animal control facilities/services during operation would be mitigated to a less-than-significant level by the mitigation measures described above. This is because the project would provide the start-up costs for provision of animal control service to the project site until such time as discretionary revenue to the City (i.e., taxes) pay for the required service, and will pay the Capital Facility Fee. Hence, the mitigation will allow the City to maintain its existing level of service to the City while providing service to the project.

- (2) **Remaining Impacts.** Any remaining impacts related to project demand for animal control facilities/services during operation would not be significant.

3. **Demand for Fire Protection Facilities/Services.**

- a) **Potential Impact.** The potential impact of the proposed Project on fire protection facilities and services is discussed at pages 15.8 through 15.9 of the DEIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 15.8 through 15.11

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The project demand for fire protection facilities/services during operation would be mitigated to a less-than-significant level by the mitigation measures described above. This is because the project would pay its fair share for District facilities and services, thus allowing the District to maintain its existing level of service to the City while providing service to the project at minimal additional cost, if any, after payment by project occupants of property and other taxes.

- (2) **Remaining Impacts.** Any remaining impacts related to project demand for fire protection services/facilities during operation would not be significant.

4. **Parks and Recreation.**

- a) **Potential Impact.** The potential impact of the proposed Project on parks and recreation is discussed at pages 15-9 through 15-10 of the DEIR.

- c) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 15.12 through 15.14

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project demand for parks and recreation services and facilities would be mitigated to a less-than-significant level by the mitigation measures described above. This is because the project would dedicate those parks sites shown in the UDC and on the vesting tentative map and would pay mandated park-in-lieu fees and capital facilities fees sufficient to allow the City to obtain land and construct improvements necessary to provide services to the residents of the area.

(2) **Remaining Impacts.** Any remaining impacts related to project demand on parks and recreation during operation would not be significant.

5. **Schools.**

- a) **Potential Impact.** The potential impact of the proposed Project on schools is discussed at page 15-10 through 15-12 of the DEIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measure 15.15

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The project demand for schools is, by law, to be mitigated by compliance with the provisions of Government Code sections 53080-53080.15 and 65995-65995.3. Payment of these fees is the limit of the City of Lathrop's authority and power to mitigate impacts on schools. Accordingly, the City must find that adoption and implementation of this mitigation measure would mitigate impacts on schools to a less-than-significant level.
- (2) **Remaining Impacts.** Any remaining impacts related to project demand for schools would not be significant.

I. TRAFFIC

1. Year 2007 Intersection Level of Service Impacts.

- a) **Potential Impact.** The proposed project would degrade operation at the signalized intersections discussed at pages 16-45 and 16-59 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 16.1 through 16.3

The Mossdale Landing East Development Agreement and Mitigation Monitoring Plan specify that the completion of the identified roadway improvements shall be conducted in accordance with the Traffic Monitoring Program. Additionally, the Mossdale Landing East Development Agreement specifies that the ultimate roadway improvements for the Louise Avenue/I-5 loop ramp shall be determined in consultation with CalTrans through the preparation of a Project Study Report.

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The potential impact of the Project on Signalized and Unsignalized intersection operations will be mitigated to a less than significant level through the implementation of the mitigation measures described above because they will ensure that the project applicant pays its applicable Transportation Impact Fees to finance traffic improvements to return impacted intersections to a Level of Service ("LOS") of D or better. The fees will be used to fund the roadway improvements constructed in accordance with the Lathrop Capital Facilities Fee Program for Transportation Improvements and the West Lathrop Specific Plan Regional Transportation Fee.

(2) **Remaining Impacts.** Any remaining impacts related to signalized and unsignalized intersections will not be significant.

2. **Year 2025 Intersection Level of Service Impacts.**

a) **Potential Impact.** The proposed project would degrade operation at the signalized intersections discussed at pages 16-61 through 16-62 and 16-64 of the DEIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 16.5 through 16.9

The Mossdale Landing East Development Agreement and Mitigation Monitoring Plan specify that the completion of the identified roadway improvements shall be conducted in accordance with the Traffic Monitoring Program. Additionally, the Mossdale Landing East Development Agreement specifies that the ultimate roadway improvements for the Louise Avenue/I-5 loop ramp shall be determined in consultation with CalTrans through the preparation of a Project Study Report.

e) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The potential impact of the Project on Signalized and Unsignalized intersection operations will be mitigated to a less than significant level through the implementation of the mitigation measures described above because they will ensure that the project applicant pays its applicable Transportation Impact Fees to finance traffic improvements to return impacted intersections to a Level of Service ("LOS") of D or better. The fees will be used to fund the roadway improvements constructed in accordance with the Lathrop Capital Facilities Fee Program for Transportation Improvements and the West Lathrop Specific Plan Regional Transportation Fee.

(2) **Remaining Impacts.** Any remaining impacts related to signalized and unsignalized intersections will not be significant.

3. **Existing Plus Project Intersection Level of Service Impacts.**

a) **Potential Impact.** The proposed project would degrade operation at the intersection of Louise Avenue and I-5 freeway ramps as discussed at pages 16-66 through 16-68 of the DEIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 16.11 through 16.13

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The potential impact of the Project on Louise Avenue and the freeway on and off ramps for interstate 5 in that area will be mitigated to a less than

significant level through the implementation of the mitigation measures described above because they will ensure that the project applicant pays its applicable Transportation Impact Fees to finance traffic improvements to return impacted intersections to a Level of Service ("LOS") of D or better. The fees will be used to fund the roadway improvements constructed in accordance with the Lathrop Capital Facilities Fee Program for Transportation Improvements and the West Lathrop Specific Plan Regional Transportation Fee. Alternately, to the extent sufficient fees have not yet been collected, the project applicant will be required to construct and improve the intersections to meet project-generate traffic.

(2) **Remaining Impacts.** Any remaining impacts related to the intersections specified above will not be significant.

4. **Existing Plus Project Intersection Signal Warrant.**

a) **Potential Impact.** The proposed project would require signalization of the Louise Avenue/Golden Valley Parkway intersection as discussed at page 16-68 of the DEIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measure 16.14

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The potential impact of the Project on Louise Avenue and Golden Valley Parkway will be mitigated to a less than significant level through the signalization of the intersection.

(2) **Remaining Impacts.** Any remaining impacts related to the intersection specified above will not be significant.

5. **Construction Traffic Impacts.**

- a) **Potential Impact.** The potential impact of the Project on traffic due to construction is discussed at pages 16-68 through 16-69 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measure 16.15 through 16.17

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) **Effects of Mitigation.** The impacts related to project construction traffic will be mitigated to a less-than-significant level by the mitigation measures described above. This is because project construction traffic under the mitigation would occur during off-peak periods and thus would not contribute to unacceptable LOS on the Lathrop roadway system.
- (2) **Remaining Impacts.** Any remaining impacts related to the traffic impacts of project construction traffic would not be significant.

6. **Proposed Internal Circulation Plan.**

- a) **Potential Impact.** The potential impact of the Project on the proposed internal circulation plan and internal circulation operation is discussed at pages 16-69 and 16-73 through 16-77 of the DEIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 16.18 through 16.29

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The impacts (unacceptable LOS and/or unsafe operation) related to the proposed internal circulation plan will be mitigated to a less-than-significant level by the mitigation measures described above as these impacts would be avoided with provision of the required improvements, revision of the circulation plan as identified, and additional traffic planning in conjunction with City staff.

(2) **Remaining Impacts.** Any remaining impacts related to the proposed internal circulation plan would not be significant.

7. **Pedestrian Circulation.**

- a) **Potential Impact.** The potential impact of the Project on pedestrian circulation is discussed at pages 16-77 through 16-78 of the DEIR.

- c) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measure 16.30

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The impacts on pedestrian circulation would be mitigated to a level of less than significance by

implementation of the mitigation measure identified above because the walkways providing access to Golden Valley Parkway will be designed to avoid conflicts between pedestrians and vehicles on the Parkway.

- (2) **Remaining Impacts.** Any remaining impacts related to pedestrian circulation would not be significant.

8. **Transit Service.**

- a) **Potential Impact.** The potential impact of the Project on the transit service is discussed at page 16-79 of the DEIR.
- d) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 16.312
and 16.32

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation.** The impacts to transit service will be mitigated to a less-than-significant level by the mitigation measures described above as these impacts would be avoided with the provision of transit routes and stops in subsequent project approvals.
 - (2) **Remaining Impacts.** Any remaining impacts related to the transit system would not be significant.

J. UTILITIES

1. Municipal Water Supplies.

a) **Potential Impact.** The potential impacts of the project of existing and planned municipal water supplies is discussed at pages 17-4 through 17-5 of the DEIR.

b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measure 17.1

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

c) **Findings.** Based upon the DEIR and the entire record before this City Council, this City Council finds that:

(1) **Effects of Mitigation.** The project demand for potable water will be mitigated to a less-than-significant level by the mitigation measures described above. This is because project occupancy would not be permitted under the mitigation until potable water to service the project, and the infrastructure necessary to convey that water to the project, is available. This would avoid the scenario where the project would start creating a demand for potable water prior to the availability of potable water to serve the project.

(2) **Remaining Impacts.** Any remaining impacts related to project demand for potable water would not be significant.

2. **Demand for Wastewater Treatment Capacity.**

- a) **Potential Impact.** The potential impact of the proposed Project on the provision of wastewater treatment capacity is discussed at pages 17-7 through 17-9 of the DEIR.
- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 17.2 and
17.3

- c) **Findings.** Based upon the DEIR and the entire record before this City Council, this City Council finds that:
- (1) **Effects of Mitigation.** The project demand for wastewater treatment capacity would be mitigated to a less-than-significant level by the mitigation measures described above. This is because project occupancy would not be permitted under the mitigation until both adequate wastewater treatment capacity is available to serve interim development and tertiary treatment is available. This would avoid the scenario where the project would start creating a demand for wastewater treatment capacity and tertiary treatment prior to the availability of these at WRP #1.
- (2) **Remaining Impacts.** Any remaining impacts related to project demand for wastewater treatment capacity would not be significant.

3. **Wastewater Collection.**

- a) **Potential Impact.** The potential impact of the proposed Project on the wastewater collection system is discussed at pages 17-9 through 17-10 of the DEIR.

- b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measures 17-4 and 17.5

- c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The project demand for wastewater collection systems would be mitigated to a less-than-significant level by the mitigation measures described above. This is because occupancy of the project would not be permitted until the necessary infrastructure to collect and convey wastewater to treatment facilities is available. This would avoid the scenario where development would require wastewater conveyance prior to the existence of proper conveyance and collection systems.
- (2) **Remaining Impacts.** Any remaining impacts related to project demand for wastewater collection systems would not be significant.

4. **Recycled Water Disposal.**

- a) **Potential Impact.** The potential impact of the proposed Project on disposal or discharge of wastewater is discussed at pages 17-10 through 17-11 of the DEIR.
- c) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Mossdale Landing East Mitigation Measure 17.6.

c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Effects of Mitigation.** The project demand for recycled water disposal capacity would be mitigated to a less-than-significant level by the mitigation measures described above. This is because the project would be required to provide sufficient disposal sites for recycled water consistent with all conditions and requirements of permits issued to the City for the operation of its recycled water system.
- (2) **Remaining Impacts.** Any remaining impacts related to project demand for recycled water disposal capacity would not be significant.

IV. **Findings and Recommendations Regarding Those Impacts Which are Less Than Significant**

A. Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the DEIR.

1. **Aesthetics:** The following specific impacts were found to be less-than-significant: Aesthetic Effects of Proposed Residential Development.
2. **Biological Resources:** The following specific impacts were found to be less-than significant: Impacts on Waters of the U.S. and Wetlands; Riparian Brush Rabbit; Heritage Oak Trees; Sensitive Fish Species (Water Quality Concerns); Other Sensitive Plants or Wildlife Species.
3. **Geology and Soils:** The following specific impacts were found to be less-than significant: Shallow Groundwater Constraints.
4. **Hazardous Materials:** The following specific impacts were found to be less-than significant: Exposure to Hazardous Materials Transportation Risks; Exposure of High Voltage Power Lines and Electromagnetic Fields; Exposure to Hazardous and Toxic Materials and Sites; Hazardous Air Pollutants.
5. **Hydrology and Water Quality:** The following specific impacts were found to be less-than significant: Surface Water Features; River Flow and Volume; Levee Stability and Flooding Risk; Runoff Effects on Surface Water Quality; Recycled Water Storage and Disposal Effects on Surface Water Quality; Groundwater Quality.
6. **Land Use and Planning:** The following specific impacts were found to be less-than significant: Interim Land Use Conflicts during Build-Out; Conflicts between Planned and Existing Land Uses.

7. **Noise:** The following specific impacts were found to be less-than significant: Increase in Noise Levels for Existing Uses; Noise Impacts Associated with Commercial Uses.

8. **Public Services:** The following specific impacts were found to be less-than significant: Solid Waste.

9. **Transportation and Circulation:** The following specific impacts were found to be less-than significant: Year 2007 Intersection Signal Warrant; Year 2025 Intersection Signal Warrant; Existing plus Project Freeway Level of Service.

10. **Utilities:** The following specific impacts were found to be less-than significant: Water Distribution Systems; Water Storage; Terminal Drainage; Storm Drain Collection and Disposal; Storm Drainage Water Quality; Demands for Other Utility Services.

B. The above impacts are less than significant for one of the following reasons:

1. The EIR determined that the impact is less than significant for the Project.
2. The EIR determined that the impact is beneficial for the Project.
3. The Project entitlements (i.e. the Urban Design Concept and VTMs) result in new impacts that were less-than-significant.

V. Project Alternatives

A. Background - Legal Requirements

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval. *Public Resources Code § 21002*. With the exception of the "no project" alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA "establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose." *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 556 (1990). The legislative purpose of CEQA is to protect public health, welfare and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian. *Public Res. Code § 21000*. In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development. This objective has been largely accomplished in the Project through the inclusion of project modifications and mitigation measures that reduce the potentially significant impacts to an acceptable level. The courts have held that a public agency "may approve a developer's choice of a project once its significant adverse environment effects have been reduced to an acceptable level -- that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable." *Laurel Hills Homeowners Assoc. v. City*, 83 Cal.App.3d 515, 521 (1978).

B. Identification of Project Objectives

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects” of the Project. CEQA Guidelines § 15126(d)(2). Thus, an evaluation of the Project objectives is key to determining which alternatives should be assessed in the EIR.

The general goal of the proposed Project is completion of a mixed-use residential, employment, and commercial development that would provide a variety of housing, employment, and recreational opportunities in Lathrop. Generally, the Project would provide for the orderly and systematic development of a mix of residential neighborhoods, recreation, and business/professional uses in a manner consistent with policies of the City and the characteristics and natural features of the land.

The specific project objectives are discussed at page 3-2 of the DEIR, and are incorporated herein by reference.

C. Alternatives Analysis in EIR

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the Project. The City evaluated the alternatives listed below.

1. Lower Density/Reduced Commercial Alternative:

The Lower Density/Reduced Commercial Alternative is discussed at page 19-5 of the DEIR.

(a) Findings: The Lower Density/Reduced Commercial Alternative is rejected as an alternative because it would not achieve the Project's objectives nor the objectives of the City.

(b) Explanation: City has determined that a reduction in the Project's residential densities and commercial development would not be appropriate because the ultimate impacts of development would merely be shifted and not avoided. The Project, as proposed, represents a balanced approach to complete and complement previously approved development projects in the corporate limits of the City and adjacent to the Project Site. Impacts on agricultural, biological, and cultural resources would remain under either this Alternative or the Project.

To reduce the Project size would preclude the anticipated expansion of the City's tax base and economy, and deny the City the benefit of a project that provides a range of housing opportunities for the community, as well as a variety of commercial, recreational and educational uses.

2. Other Alternatives

Other alternatives were considered but rejected from further consideration. These alternatives included:

- General Plan Buildout Alternative.
- Project Design to Address Significant Environmental Constraints.
- Off Site Alternative
- Other Alternatives Previously Discussed in the WLSP EIR.
- Extended Use of On-Site Areas for Storm Water Detention and Recycled Water Disposal.

(a) Findings: The "Other Alternatives" described above were rejected as alternatives to specific project features because they would not achieve the Project's objectives nor the objectives of the City and they would result in additional impacts.

(b) Explanation: The Other Alternatives were determined to be infeasible, would not achieve the project objectives and resulted in additional environmental impacts when compared to the proposed project.

3. No Project/No Development Alternative

The No Project/No Development Alternative is discussed at pages 19-4 through 19-5 of the DEIR. As required by CEQA, this alternative assumes that no development would occur in the Project area, other than existing agricultural uses.

(a) Findings: The No Project/No Development Alternative is rejected as an alternative because it would not achieve the Project's objectives nor the objectives of the City.

(b) Explanation: This alternative would not realize the benefits of the Project or achieve any of the project objectives. The No Project/No Development Alternative would not provide the orderly development of the housing, recreational facilities, and employment-generating uses identified as objectives in the DEIR, nor would it achieve the objective of generating property and sales tax revenues for the City.

VI. Statements of Overriding Considerations Related to the Mossdale Landing Project Findings

- A. Community Benefits.** Within the West Lathrop Specific Plan area, a new sustainable, comprehensively designed community is planned where residents can live, work and play. In the design of the Mossdale Landing East UDC project area, care has been taken to allow employment and resident-oriented activities to coexist harmoniously and provide convenient access for residents to employment-generating, retail-serving, civic and public uses.

The Project would further the City's General Plan policies and the goals and objectives of the West Lathrop Specific Plan for new residential land use by providing a variety of residential dwelling units to meet the future needs of the City and the region, while ensuring compatibility with existing and planned land uses. Specifically, the Project includes development of 151 low-density residential uses, 231 medium-density residential units and 80 high-density residential units. Larger lots with large homes at low densities, small homes on smaller lots, and multiple family housing are possible. The variety of housing types and associated neighborhood amenities with this housing provides a great deal of choice when choosing to buy, share or rent a home in West Lathrop. Housing prices and rents will vary considerably, allowing opportunities for a variety of income levels.

The Project also contributes to the viability of nearby mixed-use/commercial land uses. For example, the Highway Commercial area envisioned in the Mossdale Landing East UDC project area would provide approximately 270,000 square feet of retail sales, service retail, restaurant and entertainment uses, in conjunction with the aforementioned dwelling units. The Service and Village Commercial areas will expand the availability of city and regional retail uses and service outlets through the provision of over 215,000 square feet of space for these uses. Residents from all of the surrounding housing areas and the region will actively use these areas.

Job Creation. Goal number one of the City's General Plan strives for the development of job-creating activities during the early phases of development as a matter of primary importance to achieving other goals of the General Plan. The Project, through its ability to provide jobs for the City, plays a strong role in achieving those goals. Development of the Mossdale Landing East Project will create construction jobs in addition to hundreds of jobs created by addition of a school, restaurants, retail locations and other service-oriented establishments.

Public Revenues. The Project, through its ability to generate revenues for the City, plays a strong role in achieving the General Plan's goal of developing tax revenue-creating activities necessary to implement other city-wide objectives. No costs associated with the development of the Mossdale Landing East Project area will be borne by existing residents of the City. In addition, Mossdale Landing East Project will contribute its fair share toward the cost of Citywide community facilities which are proposed for construction outside of the Project area, including a fire station, water supply and distribution systems, wastewater treatment capacity, and various roadway improvements. In short, the Project will increase tax revenues to the City through the addition of property value, the expansion of the housing market and commercial activities, and the overall enhancement of the City's economic base.

Exhibit B

Mitigation Monitoring Plan

Appendix "B" – Mitigation Monitoring Program

MOSSDALE LANDING EAST MITIGATION MONITORING PROGRAM (MMP)					
Mitigation Measure	Timing / Schedule	Implementation Responsibility	Monitoring Action	Verification	
				Monitoring Responsibility	Date Completed
5.0 AGRICULTURE					
<i>Urban Agricultural Conflicts:</i>					
5.1. Agricultural Barrier. As development occurs under the phasing plan, fencing or other suitable barriers should be established at the interface between the phases that are developing and adjacent to agricultural land so as to reduce the potential of urban-agricultural conflicts resulting from trespass, vandalism, crop and equipment damage and theft.	Prior to issuance of Occupancy Permit	Project Sponsor	Approval of fencing plan	City Community Development	
6.0 AIR QUALITY					
<i>Construction-Related Emissions</i>					
6.1. SJVAPCD Compliance. The owners, developers and/or successors-in-interest shall comply with all applicable requirements of SJVAPCD Regulation VIII, including compliance with the following Air Quality mitigation measures 6.2 through 6.10.	Prior to issuance of Rough Grading Permits, during grading for each phase	Project Sponsor	Verify that requirements are included in grading contracts	City Public Works	
6.2. Visible Dust. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified in mitigation measures 6.3 through 6.10 shall be applied as required to maintain the VDE standard.	Prior to issuance of Rough Grading Permits, during grading for each phase	Project Sponsor	Verify that requirements are included in grading contracts	City Public Works	
6.3. Pre-watering. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving.	During grading for each phase	Project Sponsor	Verify that requirements are included in grading contracts	City Public Works	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
6.4. Disturbance-Area Dust Control. Apply water, chemical/organic stabilizer/ suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads.	During grading for each phase	Project Sponsor	Verify that requirements are included in grading contracts	City Public Works	
6.5. Restricted Vehicular Access. Restrict vehicular access to the disturbance area during periods of inactivity.	During grading for each phase	Project Sponsor	Verify that requirements are included in grading contracts	City Public Works	
6.6. Material Dust Control. Apply water or chemical/organic stabilizers/ suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials.	During grading for each phase	Project Sponsor	Verify that requirements are included in grading contracts	City Public Works	
6.7. Off-site Transport. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container.	During grading for each phase	Project Sponsor	Verify that requirements are included in grading contracts	City Public Works	
6.8. Carryout and Trackout. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply.	During grading for each phase	Project Sponsor	Verify that requirements are included in grading contracts	City Public Works	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
6.9. Traffic Speed. Traffic speeds on unpaved roads shall be limited to 15 mph.	During grading for each phase	Project Sponsor	Verify that requirements are included in grading contracts	City Public Works	
6.10. Dust Control Plan. The owners, developers and/or successors-in-interest shall submit a Dust Control Plan to the SJVAPCD at least 30 days prior to the start of construction activity, as required by Rule 8021, for any activities that involve more than 40 acres of disturbed surface area or will including moving more than 2,500 cubic yards per day of bulk materials on at least three days.	Prior to issuance of Rough Grading Permit - each phase greater than 40 acres	Project Sponsor	Verify that Dust Control Plan submitted to SJVAPCD	City Public Works	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility Date Completed
<p><i>Ozone Precursor Emissions:</i></p> <p>6.11. Air Quality Emission Reduction Strategies. The proponents shall implement the following mitigation measures:</p> <ul style="list-style-type: none"> • Install central water heaters in all residential and commercial buildings. • Prohibit the use of wood stoves or fireplaces in all residential dwellings. • Orient buildings north/ south to take advantage of solar heat gain. • Provide bus turnouts and transit improvements where requested by SMART • Provide sidewalks and/ or pedestrian paths. • Provide direct pedestrian connections. • Provide street lighting. • Provide pedestrian signalization and signage. • Provide bike lanes/paths connecting to bikeway system. • Provide shade trees to shade sidewalks. • Provide pedestrian safety designs/ • Infrastructure at crossings. • Provide secure bicycle parking • Provide outdoor electric outlets and gas hook-ups <p>6.12. Ozone Precursor Mitigation Plan. The applicants shall prepare and implement an ozone precursor mitigation plan that incorporates feasible elements of the list included in the APCD's Draft EIR comment letter of January 21, 2004. The plan shall be subject to the review and approval of the Director of Community Development.</p>	<p>Prior to approval of improvement plans for each phase, prior to issuance of building permits, prior to occupancy, and during operation, depending on the measure</p> <p>Prior to first Final Map</p>	<p>Project Sponsor</p> <p>Project Sponsor</p>	<p>Verify that strategies are included in Ozone Mitigation Plan (see Mitigation Measure 6.12 below)</p> <p>Approval of first Final Map</p>	<p>City Public Works - for requirements prior to improvement plans</p> <p>City Building Services – for requirements prior to building permit, or prior to occupancy</p> <p>City Community Development</p>

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
7.0 BIOLOGICAL RESOURCES					
<i>Sensitive Species in SJMSCP:</i>					
7.1. SJMSCP Fee. The project proponent shall pay the applicable SJMSCP fee.					
7.2. Incidental Take Avoidance. The Project proponents shall implement other "Incidental Take Avoidance Measures" as specified in the SJMSCP.	Prior to the issuance of any rough grading permit Prior to disturbance of land	Project Sponsor Project Sponsor	Verify payment of fees Verification of permit from regulatory agencies	City Community Development City Community Development	
8.0 CULTURAL RESOURCES					
<i>Unknown Archeological Resources:</i>					
8.1. Discovery of Subsurface Cultural Materials. If subsurface cultural materials are encountered, all construction activities in that area shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The City of Lathrop Community Development Department shall be notified, and impacts on significant cultural resources shall be mitigated pursuant to the requirements of the CEQA Guidelines.	During construction, each phase	Project Sponsor	Approval of archaeological consultant, upon notification.	City Community Development	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>8.2. Discovery of Human Remains. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt, and the County Coroner and the Community Development Department shall be notified immediately. If the remains are of Native American origin, the Coroner must contact the Native American Heritage Commission. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail additional steps to be taken if human remains are found to be of Native American origin.</p>	<p>During construction, each phase</p>	<p>Project Sponsor</p>	<p>Approval of archaeological consultant, upon notification.</p>	<p>City Public Works and Community Development, County Coroner, NAHC as appropriate</p>	
10.0 GEOLOGY AND SOILS					
<i>Seismic and Soils Hazards:</i>					
<p>10.1. Geotechnical Reports. The project proponent shall submit copies of project geotechnical reports prepared by qualified geotechnical or soils engineers for review and approval.</p>	<p>Prior to disturbance of land</p>	<p>Project Sponsor</p>	<p>Report received prior to issuance of Rough Grading Permit</p>	<p>City Public Works</p>	
<p>10.2. Soil Engineer's Recommendations. All proposed development shall conform to the soil engineer's recommendations, as detailed in the approved soils report.</p>	<p>Prior to grading of building pads</p>	<p>Project Sponsor</p>	<p>Approval of Grading Permit</p>	<p>Building Division</p>	
<p><i>Soil Erosion:</i> 10.3. Storm Water Quality. Comply with mitigation measures identified for storm water quality effects in Chapter 12.0, Hydrology and Water Quality.</p>	<p>See Measures 12.2 and 12.2 below</p>	<p>See Measures 12.2 and 12.2 below</p>	<p>Measures 12.1, 12.2 below</p>	<p>See Measures 12.2 and 12.2 below</p>	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
12.0 HYDROLOGY AND WATER QUALITY					
<i>Construction Effects on Surface Water Quality:</i>					
12.1. NPDES and SWPPP. The project proponent shall prepare a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) and submit these documents to the California Regional Water Quality Control Board and the City of Lathrop.	Prior to grading	Project Sponsor	Copy of SWPPP and discharge permit number filed with City	City Public Works and Building Division	
12.2. NPDES, SWPPP and SWMP Implementation. The proponent shall implement all relevant provisions of the SWPPP, the City Storm Water management Plan (SWMP) and Construction General Permit during project construction.	Upon completion of grading, prior to building permit	Project Sponsor	On-site inspection, prior to Building Permit	Building Division	
14.0 NOISE					
<i>Construction Noise:</i>					
14.1. Construction Period. Construction activities should be restricted to the daytime hours of 7:00 a.m. to 7:00 p.m. In addition, all equipment shall be fitted with factory-equipped mufflers, and in good working order.	During Construction	Project Sponsor	Verify that requirements are included in construction contracts	City Building Services	
14.2. Noise Barrier. The project proponent shall construct a noise barrier with a total height of eight feet along the rear property lines of residential lots adjacent to Golden Valley Parkway.	Prior to approval of Final Map for the subject portion of the site.	Project Sponsor	NDR for noise barrier	Community Development	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility Date Completed
15.0 PUBLIC SERVICES				
<i>Law Enforcement:</i>				
15.1. Police Start-Up Costs. The applicant shall pay a one-time start-up cost associated with police services needed to serve the project. The one-time start-up cost for police service shall be based on the proportionate share of the costs for employing two full-time police officers and one police vehicle per each 428 residential units.	Prior to Final Map, each phase	Project Sponsor	Verification of payment prior to approval of Final Map(s)	City Police Services Department
15.2. Construction Security. The applicant shall fence, provide night lighting and provide private security for contractors' storage yards during the construction phases of new development to prevent theft and vandalism, and to reduce calls for assistance from the Police Department.	Prior to Building Permit	Project Sponsor	Approval of Security Plan	City Police Services Department
15.3. Public Safety Review. The proposed map, circulation designs, residential numbering and other elements of the project shall be subject to the review of, and developed in coordination with the LMFD, Police and Public Works Departments.	Prior to Final Map, each phase	Project Sponsor	Approval of Final Map	City Public Works, Building Services, Police Services; LMFD
15.4. Preemption Devices. The applicant shall be responsible for providing traffic control preemption devices on all traffic lights to be constructed in conjunction with MLE development.	Prior to approval of Final Map	Project Sponsor	Traffic signal design approval	City Public Works

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p><i>Animal Control Services:</i></p> <p>15.5. Animal Control Start-Up Costs. The applicant shall pay a one-time start-up cost associated with animal control services needed to serve the project. The one-time start-up cost for animal control service shall be based on one-half of the City's costs for employing an animal control officer.</p> <p>Additionally, the applicant shall pay their proportionate share of ongoing costs associated with additional services until revenues generated from the project can cover the cost.</p>	<p>Prior to Final Map – each phase</p> <p>Annual basis</p>	<p>Project Sponsor</p>	<p>Verification of payment prior to approval of Final Map(s)</p> <p>Verification of payment through CFD</p>	<p>City Animal Control</p>	
<p>15.6 CFF Fees. The applicants shall pay Capital Facilities Fees to defray capital facilities costs associated with an animal control facility.</p>	<p>Prior to Building Permits, each phase</p>	<p>Project Sponsor</p>	<p>Verification of payment prior to approval of Building Permit</p>	<p>City Public Works</p>	
<p>15.7. Homeowner Notification. The applicant shall provide each new homeowner with a pamphlet detailing the responsibilities of pet ownership, the City's leash law and procedures for dealing with wildlife.</p>	<p>Prior to close of escrow on the sale of each residential unit</p>	<p>Project Sponsor</p>	<p>Home buyers to signify receipt of the required documents, Project Sponsor to compile receipts as verification.</p>	<p>City Animal Control</p>	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility Date Completed
<p><i>Fire Protection:</i></p> <p>15.8. Fire Facility Fees. The applicant shall pay applicable Fire Facility Fees at the time of building permit issuance in accordance with the City of Lathrop's fee schedule in force at the time of development. If required in order to maintain fire district response time standards, and when requested by the fire district, the City may require that these fees be paid at the time of filing of final maps.</p>	Prior to Building Permit or Final Map – each phase	Project Sponsor	Verification of payment prior to approval of Building Permit or Final Map	City Building Services
<p>15.9. Improvement Plan Review. Improvement plans for each phase of development shall be subject to the review of the Lathrop-Manteca Fire Protection District, including consideration of the need to maintain secondary access to properties requiring fire protection.</p>	Prior to approval of improvement plans – each phase	Project Sponsor	Approval of Final Map	Lathrop Manteca Fire District or City Public Works
<p>15.10. Public Safety Review. The map, improvement plans and other project plans and specifications shall be coordinated with the Lathrop Police, Fire and Public Works Departments.</p>	See Mitigation Measure 15.3	See Mitigation Measure 15.3	See Mitigation Measure 15.3	See Mitigation Measure 15.3
<p>15.11. Uniform Fire Code. Planned water distribution facilities shall be designed in order to meet applicable, adopted Uniform Fire Code requirements for the proposed land uses.</p>	Prior to approval of Final Map(s)	Project Sponsor	Review and approval of improvement plans prior to approval of Final Maps	City Public Works
<p><i>Parks and Recreation:</i></p> <p>15.12. Park Dedication. The project proponent shall dedicate park sites shown in the UDC for public/recreational use.</p>	Prior to approval of first Final Map, Unit 2	Project Sponsor	Offer of dedication received prior to approval of Final Map	City Public Works

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility Date Completed
<p>15.13. Park In-Lieu Fees and CFF Fees. After consideration of parkland dedications, the applicant shall pay any remaining required parkland in-lieu fees. The applicant shall pay required Cultural and Leisure Capital Facilities Fees in order to meet parkland requirements generated by the project.</p>	<p>Park in-lieu fee - prior to approval of Final map, each phase CFF fees- prior to approval of Building Permit</p>	<p>Project Sponsor</p>	<p>Verification of payment prior to approval of Final Maps and Building Permits</p>	<p>City Public Works and Building Services</p>
<p>15.14. Linear Park Improvements. Linear river park improvements shall conform to design standards provided by the City.</p>	<p>Prior to approval of first Final Map, Unit 2</p>	<p>Project Sponsor</p>	<p>Parks site Plan reviewed by Park & Rec. Comm. and Planning Comm, approval by City Council</p>	<p>City Community Development</p>
<p><i>Schools:</i> 15.15. School Fees. Consistent with Government Code sections 53080-53080.15 and 65995-65995.3, the project proponents shall pay adopted developer fees toward construction of new schools prior to issuance of construction permits in accordance with the rate at the time of building permits.</p>	<p>Prior to Building Permit</p>	<p>Project Sponsor</p>	<p>Verification by copy of receipt for payment of fees from MUSD</p>	<p>City Building Services</p>
<p>16.0 TRANSPORTATION AND CIRCULATION</p>				
<p><i>Year 2007 Intersection LOS Impacts:</i></p>				
<p>16.1. CFF Transportation Impact Fees. The City of Lathrop shall ensure that the project applicant pays its applicable Transportation Impact Fee for its fair share contribution towards improvements at the River Islands Parkway/I-5 Southbound Ramps.</p>	<p>Prior to Building Permit</p>	<p>Project Sponsor</p>	<p>Verification of CFF TIF payment prior to approval of Building Permit</p>	<p>City Public Works</p>

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility Date Completed
16.2. CFF Transportation Impact Fees. The City of Lathrop shall ensure that the project applicant pays its applicable Transportation Impact Fee for its fair share contribution toward improvements at the River Islands Parkway/I-5 Northbound Ramps.	Prior to Building Permit	Project Sponsor	Verification of CFF TIF payment prior to approval of Building Permit	City Public Works
16.3. TMP. The project applicant shall participate in the Mossdale Landing Traffic Monitoring Program.	Funded on annual basis and/or prior to each Final Map or commercial building permit	Project Sponsor	Verify fair-share payment of TMP fees.	City Public Works
<i>Year 2007 Freeway LOS:</i> 16.4. CFF Transportation Impact Fees (Regional). The City of Lathrop shall ensure that the project applicant pays its applicable Transportation Impact Fee for its fair share contribution for I-5 and I-205 freeway improvements.	Prior to Building Permit	Project Sponsor	Verification of CFF TIF payment prior to approval of Building Permit	City Public Works
<i>Year 2025 Intersection LOS Impacts:</i> 16.5. CFF Transportation Impact Fees. (See Mitigation Measure 16.1)	See Mitigation Measure 16.1	See Mitigation Measure 16.1	See Mit. Measure 16.1	See Mitigation Measure 16.1
16.6. CFF Transportation Impact Fees. (See Mitigation Measure 16.2)	See Mitigation Measure 16.2	See Mitigation Measure 16.2	See Mit. Measure 16.2	See Mitigation Measure 16.2
16.7. CFF Transportation Impact Fees. The City of Lathrop shall ensure that the project applicant pays its applicable Transportation Impact Fee for its fair share contribution towards improvements at River Islands Parkway/Golden Valley Parkway.	Prior to Building Permit	Project Sponsor	Verification of CFF TIF payment prior to approval of Building Permit	City Public Works

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>16.8 Golden Valley Parkway Improvements. The project applicant is fully responsible for design and construction costs of improvements at River Islands Parkway/Golden Valley Parkway as follows:</p> <ul style="list-style-type: none"> • Add third through lanes to the north and southbound Golden Valley Parkway approaches. 	Rejected in favor of alternative project improvement requirements for Golden Valley Parkway, per Tentative Map Conditions of Approval				
<p>16.9. Towne Centre Drive Improvements. The project applicant is fully responsible for design and construction costs of improvements at Golden Valley Parkway/Towne Centre Drive as follows:</p> <ul style="list-style-type: none"> • Add a second right turn lane to the westbound Towne Centre Drive approach. 	Prior to issuance of building permits for Parcel F	Project Sponsor	Review and approval of improvement plans	City Public Works	
<p><i>Year 2025 Freeway LOS:</i></p> <p>16.10. CFF Transportation Impact Fees (Regional). The City of Lathrop shall ensure that the project applicant pays its Applicable Transportation Impact Fee for its fair share contribution for I-5 and SR 120 freeway improvements.</p>	See Mitigation Measure 16.4	See Mitigation Measure 16.4	See Mit. Measure 16.4	See Mitigation Measure 16.4	
<p><i>Existing Plus Project Intersection LOS:</i></p> <p>16.11. River Islands Parkway Improvements. The project applicant is fully responsible for design and construction costs of improvements at River Islands Parkway/I-5 Southbound Ramps as follows:</p> <ul style="list-style-type: none"> • Add a second lane to the eastbound River Islands Parkway approach. 	Prior to issuance of first non-residential building permit, Parcel G	Project Sponsor	Approval of improvement plans and/or bonding of improvement	City Public Works	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>16.12. Louise Avenue Interchange Improvements. The project applicant is fully responsible for design and construction costs of improvements at River Islands Parkway-Louise Avenue/I-5 Northbound Ramps as follows:</p> <ul style="list-style-type: none"> • Add a third northbound off-ramp lane and stripe as two exclusive right turn lanes and a combined through/left turn lane. 	When required per City TMP	Project Sponsor	Verify payment of CFF TIF fees, or construct as required with CFF reimbursements	City Public Works	
<p>16.13. Signalize River Islands Parkway /Golden Valley Parkway. The project applicant is fully responsible for design and construction costs of improvements at River Islands Parkway/Golden Valley Parkway as follows:</p> <ul style="list-style-type: none"> • Signalize the intersection 	Prior to Approval of first Final Map	Project Sponsor	Guaranteed prior to approval of first Final Map, installed at time of warrant	City Public Works	
<p><i>Existing Plus Project Signal Warrant:</i></p> <p>16.14. Signalize River Islands Parkway /Golden Valley Parkway. The project applicant is fully responsible for design and construction costs of improvements at River Islands Parkway/Golden Valley Parkway as follows:</p> <ul style="list-style-type: none"> • Signalize the intersection 	See 16.13 above	See 16.13 above	See 16.13 above	See 16.13 above	
<p><i>Construction Traffic:</i></p> <p>16.15. Construction Delivery Traffic. No construction delivery truck traffic shall be allowed on the local roadway network before 8:00 AM or after 4:30 PM.</p>	Throughout construction period	Project Sponsor	Verify that requirements are included in construction contracts	City Building Services	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
16.16. Construction Worker Traffic. No construction worker traffic shall be allowed on the local roadway network between 6:30 and 8:30 AM and between 4:30 and 6:00 PM.	Throughout construction period	Project Sponsor	Verify that requirements are included in construction contracts	City Building Services	
16.17. Pavement Repairs. All degradation of pavement condition along Louise Avenue and Manthey Road due to Mossdale Landing East construction traffic will be fully repaired to the satisfaction of the City of Lathrop. City staff and project applicant shall jointly monitor the condition of each roadway every six months.	Throughout Construction	Project Sponsor	Prepare status reports on 6-month intervals during construction	City Public Works	
<i>Internal Circulation:</i> 16.18. Street Widths. All proposed residential streets shall be 36 feet wide curb-to-curb on the approaches to and through each major curve (as listed in the impact section), or that on-street parking be prohibited on the inside of all 90-degree or sharper curves.	Prior to approval of Final Map - each phase	Project Sponsor	Review and approval of improvement plans	City Public Works	
16.19. McKee Boulevard. McKee Boulevard shall be widened to provide left turn lanes on the approaches to Johnson Ferry Road, Street D, Street C, and any driveways serving the village commercial or apartment complex parking lots.	Prior to approval of Final Map for each Phase in which referenced streets and intersections occur	Project Sponsor	Review and approval of improvement plans	City Public Works	
16.20. Street "R" Width. Widen Street R (in Unit 2) to at least 36 feet curb-to-curb for at least 100 feet west of Golden Valley Parkway and prohibit parking on the north side of the street at least 50 feet from Golden Valley Parkway.	Prior to approval Final Map for Unit 2	Project Sponsor	Review and approval of improvement plans	City Public Works	
16.21. Driveway Prohibitions –Golden Valley Parkway. Prohibit outbound movements at any driveway connection to Golden Valley Parkway north of the main entrance to the Highway Commercial area.	Prior to issuance of building permits for Parcel G	Project Sponsor	Review and approval of improvement plans	City Public Works	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
16.22. Driveway Prohibitions – Street “N”. Limit proposed driveway connections to Street N to a single driveway connection about midway between Golden Valley Parkway and Manthey Rod.	Prior to issuance of building permits for Parcel G	Project Sponsor	Review and approval of improvement plans	City Public Works	
16.23. Diagonal Parking Restrictions. Prohibit diagonal parking along Street N in close proximity to the Golden Valley Parkway or Manthey Road intersections.	Prior to issuance of building permits for Parcels G or F	Project Sponsor	Review and approval of improvement plans	City Public Works	
16.24. Manthey Road Turn Lanes. Provide right and left turn deceleration lanes on the approaches to both Manthey Road project driveways and a right turn deceleration lane on the southbound Manthey Road approach to Towne Centre Drive.	Prior to issuance of building permits for Parcel F	Project Sponsor	Review and approval of improvement plans	City Public Works	
16.25. Diagonal Parking Restrictions. Prohibit diagonal parking along Street N in close proximity to the Golden Valley Parkway or Manthey Road intersections.	See 16.23 above	See 16.23 above	See 16.23 above	See 16.23 above	
16.26. Service Commercial Access. Access to the Service Commercial area along Street N should be located about halfway between Golden Valley Parkway and Manthey Road (opposite the proposed new access to the highway commercial center). Potentially provide an all-way-stop control at this intersection.	Prior to issuance of building permits for Parcel F	Project Sponsor	Review and approval of improvement plans	City Public Works	
16.27. Diagonal Parking Restrictions. Prohibit diagonal parking along Towne Centre Drive in close proximity to Golden Valley Parkway (at least 150 to 200 feet from Golden Valley Parkway).	Prior to issuance of building permits for Parcel E	Project Sponsor	Review and approval of improvement plans	City Public Works	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>16.28. McKee Boulevard Driveway Restrictions. Provide at least 100 feet of separation between the intersection of McKee/Street C and any driveway connections along McKee Boulevard to the Village Commercial parcels. Any village commercial and apartment complex driveways should also not be moved any closer than 150 feet from the Towne Centre Drive traffic circle approach (i.e. no closer than currently shown on the UDC plan).</p>	Prior to issuance of building permits for Parcel E	Project Sponsor	Review and approval of improvement plans	City Public Works	
<p>16.29. Manthey Road Turn Lanes. Provide right and left turn deceleration lanes on the Manthey Road approaches to the commercial access driveway in Unit 2, and limit access to a single driveway.</p>	Prior to issuance of building permits for Parcel J, Unit 2	Project Sponsor	Review and approval of improvement plans	City Public Works	
<p><i>Pedestrian Circulation:</i> 16.30. Mid-Block Crossing Restrictions. Relocate the walkways connecting the northerly single-family subdivision to Golden Valley Parkway to the locations of the proposed signalized shopping center access intersections along the parkway – or – maintain walkways in their currently proposed locations and develop a design for the Golden Valley Parkway median that will prohibit or severely discourage mid-block pedestrian/bike crossings.</p>	Prior to approval of Final Map for each Phase in which referenced walkways occur	Project Sponsor	Review and approval of improvement plans	City Public Works, Community Development and Chief of Police	
<p><i>Transit Service:</i> 16.31. Transit Routes and Stops. The project applicant should work with local transit agency to incorporate potential future transit route and transit stop designs into their plans for McKee Boulevard, Golden Valley Parkway, Manthey Road, Street N and Towne Centre Drive.</p>	Prior to approval of each Final Map	Project Sponsor	Copy of correspondence with transit authority submitted with 2 nd submittal of improvement plans	City Public Works	

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility Date Completed
16.32. Transit Routes and Stops, Commercial Areas. All project commercial area developers should work with the local transit agency to incorporate transit route and transit stop designs into their futures plans.	Prior to approval of each commercial building permit	Project Sponsor	See 16.31 above	City Public Works
<i>Bicycle Circulation:</i> 16.33. Street Widths Widen all streets within the northerly subdivision to 36-foot widths on the approaches and through each curve (see locations in the internal circulation section). Or, prohibit parking on the inside of each 90-degree or sharper curve.	Prior to approval of Final Map - each phase	Project Sponsor	Review and approval of improvement plans	City Public Works
16.34. Pedestrian/Bike Safety. Design the one-parcel-long pathway connecting Street A in the northerly subdivision to Louise Avenue to require bike riders to dismount or proceed slowly near Louise Avenue.	See 16.30 above	See 16.30 above	See 16.30 above	See 16.30 above
16.35. Mid-Block Crossing Restrictions. (See Mitigation Measure 16.30 above).	See 16.30 above.	See 16.30 above.	See 16.30 above.	See 16.30 above.
16.36. McKee Boulevard Turn Lanes. Provide left turn lanes on the McKee Boulevard approach to all intersections as well as the village commercial/apartment complex driveways.	Prior to approval of Final Map for each Phase in which referenced intersections occur	Project Sponsor	Review and approval of improvement plans	City Public Works
17.0 UTILITIES				
<i>Municipal Water Supplies:</i>				
17.1. Water Allocations. Proportionate share groundwater and surface water allocations shall be acquired for the proposed project site before the project connects to the municipal water system.	Prior to residential Final Maps or commercial building permits – each phase	Project Sponsor	Verify funding of well field expansion agreements for water service connections	City Public Works

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility Date Completed
<p><i>Wastewater Treatment Capacity:</i></p> <p>17.2. Wastewater Treatment Capacity. The owners, developers, and successors-in-interest shall not exceed their allotted wastewater treatment capacity, namely 125,000 gpd. However, if project demands exceed the allotment, additional capacity must be acquired before additional construction can occur.</p>	<p>Prior to residential Final Maps or commercial building permits – each phase</p>	<p>Project Sponsor</p>	<p>Verify funding of additional WRP-1 agreements for waste water treatment capacity</p>	<p>City Public Works</p>
<p>17.3. WPR-1 Funding Agreement. The owners, developers, and successors-in-interest shall reimburse sewer consortium properties for their share of WRP-1 expansion improvements.</p>	<p>Prior to residential Final Maps or commercial building permits – each phase</p>	<p>Project Sponsor</p>	<p>Verify funding of WRP-1 agreements for needed wastewater treatment capacity</p>	<p>City Public Works</p>
<p><i>Wastewater Collection Systems:</i></p> <p>17.4. Wastewater Collection System. If wastewater infrastructure required to connect the project site to WRP-1 is unavailable to either Unit 1 or Unit 2, the project proponents shall construct the necessary wastewater collection system improvements prior to occupation of the first house.</p>	<p>Improvement plans submitted and approved prior to Final Map. Connections required prior to occupancy</p>	<p>Project Sponsor</p>	<p>Approval of improvement plans, Sewer service account established</p>	<p>City Public Works</p>
<p>17.5. Funding of Infrastructure Improvements. The owners, developers and successors-in-interest shall pay their proportionate share of wastewater infrastructure improvements, in accordance with established fee programs.</p>	<p>Reimbursement fees – prior to Final Map– each phase CFF fees – prior to Building Permit</p>	<p>Project Sponsor</p>	<p>Verification of fee payment prior to approval of Final map / Building Permit</p>	<p>City Public Works</p>

**MOSSDALE LANDING EAST
MITIGATION MONITORING PROGRAM (MMP)**

Mitigation Measure	Timing / Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p><i>Recycled Water Systems:</i> 17.6. Water Recycling Facilities. Proposed water recycling facilities shall be subject to the review and approval, including all conditions and requirements imposed on said facilities through review by City of Lathrop, Regional Water Quality Control Board and other agencies.</p>	Prior to Final Map— each phase	Project Sponsor	Approval of improvement plans	City Public Works	

Attachment B

Mossdale Landing East Draft Supplemental Environmental Impact Report

Copies of the Draft Supplemental Environmental Impact Report have been provided to the City Council Members.

For others interested in this document, copies are available for viewing at the following locations:

Lathrop City Clerk's Office
16775 Howland Road, Lathrop

Lathrop Community Development Department
16775 Howland Road, Lathrop

Manteca Public Library
320 West Center Street, Manteca

Tracy Public Library
20 East Eaton Avenue, Tracy

San Joaquin County Public Library
605 North El Dorado Street, Stockton

Attachment C

Mossdale Landing East Final Supplemental Environmental Impact Report

Copies of the Final Supplemental Environmental Impact Report have been provided to the City Council Members.

For others interested in this document, copies are available for viewing at the following locations:

Lathrop City Clerk's Office
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Lathrop Community Development Department
16775 Howland Road, Lathrop

Manteca Public Library
320 West Center Street, Manteca

Tracy Public Library
20 East Eaton Avenue, Tracy

San Joaquin County Public Library
605 North El Dorado Street, Stockton

Attachment D

February 10, 2004 Planning Commission Staff Report



STAFF REPORT

City of Lathrop
Planning Commission

February 10, 2004

Item No. 9

SUBJECT: PUBLIC HEARING: MOSSDALE LANDING EAST FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

BY: A JOINT APPLICATION BY WESTERN PACIFIC HOUSING AND WATT COMMERCIAL PROPERTIES

REQUEST: ADOPT RESOLUTION NO. 04-02, RECOMMENDING CERTIFICATION OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPTING A MITIGATION MONITORING PROGRAM, MAKING FINDINGS CONCERNING MITIGATION MEASURES, MAKING FINDINGS CONCERNING ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE MOSSDALE LANDING EAST PROJECT

Project Summary

The Mossdale Landing East project is proposed for residential, commercial, and public development, as well as open space amenities. The existing use of the site is agriculture and farm residential. The site is relatively flat, with a slight gradient sloping down toward the San Joaquin River to the west. The site is located outside the 100-year floodplain due to improvements to the levee system maintained by Reclamation District No. 17 completed in 1989 and included in FEMA's Letter of Map Revision (LOMR) issued on February 9, 1990. Interstate 5 and Louise Avenue provide local and regional access to the site.

The applicant has requested the approval of a number of entitlements that will allow development to occur in accordance with the City's adopted General Plan and the WLSP.

ACTIONS OF THE PLANNING COMMISSION:

City staff recommends the Planning Commission adopt:

Resolution No. 04-02 (Attachment C), Recommending Certification of the Final Supplemental Environmental Impact Report, Adopting a Mitigation Monitoring Program, Making Findings Concerning Mitigation Measures, Making Findings Concerning Alternatives, and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing East Project

Summary of Attachments:

A: Draft Supplemental EIR (December 5, 2003)

STAFF REPORT

City of Lathrop
Planning Commission

February 10, 2004

Page 2

Item No. 9

- B:** Final Supplemental EIR (January 30, 2004)
C: Planning Commission Resolution 04-02
Exhibit A: Findings required under the California Environmental Quality Act and Statement of Overriding Considerations
Exhibit B: Mitigation Monitoring Plan (MMP)

BACKGROUND

Project History

In 1991, the City Council adopted the General Plan, which included the Mossdale Village and Stewart Tract properties. In 1996, the City Council further refined the vision and implementing policies contained within the General Plan for urban development of these areas with the adoption of the WLSP. The WLSP divided the WLSP area into two Development Concept Plan areas:

- River Islands - a 5,794-acre planned development on the Stewart Tract located west of the San Joaquin River; and
- Mossdale Village - a 1,161-acre area of residential and commercial uses located between Interstate 5 and the San Joaquin River, generally south of Louise Avenue.

The Environmental Impact Report (EIR) for the West Lathrop Specific Plan was certified by the City in 1995.

The WLSP envisioned Mossdale Village as a predominantly traditional residential community with complementary retail and public uses. The village as a whole would be organized around a pedestrian-oriented village center, with neighborhoods linked by a system of trails to a broad river open space corridor. The community would also include parks and schools. To this end, in January of 2003 the City certified the Mossdale Landing Urban Design Concept (UDC) EIR and approved the Mossdale Landing UDC to implement the guidelines included in the WLSP for a large portion (477 acres) of the Mossdale Village area.

Current Application

Applications for the Mossdale Landing East project were originally submitted to the City in early 2002 by Schuler Homes. Schuler was subsequently acquired by Western Pacific Housing. Western Pacific Housing and Watt McKee LLC are the current joint-applicants for the Mossdale Landing East project, an approximately 151-acre portion of the Mossdale Village area. The Mossdale Landing East project (as further described below) is substantially consistent with the WLSP and the requirements of the 1995 WLSP EIR.

A number of public meetings have been held to obtain input from decision-makers and the public at large on the Mossdale Landing East project. These meetings are summarized in the "EIR Public Process" section of this report.

STAFF REPORT

City of Lathrop
Planning Commission

February 10, 2004

Page 3

Item No. 9

PROJECT DESCRIPTION

The Mossdale Landing East project is proposed for residential, commercial, and public development, as well as open space amenities. The existing use of the site is agriculture and farm residential. The site is relatively flat, with a slight gradient sloping down toward the San Joaquin River to the west. The site is located outside the 100-year floodplain due to improvements to the levee system maintained by Reclamation District No. 17 completed in 1989 and included in FEMA's Letter of Map Revision (LOMR) issued on February 9, 1990. Interstate 5 and Louise Avenue provide local and regional access to the site.

The applicant has requested the approval of a number of entitlements that will allow development to occur in accordance with the City's adopted General Plan and the WLSP. Those entitlements are summarized below.

Project Objective

The applicant has identified the objective of the proposed project as the development of a livable, pedestrian-oriented community in accordance with the adopted West Lathrop Specific Plan (WLSP).

Project Summary

The Mossdale Landing East project is a proposal to develop two separate sites. The first, northerly site (referred to as Unit 1, or the McKee Properties) consists of approximately 122.5 acres of land proposed to be subdivided to accommodate:

- 85 low-density residential lots,
- 252 medium density residential lots,
- an approximately 4.6-acre lot for development of 80 high-density apartments,
- an approximately 27.5-acre parcel for Highway Commercial use,
- an approximately 12.5-acre parcel for Service Commercial use, and
- an approximately 6.5-acre parcel for Village Commercial use.

The second, southerly site (referred to as Unit 2, or the Lathrop Associates Properties) consists of approximately 28 acres of land proposed to be subdivided to accommodate:

- 66 low-density lots,
- an approximately 1.5-acre parcel for Service Commercial use,
- an approximately 3.6-acre parcel along the levee for open space,
- an approximately 1.7-acre parcel along the river for a portion of the City's linear park, and
- an approximately 4.1-acre parcel for use as a future neighborhood park.

STAFF REPORT

City of Lathrop
Planning Commission

February 10, 2004

Page 4

Item No. 9

The majority of Unit 2, including the parks and residential areas, will be used for recycled water storage ponds and sprayfields as required by the City until a river discharge permit can be obtained from the Regional Water Control Board, or until alternative disposal areas can be found. Once alternative disposal is obtained, the parks and the residential lots could be developed. The City would retain the title to lands needed for disposal as required by the Regional Water Quality Control Board, and the applicant would retain a "right of reverter" so that the land returns to the applicant when it is no longer needed as a disposal site. The Service Commercial site within Unit 2 is proposed as the location for a water storage tank needed to serve the project and surrounding development within the Mossdale Village area.

Project Entitlements

In addition to certification of the EIR, the applicant is asking for four different entitlements. Pursuant to state law, the Planning Commission will consider these requested entitlements (at another meeting) after certification of the EIR. These requested entitlements include:

The Mossdale Landing East Urban Design Concept (UDC). A UDC is a unique planning tool created under the WLSP that addresses the design, development, and financial requirements for land within the WLSP planning area that is to be developed over a period of time. The UDC acts as the "development handbook" for the planning area, providing specific guidance on land use, development intensity and density, setbacks and building envelope, details on transportation and circulation patterns and other items necessary to construct a given unit of development. A UDC is required to be drafted before tentative maps can be approved and property developed within the WLSP area. The Planning Commission approves a UDC within the Mossdale Village area when the UDC is found to be consistent with the WLSP and the adopted General Plan.

Williamson Act Contract Cancellation. The proposed project includes a request for immediate cancellation of two California Land Conservation (Williamson Act) contracts that apply to APNs 191-190-20 (114 acres) and -21 (3 acres), both of which are located in Unit 1 of the UDC. There are no Williamson Act contracts applicable to Unit 2 of the MLE UDC. Notices of Non-Renewal have been filed for both parcels and these contracts will expire in 2004 and 2008 respectively. Immediate cancellation is therefore necessary to allow subdivision of the land and development to proceed.

Vesting Tentative Maps No. 3073, Units 1 and 2. The applicant has requested two separate vesting tentative maps within the UDC planning area. The first map, Tract No. 3073, Unit 1 includes the northern portion of the UDC. The second map, Tract No. 3073, Unit 2 consists of the southern part of the UDC. These maps provide for the tentative subdivision of the properties. Subsequent final maps will be required to be in conformance with these tentative maps.

Development Agreement. As provided for in Section 65865, et. seq. of the Government Code, the City and the project applicants anticipate entering into a development agreement (DA) which will specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The DA may also include terms and conditions relating to

STAFF REPORT

City of Lathrop
Planning Commission

February 10, 2004

Page 5

Item No. 9

applicant financing of necessary public facilities and subsequent reimbursement over time. The Mossdale Landing East DA will provide for these minimum requirements of law, and will also include other provisions that both the applicant and the City may feel are in their best interest. Such provisions will include requirements of the applicant to "make the City whole" with respect to financing City services, defining the purpose and timing of the required Traffic Monitoring Program, and requiring the applicant to pay updated and revised Capital Facility Fees.

Detailed descriptions of each of these requested entitlements will be included in a subsequent staff report. That staff report will be provided to the Commission prior to the Planning Commission's consideration of recommendations and/or action on these requested entitlements.

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (EIR)

According to the California Environmental Quality Act (CEQA), codified in the State's Public Resources Code, an Environmental Impact Report (EIR) is required whenever a proposed project may result in a significant effect on the environment. An EIR is an informational document used to inform public agency decision makers and the general public of the significant environmental effects of a project, identify possible ways to avoid or minimize the significant effects and describe reasonable alternatives to the project that can reduce significant environment impacts. The public agency is required to consider the information presented in the EIR when determining whether or not to approve a project.

Type of EIR

The Mossdale Landing East UDC, tentative maps and related approvals are considered a "project" under CEQA, and therefore subject to environmental review, because these approvals will result in change to the environment. Since the applicant has requested project specific entitlements that lead to construction, the EIR has been prepared to meet the requirements of a project-level EIR as defined by CEQA.

The WLSP was evaluated at a programmatic level in the 1995 WLSP EIR, which analyzed the environmental impacts of all development proposed in the 6,955 acre WLSP area, including the Mossdale Landing East sites. In addition, the Mossdale Landing East project will be served with wastewater, recycled water and potable water services as considered in the City's Master Plan for these facilities and evaluated in the City's Master Plan EIR (June 2001). Therefore, in accordance with CEQA, the City has determined that the project level EIR for Mossdale Landing East is a Supplemental EIR (SEIR), "tiered" from the 1995 WLSP EIR and the 2001 Master Plan EIR.

SEIR Public Process

- On May 13, 2001, a Notice of Preparation (NOP) was issued for the SEIR, requesting the views of interested persons, organizations and agencies as to the scope and content of the EIR.

STAFF REPORT

City of Lathrop
Planning Commission

February 10, 2004

Page 6

Item No. 9

- On September 25, 2003 a public Scoping Meeting was held to further solicit comments from persons, organizations and agencies on the scope of the EIR.
- On October 28, 2003, the Planning Commission held a Subdivision Conference in accordance with Lathrop Municipal Code Section 159.037 that included discussion designed to provide advisory recommendations prior to consideration of a tentative subdivision map. During the conference, the Commission received information and provided input to the applicants in regard to physical conditions, policies, and environmental concerns that are pertinent to the preparation of the vesting tentative map.
- The Draft SEIR was completed on December 5, 2003. The Draft SEIR and/or a Notice of Availability of the Draft SEIR was distributed to City decision-makers, public agencies and the public at large.
- A regularly scheduled public meeting of the Planning Commission was held on January 13, 2004 to gather comments of the Commission and the public on the Draft SEIR. Aside from the comments and questions of the Commission, no other members of the public or public agencies provided comments at this meeting.
- The 45-day public comment period on the Draft SEIR ended on January 21, 2004. A total of ten (10) letters from eight (8) different public agencies were received during the comment period. Comments received included concerns relating to the security of the levee system, traffic impacts, availability of transit opportunities, air pollution mitigation, and the loss of agricultural lands.
- The Final SEIR, which contains responses to comments on the Draft SEIR, was issued on January 30, 2004, with the required 10-day notice to commenting agencies also issued on January 30, 2004.
- Staff has provided appropriate public notice of today's public hearing for action by the Planning Commission on the SEIR.
- The Final SEIR, which is made up of the Draft SEIR, comments received on the Draft SEIR, and the responses to these comments, has been provided to the Planning Commission (Attachments A and B), and copies will be available at the hearing on February 10, 2004.

SEIR Conclusions

The SEIR analysis for Mossdale Landing East evaluated the environmental issues of Aesthetics, Agriculture, Fiscal Impacts, Geology and Soils, Hazards and Hazardous Materials, Land Use and Planning, Transportation/Circulation, Hydrology and Water Quality, Air Quality, Noise, Utilities, Public Services, Biology and Cultural Resources. Other environmental issues were "scoped out" of the EIR as they were either determined to be adequately addressed in the previous WLSP EIR and the Master Plan EIR, or would not be significantly affected by the Mossdale Landing East project. Cumulative impacts were also identified in the SEIR analysis for all identified project issues. Some

STAFF REPORT

*City of Lathrop
Planning Commission*

February 10, 2004

Page 7

Item No. 9

of these impacts (which were also identified in the WLSP EIR) represent significant unavoidable adverse impacts.

The SEIR identifies mitigation measures that reduce significant impacts to the maximum extent feasible. Mitigation measures have been included in this SEIR that mitigate the following impacts to less than significant: Air Quality (construction emissions), Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, Public Services, Traffic and Circulation (intersection operations, signal warrants, construction traffic, internal circulation, transit, and pedestrian and bicycle circulation) and Utilities. A Mitigation Monitoring Program (MMP) has been developed to identify implementation and monitoring responsibilities for each recommended mitigation measure (see Exhibit B).

Significant and Unavoidable Impacts

There are four (4) significant impacts that would remain significant even after implementation of mitigation measures, and/or in some cases no mitigation measures would be available at this time. These significant and unavoidable impacts include:

- 1. Traffic-Degradation of Freeway Operation:** The applicant will pay the required regional traffic impact fee that includes funding for the planned I-5, I-205 and State Route 120 widening improvements, although these improvements are not scheduled or fully funded in the short term. Impacts to freeway operations for these freeway segments will remain significant and unavoidable on a temporary basis, lasting only until the programmed widenings take place. Because the City does not control the timing of construction of state highways, payment of fees is not, by itself, complete mitigation of the identified impact.
- 2. Air Quality-Short Term Regional Impact:** Operation of the project will generate vehicle travel that will result in mobile source emissions, including ozone precursor emissions. Although the proposed project will include numerous design features that will reduce ozone precursor emissions, these measures are not able to reduce mobile source emissions to a level less than significant in the short term (through 2007). In the longer term (by year 2025), ozone precursors would not exceed significance thresholds and this impact would be reduced to less than significant.
- 3 and 4. Conversion of Agricultural Land and Cancellation of Williamson Act Contracts:** The Project will convert approximately 151 acres of agricultural land, including approximately 117 acres under Williamson Act contract, contributing to the overall conversion of agricultural land in the WLSP area to urban uses. There are no mitigation measures available to reduce these impacts to a less than significant level. However, the Mossdale Landing East project area has been planned for urban development since adoption of the WLSP in 1996. At that time, the City adopted overriding considerations for these impacts, finding that economic, social and other benefits of the project outweighed the environmental impacts on important agricultural resources.

STAFF REPORT

City of Lathrop
Planning Commission

February 10, 2004

Page 8

Item No. 9

Alternative Mitigation

The Draft SEIR (on page 16-62, measure 4) recommends that the project applicant be fully responsible for design and construction costs of improvements at River Islands Parkway/Golden Valley Parkway by adding third through lanes to the northbound and southbound Golden Valley Parkway approaches to this intersection. This mitigation is required under the year 2025 scenario, and is based on the assumption that 4 of the ultimate 6 lanes on Golden Valley Parkway will have already been constructed under the Base Case.

City staff recommends that this mitigation measure be rejected in favor of an alternative approach for the construction of improvements to Golden Valley Parkway. Under this alternative approach (which is to be included in the Conditions of Approval for the Vesting Tentative Map and in the DA), the project applicant will instead be responsible for phased construction of the 3 easterly lanes (the easterly one-half) of this ultimate 6-lane roadway. Roadway improvements beyond the second travel lane on the easterly side of Golden Valley Parkway would be a credit/reimbursable for or from CFF Transportation fees. Staff believes that this approach provides a comparable level of mitigation for intersection impacts at Golden Valley Parkway/River Islands Parkway, and also provides for more coordinated and efficient construction of this needed roadway connection.

Unavoidable Cumulative Impacts

The Mossdale Landing East project is consistent with the WLSP as analyzed in the 1995 WLSP EIR. Cumulative impacts associated with the WLSP were adequately addressed in that document and no further analysis of those cumulative impacts are required. Additionally, the Mossdale Landing East project (then known as Lathrop Station) was evaluated along with other past, present and future projects in the 2002 Mossdale Landing UDC EIR. Cumulative impacts associated with the Mossdale Landing UDC were adequately addressed in that document, and are summarized in the Mossdale Landing East SEIR. The cumulative impacts identified in these previous EIRs were subject to Statements of Overriding Considerations at the time of their certification. In addition to the cumulative impacts included in these two referenced EIRs, the Mossdale Landing East SEIR identifies the following project-specific contributions to significant and unavoidable cumulative impacts:

- Cumulative generation of ozone precursors (ROG and NOx) from mobile source emissions,
- Cumulative construction-related air quality impacts (generation of PM10),
- Cumulatively significant loss of open space,
- Cumulative traffic noise impacts,
- Cumulatively significant temporary traffic impacts on the I-205 segment between I-5 and MacArthur Drive.

STAFF REPORT

City of Lathrop
Planning Commission

February 10, 2004

Page 9

Item No. 9

Although the Mossdale Landing East project would be required to implement mitigation measures, as applicable and available, to address these impacts on a project-specific basis, these cumulative effects would remain significant and unavoidable.

CEQA Findings

In order to certify the SEIR, the Planning Commission and City Council are required to make certain findings. Where, as here, the Initial Study and SEIR have identified significant environmental impacts, two sets of findings are required. First, for each significant effect, the approving agency must make at least one of these findings:

1. That changes have been made to the project that avoid or substantially lessen the identified impact;
2. That the City of Lathrop lacks the jurisdiction to make the change, but that some other agency does have the authority to do so and has or will make the change; and/or
3. That specific conditions related to economic, legal, social, or technological considerations make the mitigation measures or project alternatives infeasible. (PRC Section 21081(a); CEQA Guidelines Section 15091(a))

The second set of findings is known as a "Statement of Overriding Considerations." The purpose of these findings is to authorize the approval of a project with unmitigated "significant environmental impacts." (PRC Section 21081(b); CEQA Guidelines Section 15093). The Findings of Fact and Statement of Overriding Considerations are attached to this report as Exhibit A.

Fiscal Impacts

The SEIR includes a fiscal analysis of the Mossdale Landing East project, prepared by Goodwin Consulting Group. The analysis concludes that the annual revenue generated by the project will exceed the annual cost to provide City services to the project. Additionally, one or more financing mechanisms may be established by the City and the developers to fund maintenance costs associated with drainage, lighting, landscaping, trail and open space, and parks. Therefore, under buildout conditions, in accordance with City policy, the project can be considered to be at least "fiscally neutral." However, during the initial stages of development, certain start-up costs for Police and Animal Control Services necessary to serve early residential development will need to be covered. Since the commercial development that generates additional revenue will not yet be completed at that stage, the applicant will be conditioned and required to pay the costs of these services that project revenues do not cover. This is commensurate with the City Council's directive to "keep the City whole" with respect to new development and its impacts to providing services. The conclusions of this analysis provide evidence in support of the Statement of Overriding Considerations (Exhibit A).

STAFF REPORT

City of Lathrop
Planning Commission

February 10, 2004

Page 10

Item No. 9

RECOMMENDATION

The SEIR provides information for City decision-makers to make an informed decision on environmental issues, and with the Statement of Overriding Considerations, staff believes that the required findings can be made and the Final SEIR can be certified. As a result, City staff recommends the Planning Commission adopt:

Resolution No. 04-02 (Attachment C), Recommending Certification of the Final Supplemental Environmental Impact Report, Adopting a Mitigation Monitoring Program, Making Findings Concerning Mitigation Measures, Making Findings Concerning Alternatives, and Adopting a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the Mossdale Landing East Project

Subsequent Actions

If the recommended actions of the Planning Commission were taken today, the Council would consider its final action for certifying the SEIR on February 17, 2004.

Should the Council certify the SEIR on February 17th, the Planning Commission would hold another public hearing on February 24, 2004. The purpose of this hearing will be to consider approval of the Mossdale Landing East UDC, and to provide recommendations to the City Council regarding approval of the Vesting Tentative Map, tentative cancellation of Williamson Act contracts, and approval of the development agreement for the project.

Following the Planning Commission's actions on February 24th, the City Council will then consider, at a public hearing tentatively scheduled for March 2, 2004, approval of the Vesting Tentative Map, tentative cancellation of Williamson Act contracts, and the first reading of an ordinance adopting the development agreement for the project.

ATTACHMENTS:

A: Draft Supplemental EIR (December 5, 2003)

B: Final Supplemental EIR (January 30, 2004)

C: Planning Commission Resolution 04-02

Exhibit A: Findings required under the California Environmental Quality Act and Statement of Overriding Considerations

Exhibit B: Mitigation Monitoring Plan (MMP)



STAFF REPORT

City of Lathrop
Planning Commission

February 10, 2004

Item No. 9

APPROVALS:

Scott Gregory, Contract Planner

2-5-04

Date

Matt Browne, Acting Community Development Director

2-5-04

Date

Bruce Coleman, Assistant City Manager

2-5-04

Date

Attachment E

Planning Commission Resolution No. 04-02

PLANNING COMMISSION RESOLUTION NO. 04- 02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
RECOMMENDING CERTIFICATION OF THE FINAL SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS CONCERNING
MITIGATION MEASURES, ADOPTING A MITIGATION MONITORING
PROGRAM, MAKING FINDINGS CONCERNING ALTERNATIVES AND
ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS IN
ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
FOR THE MOSSDALE LANDING EAST PROJECT

Recitals

WHEREAS, a Notice of Preparation of the Supplemental Environmental Impact Report ("SEIR") Mosssdale Landing East Urban Design Concept ("UDC") was mailed to all responsible and affected agencies on May 13, 2001, pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082; and

WHEREAS, a Draft SEIR for the Mosssdale Landing East Project ("DEIR") was prepared for the Mosssdale Landing East Project in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et. seq.; and

WHEREAS, the Planning Commission has independently reviewed and analyzed the Final Supplemental Environmental Impact Report for the Mosssdale Landing East Project ("FSEIR") and considered the information contained therein and all comments, written and oral, received at the public hearing on the FSEIR prior to approving this resolution and recommending action on the Mosssdale Landing East Project; and

WHEREAS, the City distributed copies of the DEIR to the public agencies which have jurisdiction by law with respect to the Mosssdale Landing East Project and to other interested persons and agencies and sought the comments of such persons and agencies; and

WHEREAS, notice inviting comments on the DEIR was given on December 5 2003, in compliance with CEQA Guidelines Section 15085; and

WHEREAS the Public Comment Period for the DEIR ended on January 21, 2004; and

WHEREAS, written and oral comments to the DEIR have been received and responses to those comments were prepared in the form of the FSEIR; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City provided notice regarding the availability of the FSEIR and circulated the proposed responses to comments to public agencies submitting comments on the DEIR; and

WHEREAS, the Planning Commission reviewed the FSEIR prepared for the Mossdale Landing East Project, City Staff reports pertaining to the DEIR and FSEIR, and all evidence received at the duly noticed public hearings. All of these documents and evidence are herein incorporated by reference into this Resolution; and

WHEREAS, the FSEIR identified certain significant and potentially significant adverse effects on the environment caused by the Mossdale Landing East Project. It is the intent of the Planning Commission that the mitigation measures contained in the DEIR are implementation measures for the development of the Mossdale Landing East Project; and

WHEREAS, the City is required whenever possible, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects; and

WHEREAS, the Planning Commission desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social and other considerations for approving the Mossdale Landing East Project that the Planning Commission believes justify the occurrence of those impacts.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LATHROP DOES HEREBY RESOLVE TO RECOMMEND CERTIFICATION OF THE FSEIR FOR THE MOSSDALE LANDING EAST PROJECT, AS FOLLOWS:

1. It is hereby certified that the FSEIR has been completed in compliance with CEQA.
2. It is hereby certified that the FSEIR has been presented to the Planning Commission, which reviewed and considered the information and analysis contained therein before making the findings attached hereto, and recommending that the City Council adopt the mitigation monitoring program as set forth in the FSEIR, and issue the statement of overriding considerations. The findings and statement of overriding considerations are contained in "The City of Lathrop Findings Required Under The California Environmental Quality Act" attached hereto as Exhibit A and incorporated herein by reference.

3. The Planning Commission finds, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that many of the proposed mitigation measures described in the FSEIR are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the Planning Commission approves the Project.

4. To the extent that these findings conclude that various proposed mitigation measures outlined in the FSEIR are feasible and have not been modified, superseded, or withdrawn, the Planning Commission hereby binds itself, all landowners within the Project area, and their assigns and successors in interest to implement those measures. These findings are not merely informational but constitute a binding set of obligations that will come into effect when the City Council adopts a Resolution approving the Mossdale Landing East Project. The actual implementation of the mitigation measures hereby adopted shall occur by having them included as conditions of approval on subsequent discretionary entitlements granted within the Mossdale Landing East Project area.

5. As set forth in its findings of fact, the Planning Commission hereby finds that none of the proposed project alternatives set forth in the FSEIR can feasibly substantially lessen or avoid the significant adverse environmental effects that will not be substantially lessened or avoided by the adoption of all feasible mitigation measures.

6. In order to comply with the Public Resources Code Section 21080.6, the Planning Commission hereby adopts the mitigation monitoring program as set forth in the attached **Exhibit B**. The program is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest, and any other responsible parties comply with the feasible mitigation measures identified below. The mitigation and monitoring program identifies, for each mitigation measure, the party responsible for implementation.

7. Since the adoption of all feasible mitigation measures will not mitigate or avoid all significant adverse environmental effects caused by approval of the Mossdale Landing East Project, the Planning Commission hereby issues, pursuant to CEQA Guidelines Section 15093 and attached hereto, a statement of overriding considerations that renders those effects acceptable, as set forth in **Exhibit A**.

8. The DEIR and FSEIR set forth environmental impacts that would be significant or potentially significant in the absence of mitigation measures. As to each such impact, the Planning Commission hereby finds that changes or alterations incorporated into the project mitigate or avoid the significant or potentially significant environmental impacts. Also set forth are impacts that are significant and unavoidable and that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the Planning Commission hereby finds that there exist certain overriding economic, social and other considerations for

approving the Mossdale Landing and Lathrop Project that the Planning Commission believes justify the occurrence of those impacts.

9. The Planning commission finds that the Mossdale Landing East Project is consistent with the City of Lathrop General Plan and is the best way to implement the goals and policies of the General Plan.

Based on the findings set forth in this Resolution and the evidence in the Staff Report, the Planning Commission hereby recommends to the City Council that it adopt a resolution certifying the FSEIR, making findings concerning mitigation measures, adopting a mitigation monitoring program, making findings concerning alternatives and adopting a statement of overriding considerations in accordance with CEQA for the Mossdale Landing East Project.

The foregoing resolution was passed and adopted this 10th day of February 2004, by the following vote of the Planning Commission, to wit:

AYES:

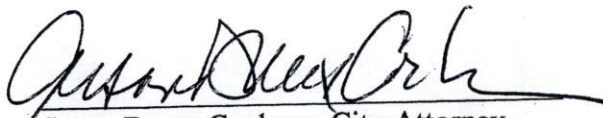
NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

ATTEST:


Susan Burns Cochran, City Attorney

Bruce A. Coleman, Planning
Secretary