

FINAL  
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

for

MOSSDALE LANDING EAST  
LATHROP, CA

January 30, 2004

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# 1.0 INTRODUCTION

## 1.1 PROJECT BRIEF

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The Mossdale Landing East (MLE) project consists of applications for City approval of an Urban Design Concept (UDC), Vesting Tentative Map, Development Agreement and Williamson Act contract cancellation for the 150.2-acre project site. These approvals would result in development authorization for 403 single-family residential lots, 80 high-density residential units, 6.5 acres of Village Commercial Development, 27.5 acres of Highway Commercial Development, 14.0 acres of Service Commercial Development and approximately 9.4 acres of parks and open space, including spray fields, ponds and other public uses (Figure 1-4). Additional detail on the project is provided in Chapter 2.0.

The proposed project involves development of a portion of Mossdale Village, a major element of the urban development described in the approved West Lathrop Specific Plan (WLSP). The WLSP is 6,955-acre urban development plan approved by the City of Lathrop in 1995. Mossdale Village is a primarily traditional residential development that includes a village commercial center and service and highway commercial development along I-5. Mossdale Village is located in the eastern portion of the WLSP area, west of I-5. Most of the Mossdale Village area, and the remainder of the WLSP area, now known as the River Islands project, have been approved for urban development and are preparing for construction. Additional detail on other ongoing development projects in Mossdale Village, River Islands and surrounding areas is provided in Section 1.2 of the Draft SEIR, which is incorporated into this document by reference.

The proposed project site is located within the incorporated area of the City of Lathrop between I-5 and the San Joaquin River, south of the Louise Avenue interchange. The project site is divided into two units: Unit One (122 acres) is located immediately south of Louise Avenue and adjacent to I-5, and Unit Two (28 acres) is located approximately 0.5 miles south of Unit One. Figures 1-1 through 1-3 show the project location in detail.

## 1.2 FINAL SUPPLEMENTAL EIR

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The proposed project is located within the West Lathrop Specific Plan (WLSP) area. The WLSP, approved by the City of Lathrop in 1996 and amended in 2003, addresses the planned development of approximately 6,055 acres of urban development in two parts: 1) the Stewart Tract (5,794 acres) and Mossdale Village (1,161 acres), including the project site. The WLSP was the subject of Draft and Final Environmental Impact Reports that were certified by the City of Lathrop prior to the adoption of the Specific Plan. The WLSP EIR was the subject of litigation, but the San Joaquin County Superior

Court found that the EIR was adequate and was affirmed by Third District Court of Appeal. Accordingly, as matter of law, the City is entitled to rely on this document as adequate.

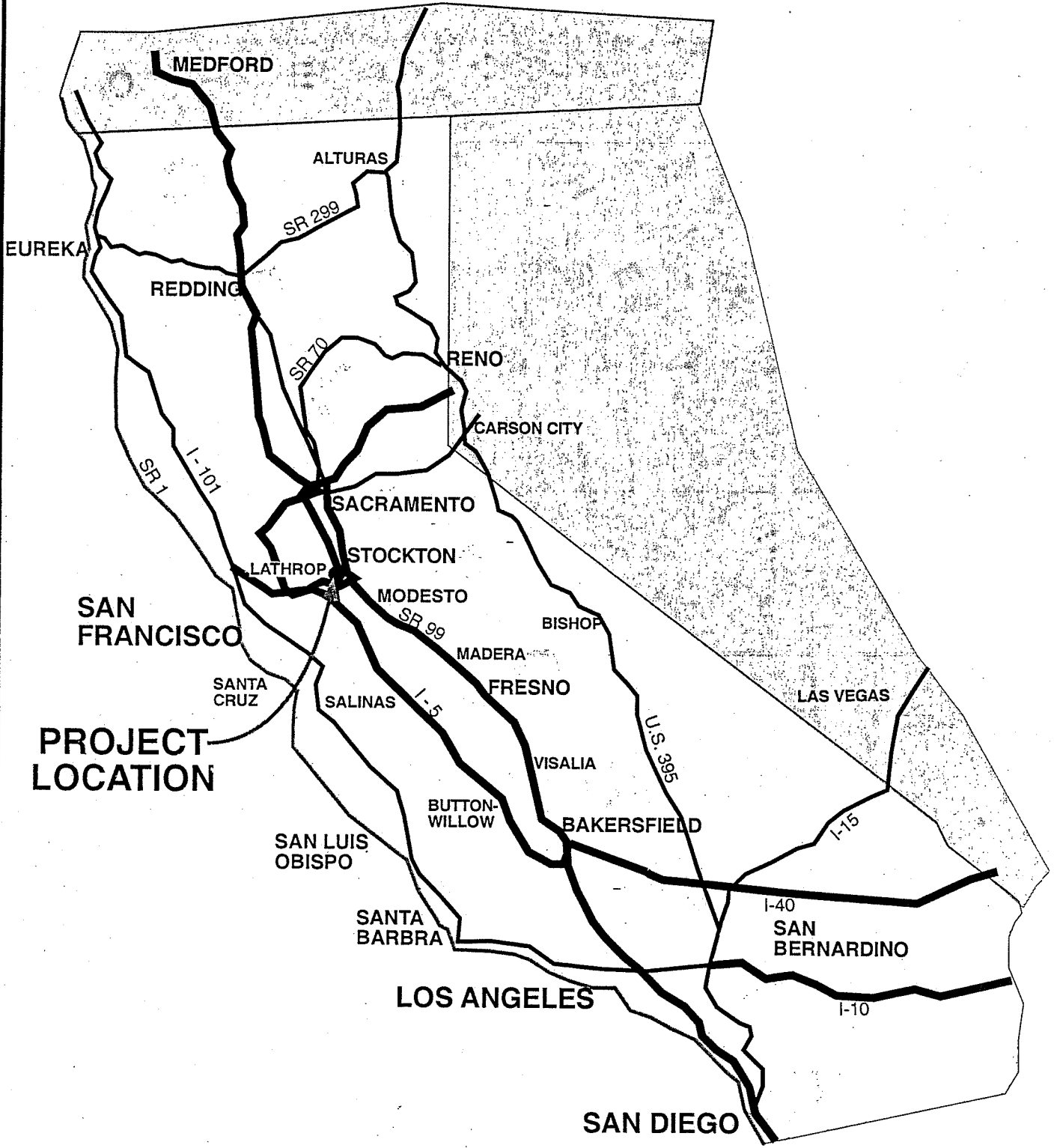
The City prepared a draft supplement to the WLSP EIR (Draft SEIR) to address the potential environmental effects of the MLE project. The SEIR was tiered from the WLSP EIR, which is incorporated by reference in Section 1.3. Considered together, the documents meet applicable CEQA requirements for the proposed project. The Draft SEIR 1) provided a description of the current proposed project, 2) evaluated and updated the environmental information and impact analysis presented in the previous document as required, and 3) provided supplemental information and analysis, as needed to meet current CEQA requirements.

The Draft SEIR for the MLE project was prepared and distributed for agency and public comment in December 2003 and January 2004. The Draft SEIR distribution list, legal notices and other information related to public review of the document are shown in Section 5.0 of this document. Public and agency comments were received by the City through and after the close of the review period on January 21, 2004. A total of ten written comments on the SEIR and/or project were submitted to the City of Lathrop, the Lead Agency for the project. In addition, comments were provided by the Lathrop Planning Commission at a January 13, 2004 meeting intended to receive public comment on the document. This Final SEIR incorporates and revises the environmental analysis from the Draft SEIR, provides responses to comments received on the Draft SEIR, and analyzes any substantive issues raised by the comments.

The Final SEIR has been prepared pursuant to the requirements of CEQA and the CEQA Guidelines. Guidelines Section 15132 specifies the content of a Final EIR as:

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

This Final SEIR includes the information necessary to meet the specified requirements of the CEQA Guidelines. Section 1.0 is this Introduction to the purpose and format of the Final SEIR. Section 2.0 displays the summary of the Draft SEIR, revised as necessary to reflect any substantial changes made as a result of public and agency comment. Section 3.0, a key element of the Final SEIR, lists all of the written comments received concerning the Draft SEIR, displays the text of each comment letter, and provides the City of Lathrop's response to each of the substantive comments.



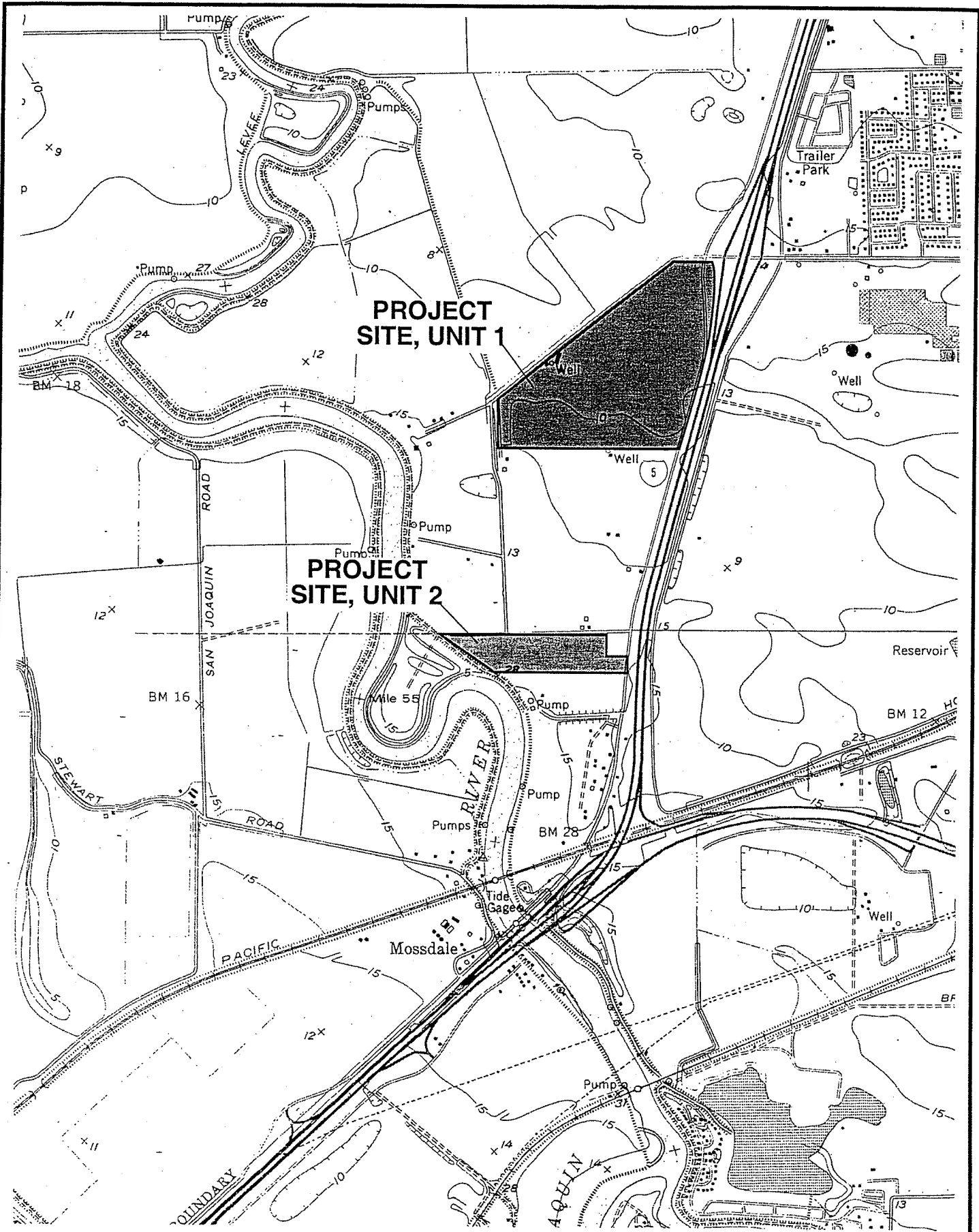
Source: INSITE ENVIRONMENTAL

INSITE ENVIRONMENTAL



Figure 1-1  
REGIONAL MAP



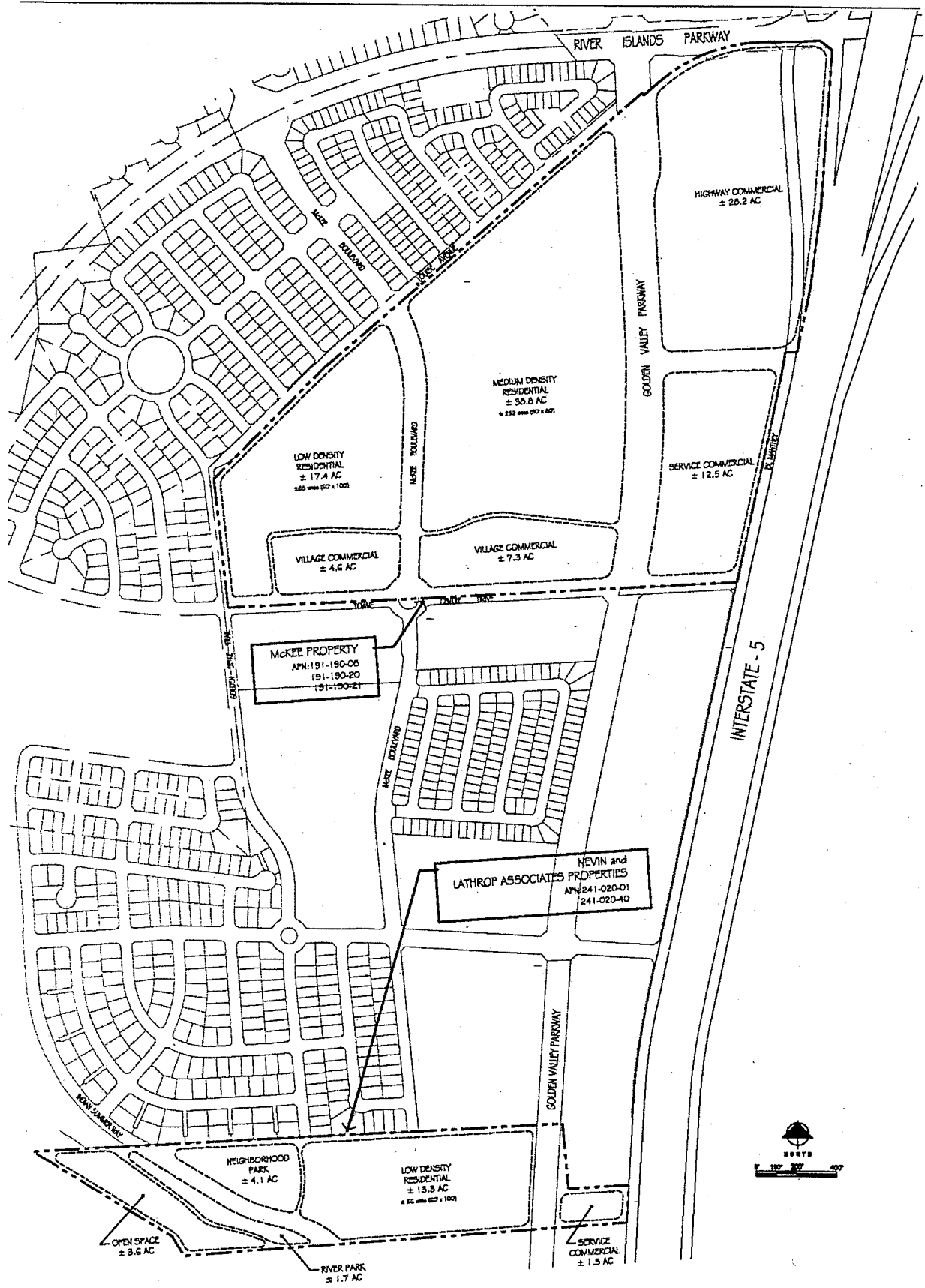


Source: USGS LATHROP QUADRANGLE  
 INSITE ENVIRONMENTAL



Figure 1-3  
 USGS MAP





Source: MACKAY & SOMPS

INSITE ENVIRONMENTAL

Figure 1-4  
PROPOSED LAND USES

Section 4.0 is the Errata which sets forth any required revisions to the Draft SEIR, including revisions necessitated by agency and public comments as well as changes to the document originating with City staff. Section 5.0 includes copies of transmittal documents, the notice of availability of the SEIR for review, the distribution list for the notice and of the Draft SEIR, the Notice of Completion and other legal notices.

The Draft SEIR, cited below, is hereby incorporated by reference. A copy of the Draft SEIR is available for review at the Lathrop Community Development Department, 16775 Howland Road, Suite 1, Lathrop, CA 95330.

InSite Environmental. Public Review Draft, Supplemental Environmental Impact Report for Mossdale Landing East, Lathrop, CA. State Clearinghouse Number 2002052083. December 5, 2003.

### 1.3 DECISION-MAKING ACTION ON THE PROPOSED PROJECT

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The proposed project will require approvals from the City of Lathrop Planning Commission and City Council. These permitting decisions will occur after duly noticed public hearings before these decision-making bodies. Before any of these actions may take place, however, the City's obligations under the California Environmental Quality Act (CEQA) must be fulfilled. These obligations are outlined below.

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

Guidelines for the certification of an EIR (Section 15090) require that the Lead Agency certify that 1) the Final EIR has been completed in compliance with CEQA, 2) that the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project, and 3) that the Final EIR reflects the Lead Agency's independent judgment and analysis. The Lathrop City Council, and its appointed Planning Commission, each have specific decision-making authority over elements of the proposed project, and each will be required to certify the Final EIR for these purposes.

The EIR is intended by CEQA to be an informational document (Guidelines Section 15121). Decision-making on the subject project in relation to its environmental impacts is reserved to the Lead Agency and the Responsible Agencies. Consequently, information in the EIR does not control the agency's ultimate discretion on the project, but the agency must respond to each significant effect identified in the EIR. This is accomplished through the requirement (Guidelines Section 15091) that the City

decision-makers make specified findings with respect to each of the significant environmental effects identified in the EIR before they approve the project, or portions of the project. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (i.e., the impact has been "mitigated").
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency (i.e., mitigation is the responsibility of an agency other than the City of Lathrop).
3. Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (i.e., the impact is acceptable because the project's benefits outweigh it).

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

As a part of the findings process described above, the City must also adopt a mitigation monitoring and/or reporting program which is fully enforceable through permit conditions, agreements, or other measures. Findings, a Statement of Overriding Considerations and a mitigation monitoring/reporting program for the MLE project have been prepared in conjunction with this document and are contained in separate documents.

## 2.0 REVISED SUMMARY

This Chapter is a reproduction of the Summary Chapter of the Draft SEIR. The contents of this chapter are exactly as presented in the Draft SEIR, as modified in the Final SEIR preparation process. All changes to the Draft SEIR chapter are shown in underline and ~~strikeout~~.

### 2.1 SUMMARY PROJECT DESCRIPTION

---

The Mossdale Landing East (MLE) project consists of applications for City approval of an Urban Design Concept (UDC), Vesting Tentative Map, Development Agreement and Williamson Act contract cancellation for the 150.2-acre project site. These approvals would result in development authorization for 403 single-family residential lots, 80 high-density residential units, 6.5 acres of Village Commercial Development, 27.5 acres of Highway Commercial Development, 14.0 acres of Service Commercial Development and approximately 9.4 acres of parks and open space, including spray fields, ponds and other public uses (Figures 3-1 and 3-2). Additional detail on the project is provided below and in Chapter 3.0.

The proposed project involves development of a portion of Mossdale Village, a major element of the urban development described in the approved West Lathrop Specific Plan (WLSP). The WLSP is 6,955-acre urban development plan approved by the City of Lathrop in 1995. Mossdale Village is a primarily traditional residential development that includes a village commercial center and service and highway commercial development along I-5. Mossdale Village is located in the eastern portion of the WLSP area, west of I-5. Most of the Mossdale Village area, and the remainder of the WLSP area, now known as the River Islands project, have been approved for urban development and are preparing for construction. Additional detail on other ongoing development projects in Mossdale Village, River Islands and surrounding areas is provided in Section 1.2.

The proposed project site is located within the incorporated area of the City of Lathrop between I-5 and the San Joaquin River, south of the Louise Avenue interchange. The project site is divided into two units: Unit One (122 acres) is located immediately south of Louise Avenue and adjacent to I-5, and Unit Two (28 acres) is located approximately 0.5 miles south of Unit One. Figures 1-2 through 1-6 in Chapter 1.0 show the project location in detail.

The proposed UDC, required by the adopted WLSP, includes a detailed mapping and description of land uses, circulation systems, landscaping, design details, and other elements related to buildout of the project, including the provision of utilities and the financing of public services and facilities. The UDC prescribes development standards for proposed land uses in planned residential, commercial and public areas; the circulation system's location and standards; design guidelines for the various land uses; specifications for planned public improvements, signage and lighting; plans for water,

sewer, storm drainage and reclaimed water systems; and project phasing and financing, including police, fire, animal control, maintenance and operation.

The UDC emphasizes the creation of a livable, pedestrian-oriented community that provides identity and variety. The UDC embodies themes associated with the history and imagery of the City of Lathrop as well as incorporating other elements of development in traditional Central Valley communities. These features would include a network of interconnected streets, roundabouts, parkways with canopy street trees, varied architectural styles and access; and a mix of land uses. Development authorized by the UDC is summarized in Table 2-1.

TABLE 2-1  
LAND USE TABLE  
MOSSDALE LANDING EAST PROJECT  
(acres)

Proposed Land Use	ACRES	Unit 1		ACRES	Unit 2		TOTAL PROJECT		
		SQ. FT.	UNITS		SQ. FT.	UNITS	ACRES	SQ. FT.	UNITS
Highway Commercial	27.5	270,246					27.5	270,246	
Service Commercial	12.5	136,125		1.5	13,068		14.0	149,193	
Village Commercial	6.5	79,497					6.5	79,497	
High Density Residential	4.0		80				4.0		80
Low Density Residential	13.2		85	10.1		66	23.3		151
Medium Density Residential	27.6		252				27.6		252
Open Space				3.6			3.6		
River Park				1.7			1.7		
Neighborhood Park				4.1			4.1		
Streets	31.1			6.8			37.9		
<b>TOTAL</b>	<b>122.4</b>	<b>485,868</b>	<b>417</b>	<b>27.8</b>	<b>13,068</b>	<b>66</b>	<b>150.2</b>	<b>498,936</b>	<b>483</b>

The circulation provisions of the UDC (Figure 3-4) establish a street plan for the proposed community and linkage between the UDC area and the overall circulation network defined in the City's General Plan, the WLSP and subsequent development approvals.

Utility services for the project will be extended from planned improvements to be constructed in conjunction with the adjoining Mossdale Landing project. Domestic water service for the MLE project will be provided by an expansion of the City's existing water system in conjunction with proposed commercial and residential development (Figure 3-9). Water supply will be derived from new wells to be added to the City's well system and, in the long-term, from the South County Surface Water Supply Project (SCSWSP).

Wastewater treatment and disposal services shall be provided by the City of Lathrop, and the project would provide recycled water disposal areas on an interim basis. The proposed wastewater collection system (Figure 3-10) would be extended from improvement to be constructed by the Mossdale Landing project. The project will

construct portions of the City's planned recycled water distribution system. Unit 2 of the project site, and a small portion of Unit 1, will serve as an interim disposal site for treated wastewater, subject to required state permits.

*Storm Drainage.* The project would involve the installation of new storm drainage facilities to serve the project (Figure 3-12), including a storm water detention pond. The proposed collection system would discharge to a planned outfall to be constructed adjacent to the San Joaquin River by the adjoining Mossdale Landing project.

The MLE project does not provide sites for schools. The project will provide one proposed neighborhood park on 4.1 acres at the west end of Unit 2, likely including both active and passive recreational facilities. An additional 5.3 acres west of River Drive in Unit 2 would be reserved for River Park and Open Space. Additional park facilities will be constructed in conjunction with the adjoining Mossdale Landing project. The project will contribute to development of park facilities through payment of required parkland dedication (Quimby Act) fees and cultural and leisure CFFs.

The MLE project would be phased as shown on Figure 3-16. The principal discretionary permits and approvals for the project would be granted by the City of Lathrop. Permits and approvals from a number of other agencies may also be necessary in the course of development of the project site. Anticipated and potential permits and approvals are identified in Table 3-3.

## 2.2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

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The potentially significant impacts of the proposed project and mitigation measures proposed to minimize these effects are listed in Table 2-2 at the end of this chapter. The table also identifies the level to which the proposed mitigation measures would reduce impacts. Significant unavoidable impacts are those for which the significance remains "significant" or "potentially significant" after mitigation measures are applied.

## 2.3 SUMMARY OF ALTERNATIVES

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Chapter 19.0 identifies and discusses a range of reasonable alternatives to the proposed project, including the "no project" alternative. The alternatives addressed include:

- No Project
- Lower Density/Reduced Commercial Alternative

Several other alternatives were discussed that were found to be either infeasible or to not have the potential to reduce environmental impacts of the project. These alternatives were dismissed from further consideration:

- General Plan/WLSP Buildout

Off-Site Alternative  
Other Alternatives Addressed in the WLSP EIR  
Extended Use Of On-Site Areas For Storm Water Detention And Recycled Water  
Disposal  
Project Design To Address Significant Environmental Constraints

## No Project Alternative

The No Project Alternative is defined as the continuation of existing conditions and trends in the project area. This alternative assumes that there is no action on the part of the City of Lathrop to approve the proposed UDC, SEIR, Development Agreement, and subdivision map for the project area. The analysis of this alternative is required by State law.

This alternative would avoid projected increases in population and associated demands for public services and utilities as well as eliminate increased traffic, air pollution and noise impacts due to project-related travel on local roadways. This alternative would involve no changes to aesthetics, agriculture, geology, soils, biology, or cultural resources within the project area. The alternative would be inconsistent with adopted planning documents such as the Lathrop General Plan and the West Lathrop Specific.

The environmental benefits of this alternative would be temporary as a result of continuing development pressure, and this alternative does not fulfill the basic objectives of the project.

## Lower Density/Reduced Commercial Alternative

The Lower Density/Reduced Commercial alternative is defined as a general but substantial reduction in the residential and commercial development yield of the proposed project. For the purposes of this analysis, that reduction is nominally set at 25%. Under this alternative, then, the project would consist of up to approximately 350 residential units and 375,000 square feet of commercial development.

This alternative would reduce projected increases in population, associated demands for public services and utilities and traffic, air pollution and noise. This alternative would involve no substantial changes to the aesthetics, agriculture, geology, soils, biology, or cultural resources impacts of the project. This alternative would also be inconsistent with adopted planning documents.

Reduced density would displace demands for urban development onto other undeveloped lands, resulting in increased impacts on agricultural, cultural and biological resources; dispersion of new urban development may also result in increases in vehicle miles traveled and associated air quality effects as well as the costs of urban services and utilities.

2

This alternative would partially fulfill the objectives of the project and may result in short-term reductions in environmental impact. However, this alternative would likely result in greater resource land and traffic impacts as a result of displacement of anticipated growth and potentially result in greater impacts associated with vehicular travel.

The No Project Alternative is the environmentally superior alternative. Of the project alternatives, the proposed project is the environmentally superior alternative.

## 2.4 SIGNIFICANT UNAVOIDABLE IMPACTS AND OUTSTANDING PUBLIC POLICY ISSUES

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\* This Supplemental EIR identifies the significant environmental effects of the project and mitigation measures proposed to minimize these effects. The project would involve significant unavoidable environmental effects with respect to ozone precursor emissions and freeway traffic; these impacts have been addressed in previous documents. The proposed project will involve the need for cancellation of Williamson Act contracts on the project site. Findings related to contract cancellation will be made by the Lathrop City Council. Otherwise, proposed mitigation measures would be effective in reducing potential environmental effects to a less than significant level. The project does not involve any other known controversy or unresolved public policy issues. \*



TABLE 2-1  
 REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance Before Mitigation Measures

Significance After Mitigation

4.0 AESTHETICS

Aesthetic Effects of Proposed Residential Development

LS None required

Light and Glare

LS None required

5.0 AGRICULTURE

Conversion of Agricultural Land

S None available

Urban Agricultural Conflicts

PS 1. The project proponent will implement mitigation measures 1.a. as provided in the WLSP EIR at page V-2 for planned residential uses that about ongoing commercial agricultural operations.

S-3

Williamson Act Contracts

PS None available  
*Some farmers*  
*NO EIR. Fee \$10 per*

6.0 AIR QUALITY

Construction-Related Emissions

S 1. The owners, developers and/or successors-in-interest shall comply with all applicable requirements of SJVAPCD Regulation VIII, including compliance with the following mitigation measures 2 through 10.

6-8

2. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified in mitigations 3 through 10 shall be applied as required to maintain the VDE standard.

3. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving.

4. Apply water, chemical/organic stabilizer/suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads.

*Preparations, include this*

TABLE 2-1  
 REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance Before Mitigation Measures

Significance After Mitigation

5. Restrict vehicular access to the disturbance area during periods of inactivity.
6. Apply water or chemical/organic stabilizers/suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials.
7. 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.
8. 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.
9. Traffic speeds on unpaved roads shall be limited to 15 mph.
10. The ODS 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 include moving more than 2,500 cubic yards per day of bulk materials on at least three days.

1. Significant  
 2. Significant

How to the  
 enforced?

NO/SO on main roadway?  
 ON HWY @ LOW 10  
 NO/SO impact



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

Significance Before  
Mitigation Measures

Potential Impact

Mitigation Measures

Significance After  
Mitigation

2. The Project proponents shall implement other "Incidental Take Avoidance Measures" as specified in the SJMSHCP.

Project Impacts on Riparian Brush Rabbit	LS	None required
Project Impacts on Heritage Oak Trees	LS	None required
Sensitive Fish Species, Water Quality Concerns	LS	None required
Impacts on Other Sensitive Plant or Wildlife Species	LS	None required

**8.0 CULTURAL RESOURCES**

Impact on Known Archaeological or Historical Resources

LS

None required

Impact on Unknown Archaeological Resources

PS

LS

1. 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.

2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt, and the County Coroner and the Community Development Department shall be notified immediately. If 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.

TABLE 2-1  
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance Before Mitigation Measures

Significance After Mitigation

10.0 GEOLOGY AND SOILS

Seismic-Related and Soils Hazards

Potential Impact	Significance Before Mitigation Measures	Significance After Mitigation	Mitigation Measures
	S	1.	The project proponent shall submit copies of project geotechnical reports prepared by qualified geotechnical or soils engineers to the Lathrop Building Department for review and approval.
		2.	All proposed development shall conform to the soils engineer's recommendations, as detailed in the approved soils report.

Shallow Groundwater Constraints

LS None required

Soil Erosion

	PS	1.	Comply with mitigation measures identified for storm <del>water</del> <u>quality</u> effects in Chapter 12.0, Hydrology and Water Quality <i>12-37 in 12.0</i>
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11.0 HAZARDS AND HAZARDOUS MATERIAL

Exposure to Hazardous Materials Transportation Risks

LS None required

Exposure to High-voltage Power Lines and Electromagnetic Fields

LS None required

Exposure to Hazardous and Toxic Materials and Sites

LS None required

Hazardous Air Pollutants

LS None required

12.0 HYDROLOGY AND WATER QUALITY

Direct Impacts on Surface Water Features

LS None required

Potential Effects on River Flow and Volume

LS None required

Project Effects on Levee Stability and Flooding Risk

LS None required

S = Significant, CS = Cumulatively Significant, PS = Potentially Significant, LS = Less than Significant, SOC Adopted = Statement of Overriding Considerations previously adopted. Mossdale Landing East, Final Supplemental EIR

TABLE 2-1  
 REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact      Significance Before Mitigation Measures      Mitigation Measures      Significance After Mitigation

Construction Effects on Surface Water Quality  
 12-11      PS      1. The project proponent shall prepare a Notice of Intent and Storm Water Pollution Prevention Plan and submit these documents to the California Regional Water Quality Control Board and the City of Lathrop.  
 One BIC one?      LS  
 See 12.0      where      2. The proponent shall implement all relevant provisions of the SWPPP, the City SWMP and Construction General Permit during project construction.  
 Temporary storm water retention      LS

Urban Runoff Effects on Surface Water Quality      LS      None required

Effects of Recycled Water Storage and Disposal on Surface Water Quality      LS      None required

Project Effects on Groundwater Quality      LS      None required

13.0 LAND USE AND PLANNING

Interim Land Use Conflicts during Project Buildout      LS      None required

Conflicts between Planned and Existing Land Uses      LS      None required

14.0 NOISE

Construction Noise      PS      1. 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.      LS

Project-Related Increases in Traffic Noise Levels at Existing Land Uses.      LS      None required

Traffic Noise Impacts at Proposed Residential Land Uses      S      1. 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.      LS

Noise Impacts Associated With Commercial Uses      LS      None required

S = Significant, CS = Cumulatively Significant, PS = Potentially Significant, LS = Less than Significant, SOC Adopted = Statement of Overriding Considerations previously adopted. Mossdale Landing East, Final Supplemental EIR

TABLE 2-1  
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significance Before  
Mitigation Measures

Potential Impact

Mitigation Measures

Significance After  
Mitigation

15.0 PUBLIC SERVICES

Project Impact on Law Enforcement

PS 1. LS

The applicant shall be responsible for paying startup costs associated with police services. The manner and timing of payment shall be established in the project Development agreement.

2. 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.

3. The proposed tentative map, circulation designs, residential numbering and other elements of the project shall be subject to the review of, and developed in coordination with the Police, Fire, and Public Works Department. The same mitigation measure is repeated in the following section 7.2 Fire Protection.

4. The applicant shall be responsible for providing traffic control preemption devices on all traffic lights to be constructed in conjunction with MLE development.

Animal Control Services

PS 1. LS

The applicants shall be responsible for paying startup costs associated with animal control services. The manner and timing of payment shall be established in the project development agreement.

2. The applicant shall pay their proportionate share of ongoing costs associated with additional services until revenues generated from the project can cover the cost.

TABLE 2-1  
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance Before Mitigation Measures

Significance After Mitigation

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Fire Protection	PS	32. The applicants shall pay Capital Facilities Fees to defray capital facilities costs associated with animal control facility expansion.	LS
		43. 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.	
		1. 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.	
		2. 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.	
Parks and Recreation	PS	3. The tentative map, improvement plans and other project plans and specifications shall be coordinated with the Lathrop Police, Fire and Public Works Departments. This mitigation measure is also included in the previous section 7.1 Police Protection.	LS
		4. Planned water distribution facilities shall be designed in order to meet applicable, adopted Uniform Fire Code requirements for the proposed land uses.	
		1. The project proponent shall dedicate park sites shown in the UDC for public/ recreational use.	



TABLE 2-1  
 REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact      Significance Before Mitigation Measures      Significance After Mitigation

Schools	S	<ol style="list-style-type: none"> <li>1. 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.</li> </ol>	LS
Solid Waste	LS	<ol style="list-style-type: none"> <li>2. 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.</li> <li>3. Linear river park improvements shall conform to design standards provided by the City.</li> </ol>	LS

16.0 TRANSPORTATION AND CIRCULATION

Year 2007 Intersection Level of Service Impacts	S	<p>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, as follows:</p> <ul style="list-style-type: none"> <li>• Add a third southbound off-ramp lane and stripe as two exclusive left turn lanes and a shared through/right turn lane.</li> <li>• Add a second eastbound Louise Avenue approach lane.</li> </ul>	LS
		<p><i>Wade J. Carlsson</i>  <i>Act. by 2007</i></p>	
		<ol style="list-style-type: none"> <li>2. 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 Louise Avenue/I-5</li> </ol>	

S = Significant, CS = Cumulatively Significant, PS = Potentially Significant, LS = Less than Significant, SOC Adopted = Statement of Overriding Considerations previously adopted.  
 Mossdale Landing East, Final Supplemental EIR

TABLE 2-1  
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance Before Mitigation Measures

Mitigation Measures

Significance After Mitigation

Northbound Ramps, as follows:

- Add a third northbound off-ramp lane and stripe as two exclusive right turn lanes and a shared through/left turn lane.

3. The project applicant shall participate in the Mossdale Landing Traffic Monitoring Program.

Year 2007 Intersection Signal Warrant      LS      None required

Year 2007 Freeway Level of Service      S      1. 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.

Year 2025 Intersection Level of Service Impacts      S      1. 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/I-5 Southbound Ramps as follows:

- Add a fourth southbound off-ramp lane and stripe as two exclusive right turn lanes, and exclusives left turn lane and a shared left/through lane. One of the two right turn lanes would be a free right turn and channelized to its own exclusive departure lane, while the other right turn lane would be signal controlled.

2. The City of Lathrop shall ensure that the project applicant pays its applicable Transportation Impact Fee for its fair share contribution towards improvements at Louise Avenue/I-5 Northbound Ramps as follows:

- Add a fourth northbound off-ramp lane and stripe as two exclusive right turn lanes, an exclusive left turn lane and a shared

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TABLE 2-1  
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance Before Mitigation

Significance After Mitigation

left/through lane. One of the two right turn lanes would be a free right turn and channelized to its own exclusive departure lane, while the other right turn lane would be signal controlled.

3. 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 as follows:
  - Provide free right turns on the northbound Golden Valley Parkway intersection approach.
  - Add a fifth eastbound departure lane extending to the I-5 southbound ramps intersection.
  - Add a second left turn lane to the eastbound River Islands Parkway approach.
4. The project applicant is fully responsible for design and construction costs of improvements at River Islands Parkway/Golden Valley Parkway as follows:
  - Add third through lanes to the north and southbound Golden Valley Parkway approaches.
5. The project applicant is fully responsible for design and construction costs of improvements at Golden Valley Parkway/Towne Centre Drive as follows:
  - Add a second right turn lane to the westbound Towne Centre Drive approach.

TABLE 2-1  
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance Before Mitigation

Significance After Mitigation

Potential Impact	Significance Before Mitigation	Significance After Mitigation
Year 2025 Intersection Signal Warrant	LS	None required
Year 2025 Freeway Level of Service	S	<p>1. 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 detailed as follows:</p> <p>Summary of Required Freeway Lanes for Base Case + Project Peak Hour Traffic</p> <p>I-5 (north of SR 120) - 5 lanes northbound / 4 lanes southbound</p> <p>I-5 (between SR 120 and I-205)-8 lanes each direction</p> <p>I-5 (south of I-205) – 3 lanes each direction</p> <p>I-205 (west of I-5) – 5 lanes each direction</p> <p>SR 120 (east of I-5) – 4 lanes each direction</p>
Existing + Project Intersection Level of Service Impacts	S	<p>1. The project applicant is fully responsible for design and construction costs of improvements at Louise Avenue/I-5 Southbound Ramps as follows:</p> <ul style="list-style-type: none"> <li>• Add a second lane to the eastbound Louise Avenue approach.</li> </ul>

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Mossdale Landing East, Final Supplemental EIR

TABLE 2-1  
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significance Before  
Mitigation Measures

Significance After  
Mitigation

Potential Impact

Mitigation Measures

2.	<p>The project applicant is fully responsible for design and construction costs of improvements at Louise Avenue/I-5 Northbound Ramps as follows:</p> <ul style="list-style-type: none"> <li>• Add a third northbound off-ramp lane and stripe as two exclusive right turn lanes and a combined through/left turn lane.</li> </ul>		
3.	<p>The project applicant is fully responsible for design and construction costs of improvements at Louise Avenue/Golden Valley Parkway as follows:</p> <ul style="list-style-type: none"> <li>• Signalize the intersection</li> </ul>		LS
Existing + Project Intersection	Signal Warrant	S	
Existing + Project Freeway Level of Service	Construction Traffic	LS	S
	<p>1. None required</p> <p>1. No construction delivery truck traffic shall be allowed on the local roadway network before 8:00 AM or after 4:30 PM.</p> <p>2. 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.</p>		LS

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TABLE 2-1  
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance Before Mitigation Measures

Significance After Mitigation

Potential Impact	Significance Before Mitigation Measures	Significance After Mitigation
Internal Circulation in the North Single-Family Residential Area	S	3. 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.
		1. 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.
		2. 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.
Internal Circulation in the South Single-Family Residential Area	S	1. Widen Street P 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.
		1. Prohibit outbound movements at any driveway connection to Golden Valley Parkway north of the main entrance.
Internal Circulation in the Highway Commercial Area	S	1. Prohibit diagonal parking along Street N in close proximity to the Golden Valley Parkway or Manthey Road intersections.
		2. 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.

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TABLE 2-1  
 REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance Before Mitigation

Significance After Mitigation

Potential Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Internal Circulation in the Village Commercial Area	S	<ol style="list-style-type: none"> <li>1. Prohibit diagonal parking along Towne Centre Drive in close proximity to Golden Valley Parkway (at least 150 to 200 feet from Golden Valley Parkway).</li> <li>2. 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).</li> <li>3. Access to the service commercial areas along Street N about halfway between Golden Valley Parkway and Manthey Road (opposite the proposed new access to the highway commercial center). Potentially, all-way-stop control this intersection.</li> </ol>	LS
	S	<ol style="list-style-type: none"> <li>1. Prohibit diagonal parking along Street N in close proximity to the Golden Valley Parkway or Manthey Road intersections.</li> </ol>	LS
	S	<ol style="list-style-type: none"> <li>1. Provide right and left turn deceleration lanes on the Manthey Road approaches to the commercial access driveway and limit access to a single driveway.</li> </ol>	LS
Internal Circulation in the Service Commercial Area (South)	S	<ol style="list-style-type: none"> <li>1. Provide right and left turn deceleration lanes on the Manthey Road approaches to the commercial access driveway and limit access to a single driveway.</li> </ol>	LS
Pedestrian Circulation	PS	<ol style="list-style-type: none"> <li>1. North Single-Family Residential Area                             <ul style="list-style-type: none"> <li>• Relocate the walkways connecting the northerly single-family subdivision to Golden Valley Parkway to the locations of the proposed signalized shopping center access</li> </ul> </li> </ol>	LS

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TABLE 2-1  
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance Before Mitigation

Significance After Mitigation

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.

Transit Service

PS

LS

1. 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.

2. All project commercial area developers should work with the local transit agency to incorporate transit route and transit stop designs into their futures plans.

Bicycle Circulation

PS

LS

1. 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.

2. 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.

3. Relocate the northerly subdivision pedestrian/bicycle connections to Golden Valley parkway to the locations of the proposed signalized shopping center access intersections along the Parkway.

(or)



TABLE 2-1  
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance After Mitigation

Mitigation Measures

Maintain walkways/bicycle connections in their currently proposed locations and develop a design for the Golden Valley Parkway median that will prohibit or severely discourage mid-block bike crossing.

4. Provide left turn lanes on the McKee Boulevard approached to all intersections as well as the village commercial/apartment complex driveways.

17.0 UTILITIES

Existing and Planned Municipal Water Supplies

1.	Proportionate share groundwater and surface water allocations shall be acquired for the proposed project site before the project connects to the municipal water system.	PS	LS
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Water Distribution System

1.	None required	LS	
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Water Storage

1.	None required	LS	
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Demands for Wastewater Treatment Capacity

1.	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.	PS	LS
----	--	----	----

Wastewater Collection Systems

1.	The owners, developers, and successors-in-interest shall reimburse sewer consortium properties for their share of WRP-1 expansion improvements.	PS	LS
2.	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.	PS	LS

TABLE 2-1  
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact

Significance Before Mitigation

Significance After Mitigation

Potential Impact	Significance Before Mitigation	Significance After Mitigation	Mitigation Measures
Recycled Water Systems	PS	LS	<p>2. The owners, developers and successors-in-interest shall pay their proportionate share of wastewater infrastructure improvements installed by others, in accordance with established reimbursement systems.</p> <p>1. 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>
Impacts on Terminal Drainage Facility	LS	None required	
Adequacy of Storm Drainage Collection and Disposal System	LS	None required	
Storm Drainage Water Quality Issues			These issues are addressed in detail in Chapter 12.0 Hydrology and Water Quality.
Project Demands For Other Utility Services	LS	None required	

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

This chapter displays the comments received on the Draft SEIR and the Lead Agency's written responses to those comments. A total of 10 letters from eight agencies were received. A list of agencies and organizations submitting comments is shown below.

- 1,2. California Department of Conservation (2 letters)
3. The (California) Reclamation Board
4. California Department of Transportation (Caltrans)
- 5,6. California Department of Water Resources (2 letters)
7. San Joaquin Valley Air Pollution Control District
8. San Joaquin County Department of Public Works
9. San Joaquin County Community Development Department
10. Manteca Unified School District

In addition, the Lathrop Planning Commission held a public meeting on January 13, 2004 to receive oral public comment on the Draft EIR, and to provide the Commission with an opportunity to comment on the document. No public comments were received at that time. Members of the Commission voiced several questions and concerns with respect to the project and elements of the environmental review. These concerns are also identified and addressed in this section.

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

The comment letters received on the Draft SEIR, and a summary of the Planning Commission's questions and concerns, are shown on the following pages. Each comment is followed by the Lead Agency's response to the comment, in sequence. Each commenter is assigned a code number above, and each substantive comment made by the commenter is assigned a letter code. Thus, each individual comment has a unique code made up of the commenter number (i.e. Commenter #1) and the comment letter code (i.e. Comment "A"). For example, comment "1A" is the first comment made by the California Department of Conservation.



DEPARTMENT OF CONSERVATION  
STATE OF CALIFORNIA

January 7, 2004

DIVISION OF  
LAND RESOURCE  
PROTECTION

■ ■ ■

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■ ■ ■

GRAY DAVIS  
GOVERNOR

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

RE: Tentative Cancellation of Williamson Act Contract 75-C1-48; (APN 191-190-20 and 21 McKee)

Dear Mr. Coleman:

Thank you for submitting the notice to the Department of Conservation (Department) as required by Government Code section 51284.1 for the above referenced matter.

The alternative use identified in the cancellation petition involves the development of 117 prime agricultural acres under Contract 75-C1-48 as part of the larger 150-acre Mossdale Landing East Project for residential, commercial and open-space purposes. The site is located west of Interstate 5, south of Louise Road within the Mossdale Landing East Urban Design Concept (UDC).

1A

CEQA

As identified in the SEIR for Mossdale Land East, the cancellation and subsequent conversion of 117 acres of prime agricultural land is a project of statewide, regional or areawide significance (Cal. Code Regs. tit.14, section 15206(b)(3)). The SEIR cites the recent *Friends of the Kangaroo Rat v. California Department of Corrections* case as an example as to why offsite mitigation cannot reasonably serve as mitigation for agricultural land conversion. Additionally, the SEIR advises that the County currently lacks a public plan or mechanism to collect monetary compensation for the loss of agricultural land. As a result of the above, the SEIR reasons that mitigation fees do not appear to represent feasible mitigation and the impact is significant and unavoidable.

1B

It appears that the City has read the *Kangaroo Rat* case too broadly in applying to its particular circumstances. That case, which is currently under petition for de-publication, dealt with a state prison facility surrounded by an expanse of agricultural use, not with an urban development, where choices for development location exist. Indeed, the only court case specifically dealing with urbanization and the use of offsite mitigation, the *Lent Ranch* case in the Sacramento Superior Court, found that offsite agricultural easements were an effective mitigation for urban conversion. Further, should San Joaquin County not have a viable land trust to which mitigation funds could be contributed, the State's

California Farmland Conservancy Program is empowered to accept mitigation funds for the purchase of agricultural easements. The purchase of agricultural conservation easements on agricultural land of at least equal quantity and size should therefore be considered and used to mitigate the project's development impacts resulting in loss of agricultural land. We highlight this measure because of its increasing use by lead agencies as a mitigation measure under CEQA.

1B

Cancellation Findings

The applicable Williamson Act contract (75-C1-48 (8)) provides that tentative approval for cancellation may be granted only if the City makes both of the following findings: 1) cancellation is not inconsistent with purposes of the Williamson Act, and 2) cancellation is in the public interest. These provisions are more restrictive than the minimum provisions provided for in Government Code section 51282. Government Code section 51240 provides that contract provisions may be more restrictive than those required by the Act. The Department has reviewed the petition and information provided and offers the following comments.

Cancellation is consistent with the purposes of the Williamson Act

For the cancellation to be consistent with purposes of the Williamson Act, the Lathrop City Council (Council) must make findings with respect to all of the following: 1) a notice of nonrenewal has been served, 2) removal of adjacent land from agricultural use is unlikely, 3) the alternative use is consistent with the City's General Plan, 4) discontinuous patterns of urban development will not result, and 5) that there is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

1C

The Department concurs that the first finding can be met. The San Joaquin County Recorder recorded notices of nonrenewal for Contract 75-C1-48 on February 4, 1994 and October 9, 1998. Since lands surrounding the subject parcels were approved for urban development in January 2003, it does not appear that cancellation of the subject parcel will result in removal of adjacent lands from agricultural use.

The Department concurs that the proposed alternative use is consistent with the City's General Plan and West Lathrop Specific Plan.

The Department is unable to determine that the cancellation will not result in discontinuous patterns of urban development. The proposed cancellation parcel is currently not contiguous to existing urban development. From the map and information provided, the City now has over 2,000 noncontracted acres proposed for residential and commercial development within proximity to the proposed cancellation parcel. Before any additional contracted land is approved for termination through cancellation, currently approved development should occur on the 2,000 acres in order for the Board of Supervisors to be able to find that discontinuous development will not occur.

The Department is unable to concur that development of the proposed cancellation parcel provides a more contiguous pattern of urban development than development of proximate,

Mr. Bruce Coleman  
June 7, 2004  
Page 3 of 3

noncontracted land or that there is no proximate noncontracted land available and suitable for the proposed alternative use. As stated above, over 2,000 acres with over 5,000 residential lots are proposed for urban development in the immediate vicinity of the cancellation parcel. Development on these parcels, that are closer to existing urban development, should be completed prior to any consideration given to expanding development onto Williamson Act lands through the premature cancellation of additional contracts.

Cancellation is in the Public Interest

For the cancellation ~~to be in the public interest, the Council must make findings with respect to all of the following: (1) other public concerns substantially outweigh the objectives of the Williamson Act and (2) that there is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.~~ There was no documentation to support making the first finding. Our comments have already addressed the second finding required under public interest finding.

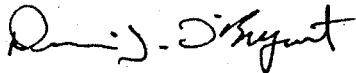
1C

As a general rule, land can be withdrawn from Williamson Act contract through the nine-year nonrenewal process. The Supreme Court (Court) has opined that cancellation is reserved for extraordinary situations. (Sierra Club v. City of Hayward, (1981) 28 Cal.3d 840) The Court also emphasized that termination of contracts through the nonrenewal process is the preferred method.

Based on the information provided to date, it is the Department's conclusion that the petition lacks substantial supporting evidence to permit the Council to reasonably find that it can cancel the contract based upon the consistency finding, and the public interest finding.

Thank you for the opportunity to provide comments on the proposed cancellation. Please provide our office with a copy of the Notice of the Public Hearing on this matter ten (10) working days before the hearing and a copy of the published notice of the Council's decision within 30 days of the tentative cancellation pursuant to section 51284. If you have any questions concerning our comments, please contact Adele Lagomarsino, Program Analyst at (916) 445-9411.

Sincerely,



Dennis J. O'Bryant  
Acting Assistant Director

COMMENT #1

RESPONSES TO CALIFORNIA DEPARTMENT OF CONSERVATION, LETTER OF  
JANUARY 7, 2004

Response 1A: This comment identifies the proposed project and references the Government Code section requiring the City to provide the Department with notice of a proposed Williamson Act contract cancellation. The Department's comment letter was submitted to the City in response to the City's notice to the Department of the proposed Williamson Act cancellation associated with the proposed project. While the comment is focused on legal details related to the cancellation, it includes comments related to the CEQA analysis. Responses to those comments are provided below.

Response 1B: The first paragraph of this comment summarizes information included in the Draft SEIR's analysis of potential impacts associated with agricultural land conversion and does not require a response. The second paragraph disputes the City's reasoning in the SEIR that mitigation fees do not represent feasible mitigation and that the impact is significant and unavoidable, citing the findings of the *Lent Ranch* Superior Court case in opposition to the published *Friends of the Kangaroo Rat* appellate court case.

The City of Lathrop appreciates but respectfully disagrees with the Department's position on this matter. The City relied on the *Friends of the Kangaroo Rat* case, because it is a published appellate court decision, i.e. the case constitutes existing law that requires City compliance. While a petition may have been filed for de-publication of the case, there is no evidence that would suggest that it *will* be de-published or when a decision on de-publication might be rendered. Thus, the City is obligated to observe the legal standards as set forth in *Friends of the Kangaroo Rat. Lent Ranch*, on the other hand, is not a citable precedent, and City compliance is not required.

The Draft SEIR sets forth the City's position with respect to agricultural land conversion in detail on pages 5-2 and 5-3 as well as Appendix A; key to this position is that no rational linkage has been established between payment of fees and elimination or even reduction in the environmental effects of agricultural land conversion. Furthermore, and for the same reasons, no rational basis has been established for quantification of mitigation fees. While recommending 1:1 mitigation (in its January 22 letter, addressed below), the Department does not provide any additional information that would provide the required legal nexus for the payment of fees.

Response 1C: This comment identifies the Department's opinion regarding the City's ability to make the Williamson Act contract findings required by Government Code. The Draft SEIR provided a preliminary indication of the City's position regarding cancellation findings; however, the City's findings will be established for the record during the ~~scheduled public hearings related to the Mossdale Landing East project.~~ This decision will be based on information included in the SEIR and other relevant evidence presented to the City Council; the Council's deliberations will include consideration of the Department's comments on the SEIR and notice of tentative cancellation.

Otherwise, this does not constitute a substantive comment on the Draft SEIR. In fact, the Department's January 22, 2004 letter, addressed below, identified the Draft SEIR's discussion of Williamson Act consistency findings to be "commendable."





DEPARTMENT OF CONSERVATION  
STATE OF CALIFORNIA

RECEIVED

January 22, 2004

JAN 23 2004

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Mr. Bruce Coleman, Community Development Director  
City of Lathrop  
16775 Howland Road, Suite 1  
Lathrop, CA 95330

CITY OF LATHROP  
BUILDING DEPT.

Subject: Mossdale Landing East (formerly Lathrop Station) Draft  
Supplemental Environmental Impact Report (DSEIR) - SCH#  
2002052083, San Joaquin County

Dear Mr. Coleman:

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

Project Description

The project is the proposed residential and commercial development of 150 acres of farmland as part of the West Lathrop Specific Plan (WLSP), Mossdale Village portion. The other portion of the WLSP has been approved as River Islands (Stewart Tract). The DSEIR "tiers" from the 1995 WLSP EIR. The project site is located within the City of Lathrop (City) between Interstate 5 and the San Joaquin River, south of the Louise Avenue interchange in San Joaquin County (County). The site contains two units. Unit One (APN 191-190-08, 20, 21) is 122 acres, most of which is enforceably restricted by Williamson Act contract. Unit Two is 28 acres of noncontract land. Nonrenewal was recorded February 4, 1994 for APN 191-190-21 and October 9, 1998 for APN 191-190-20. The contracts will expire in 2004 and 2008. The landowner has petitioned the City for cancellation of the contracts involving both parcels.

The project site is currently in agricultural production of alfalfa and vegetable crops and is designated about equally as Prime Farmland and Farmland of Statewide Importance on the Division's Important Farmland

2A

Map for the County. Unit One consists of mostly prime agricultural land as defined by the Williamson Act. Surrounding land is primarily agricultural land approved for urban development.

Project Impacts on Agricultural Land and Mitigation Measures

Referencing the WLSP EIR determination that conversion of agricultural land is a significant and unavoidable impact and the resulting Statement of Overriding Consideration, the DSEIR states that no further analysis of this project's conversion of agricultural land is required. Nevertheless, the DSEIR has reconsidered mitigation of these impacts. Partial mitigation is provided by required project participation in the San Joaquin Multi-Species Habitat Conservation Plan. This may include protection of off-site agricultural land if the land is acquired for preservation of wildlife habitat and agriculture is allowed to continue. Although the County Community Development Department has recommended a mitigation fee for loss of agricultural land and has hired a consultant to explore development of a mechanism for assessing and collecting fees, there is no plan or mechanism at this time and, therefore, such mitigation is not considered feasible.

2A

The Department supports implementation of a mitigation fee for the loss of agricultural land associated with development projects, and indeed considers it feasible. We offer our assistance to expedite its development and look forward to its implementation in the near future. For this project, we recommend that the City consider a fee based on a 1:1 acre ratio of equal quality farmland to that being converted multiplied by the average per acre cost of permanent agricultural conservation easements on similar quality farmland in the County or region. This amount can then be donated to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. Funds can also be donated to the California Farmland Conservancy Fund, which is authorized under statute to accept such monies.

2B

The City can specify the location of the easement. However, the conversion of agricultural land should be deemed an impact of at least regional significance, and the search for easement lands conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area. The Department would be glad to help connect the City with an organization for this purpose of easement mitigation.

?

The DSEIR also states that case law in *Friends of the Kangaroo Rat v. California Department of Corrections*, 111 Cal.App.4<sup>th</sup> 1400, 4 Cal.Rptr.3d 558 (2003) "indicates that off-site mitigation cannot reasonably serve as mitigation for agricultural land conversion (page 5-2)." However, the Department advises that the facts in this case were very specific to the location of a prison sewer system and not urbanization. The relevant case involving urbanization is Lent Ranch in the City of Elk Grove where the court found that easements were mitigation. Further, the Supreme Court has been petitioned to de-publish the *Kangaroo Rat* decision because of it being misconstrued.

2C

Mr. Bruce Coleman  
January 22, 2004  
Page 3 of 3

We also note that the use of easements is continuing to be used by a number of cities and counties as mitigation for agricultural land loss.

2C

Urban-agricultural conflicts are considered significant and mitigated by a Right-to-Farm ordinance and barrier fencing of development phases. Implementation of a buffer zone of 50-100 yards was considered infeasible as analyzed in the Mossdale Landing EIR, though no explanation was offered in this DSEIR. The Right-to-Farm ordinance and fencing have been determined sufficient to reduce impacts to less than significant. The DEIR does not discuss cumulative agricultural impacts and states that growth-inducing impacts are mild. The Department recommends that the FSEIR include explanation of the infeasibility of the buffer zone, analysis of cumulative agricultural impacts and mitigation and consideration of mitigation for growth-inducing agricultural impacts.

2D

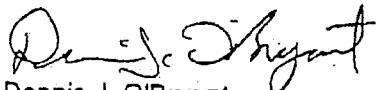
Williamson Act Lands

The DSEIR states that the landowner has applied to the City for cancellation of the involved contracts. It presents a commendable discussion of making the findings for consistency with the purposes of the Williamson Act. If it has not already done so, the City must notify the Department pursuant to Government Code §51284.1 when the application is considered complete.

2E

Thank you for the opportunity to comment on this DSEIR. Pursuant to Public Resources Code §21092.5(a), the Department looks forward to receiving your response and a copy of the FSEIR. If you have questions on our comments or require technical assistance or information on agricultural land conservation, please contact Bob Blanford at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 327-2145.

Sincerely,



Dennis J. O'Bryant  
Acting Assistant Director

cc: State Clearinghouse

Mr. Chet Davison, Director  
San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, California 95205

San Joaquin County Resource Conservation District  
1222 Monaco Court, #23  
Stockton, CA 95207

COMMENT #2

RESPONSES TO CALIFORNIA DEPARTMENT OF CONSERVATION, LETTER OF  
JANUARY 22, 2004

Response 2A: This comment identifies the Department's authority to comment, summarizes the proposed project and calls attention to the City's finding in the SEIR that mitigation for agricultural land conversion is infeasible. No response is required to this portion of the letter, which restates information included in the SEIR.

Response 2B: This portion of the letter argues that mitigation fees are feasible mitigation for loss of agricultural land. The Department offers a recommendation that fees should be based on acquiring easements over equal quality farmland at a 1:1 ratio and indicates that a number of entities are available to accept and process fee payments. The Department offers its assistance in arranging a suitable fee arrangement.

The City's SEIR finds that mitigation for agricultural land conversion is infeasible and sets forth its reasoning in detail on pages 5-2 and 5-3 as well as Appendix A. The Department does not provide any information that would indicate how easements would mitigate the physical loss of farmland. Published case law (*Friends of the Kangaroo Rat v. California Department of Corrections*) states that mitigation fees do not meet the basic criteria for mitigation set forth in Section 15370 of the CEQA Guidelines which include:

- a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- e) Compensating for the impact by replacing or providing substitute resources or environments.

*Therrell  
Jenkins  
B  
benefit*

As a result, the City stands by the SEIR's finding that the agricultural land conversion impacts of the project are significant and unavoidable.

Response 2C: This comment argues that *Friends of the Kangaroo Rat* may not be applicable to the proposed project and that the *Lent Ranch* case would be more applicable. While *Friends of the Kangaroo Rat* dealt with a prison sewer system and not urban development, the project did involve agricultural land conversion impacts and the need to identify feasible mitigation, as required by CEQA. In this, the proposed prison and Mossdale Landing East face the same challenge. The City feels that *Friends of the Kangaroo Rat* is directly applicable to the proposed project.

*Friends of the Kangaroo Rat* is also a published appellate court case, which has the force of law, as opposed to the *Lent Ranch* case, which is an unpublished Superior Court decision. Additional information with respect to the two case is provided in Response 1B.

Response 2D: This comment restates information from the SEIR and requests inclusion of information on the infeasibility of buffer zones in the Final SEIR. The requested item is addressed in Chapter 4.0 Errata.

As discussed in the Draft SEIR at page 5-2, agricultural land conversion impacts were addressed in the prior WLSP EIR, including cumulative impacts. Consistent with the provisions of CEQA Guidelines Section 15152, no further analysis of this issue is required. A general discussion of this concept was provided in the Draft SEIR discussion of cumulative impacts, pages 18-1 and 18-2.

The comment requests consideration of mitigation measures for growth-inducing agricultural impacts. The Draft SEIR's analysis of growth-inducing impacts (Chapter 20.0) indicates that the project would involve "mild growth inducement but did not identify any specific growth-inducing effect on agriculture. As noted in that chapter, the CEQA Guidelines note that growth is not necessarily beneficial or detrimental. As a result of this, and the mildness of the effect, growth inducement was not identified as a significant environmental effect. Consequently, no mitigation measures are required.

Response 2E: This comment advises the City of notification requirements related to the proposed Williamson Act cancellation and complements the City's treatment of Williamson Act consistency findings in the SEIR. The City has already complied with notification requirements, and the Department's response to the City's notice is shown as Comment #1. No further response is necessary.

**THE RECLAMATION BOARD**

3310 El Camino Ave., Rm. LL40  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-0653 FAX: (916) 574-0681

RECEIVED

JAN 22 2004

CITY OF LATHROP  
BUILDING DEPT.

January 20, 2004

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

Dear Mr. Coleman:

The Reclamation Board appreciates the opportunity to comment on the Draft Environmental Impact Report for the Mossdale Landing East Urban Design Concept. The Board cooperates with the U.S. Army Corps of Engineers in managing flooding along the Sacramento and San Joaquin Rivers, their tributaries, and the Delta. The east levee of the San Joaquin River, from Vernalis to Stockton, is part of the federally authorized flood management project. The Board has regulatory control over encroachments to adopted plans of flood control pursuant to Water Code sections 8500 through 9389, and the east levee is part of such an adopted flood control plan.

3A

The Board is concerned with the geotechnical condition of the existing levees and their suitability to protect an urbanized area with a large number of people, accessibility to the landside levees during flood and non-flood events, and the risk of flooding. Department of Water Resources staff have documented flooding of up to two feet in depth caused by a rise in ground water level on the landside of the San Joaquin River in the vicinity of the proposed project. Accessibility to levees on both landside and waterside is critical for levee inspections, levee maintenance and repair, and potential flood fights. We are also concerned with the risk of levee failure during a sustained flood event in the proposed project area, since levee work done by the Corps after the 1997 flood only restored the levees back to as-built conditions and was not an improvement.

3B

Thank you for the opportunity to comment on this project. If you have any questions, please call Stephen Bradley, Chief Engineer to The Reclamation Board, at (916) 574-0608.

Sincerely,

Handwritten signature of Stephen T. Bradley in black ink.

for

Peter D. Rabbon,  
General Manager

cc: Stephen Bradley, Chief Engineer  
The Reclamation Board

---

**COMMENT #3**

RESPONSES TO THE (CALIFORNIA) RECLAMATION BOARD, LETTER OF JANUARY 20, 2004

Response 3A: This comment identifies The Reclamation Board's interest in waterways and authority with respect to encroachments on waterways and flood protection structures. The Reclamation Board's interests were identified in the Draft SEIR at page 12-4 and 12-10. This comment restates and adds information to the SEIR. No further response is necessary.

Response 3B: This comment expresses The Reclamation Board's concerns with the condition of existing levees protecting the project area, flooding which may occur in the area in spite of levee protection and preservation of access to the levees. The San Joaquin River levee system is owned and maintained by Reclamation District 17 (RD 17). RD 17 is actively involved in the environmental review and planning of land development within areas protected by its levees, including the City of Lathrop as well as extensive urbanized areas within the City of Stockton.

RD 17 has participated in the review of the Mossdale Landing East project, including extensive comments in response to the City's Notice of Preparation. In response to RD 17 comments, the project has been designed to provide adequate access to and along levees that adjoin the project. As discussed in the Draft SEIR on page 3-26, the project would include the construction of toe drains in project areas adjoining the levees to help prevent weakening of the levee. As a result, the Draft SEIR found at page 12-11 that the project would not result in any decrease in levee stability or interference with efforts to protect levees in the future.

The issue of seepage under the RD 17 levees was the subject of comment from the US Army Corps of Engineers in conjunction with the review of the prior Mossdale Landing EIR. Mossdale Landing is located between MLE and the San Joaquin River and involves substantially more river frontage than the proposed project. In these comments, the Corps noted that the levees could overlie abandoned oxbows and deep gravel and sand layers that could result in underseepage. The Corps recommended provision of setbacks along the land side of the levees and installation of drainage systems to intercept underseepage.

The Mossdale Landing Final EIR contained a detailed response to these comments, noting that areas of pre-development seepage or sand boils had been identified, and that seepage berms had been constructed in those areas. To address the potential for other seepage along the levee, both the Mossdale Landing and the MLE project involve the installation of toe drains along the landside levee frontage to intercept seepage and conduct it to the storm drainage system. The proposed project will involve substantial separation between the proposed development and the levee system. A proposed collector street will be located along the landside of the levee, with >60 feet of separation between the levee toe and the nearest point of the public street. Planned development will be located a minimum of 130 feet from the levee toe. This will provide adequate access to the levee system for flood protection.

## DEPARTMENT OF TRANSPORTATION

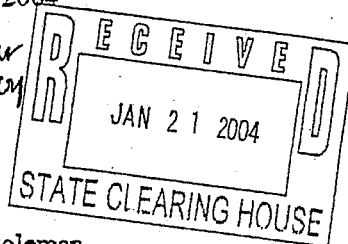
P.O. BOX 2048 (1976 E. CHARTER WAY)  
 STOCKTON, CA 95201  
 TTY: California Relay Service (800) 735-2929  
 PHONE (209) 941-1921  
 FAX (209) 948-7194



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January 21, 2004

Clear  
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 e



10-SJ-5-PM R14.59  
 SCH #2002052083  
 Draft EIR  
 Mossdale Landing East

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

Dear Mr. Coleman:

Thank you for the opportunity to review the Draft Environmental Impact Report, (DEIR) for Mossdale Landing East project in Lathrop, California, located west of Interstate 5 and south of W. Louise Avenue, near the San Joaquin River. The proposed project would have 16 neighborhoods to include: 1,690 residential dwellings, 653,399 square feet of commercial space, two elementary schools, a interim fire station, and 39 acres of parks and 13.8 acres of open space.

The document was circulated among various Caltrans units for their review and comment.

Traffic Operations

1. Traffic Ops questions the following negative project only volumes when comparing the base case with and without project for both horizon years:

- Louise EB left onto SB on ramp for AM & PM peak by 2007 (-5 & -10)
- Louise EB right onto NB on ramp for AM & PM Peak by 2007 (-25 & -10)
- SB off ramp left for PM peak by 2007 (-10)
- Louise WB right onto SB on ramp for AM peak by 2025 (-35)
- Louise WB right onto NB on ramp for AM & PM peak by 2025 (-20 & -30)
- NB off ramp right for PM peak by 2025 (-125)
- SB off ramp left for PM peak by 2025 (-30)
- Louise EB left onto SB on ramp for PM peak by 2025 (-10)

Please justify these negative volumes.

2. At the Manthey and Mossdale hook ramps, volume for the 2025 Base case without project shows a big jump for SB off ramp right turn to Manthey Rd (670% increase) and NB off ramp right turn to Mossdale Rd (405% increase) compare to year 2007. This does

*"Caltrans improves mobility across California"*

4A

4B

COMMENT #4



not make sense as the River Island project traffic will not use these hook ramps after year 2007 and access of River Island traffic to Manthey Rd would be eliminated by that time. Manthey Rd will only be one-way NB traffic as stated in RI EIR.

4B

3. Volumes at the I-5/Louise Ave ramp intersections for Year 2007 w/o Project are significantly higher when comparing to the volumes that were approved on the River Island Project for the same year (Year 2007 w/ River Island Phase 1A), especially the Louise WB left turn onto SB on ramp and the SB off ramp left turn. This does not make sense. Keep in mind that this project base case should be including RI as an approved project. Please revise these volumes because this scenario is very critical in determining the actual impact of this project.

4C

4. Page 16-16 under Base Case Land Use Development Projections Year 2007, it is referred to Appendix B for all approved development within Lathrop that should be completed by 2007. We want to review that Appendix.

4D

5. Traffic Ops has performed a synchro analysis for year 2007 w/o and w/ Project and found that w/o project the overall intersection LOSs at the ramp intersections are at acceptable level (B for NB & D for SB in AM peak and D for NB & B for SB in PM peak) with some queuing on the Louise WB. With the addition of this proposed project, LOS degrades to LOS F in AM peak for the SB ramp and to LOS E in PM peak for the NB ramp. Therefore, the project has to be fully responsible for all improvements needed by 2007 which include the addition of an EB through lane and a second WB left at the SB ramp intersection and a third lane on the NB off ramp at the NB ramp intersection which is restriped to a separate left, a shared through right and a separate right lane.

4E

6. The City of Lathrop should be responsible to collect all fair share contributions toward any improvement needed to mitigate the traffic impact cause by this development and other developments at this interchange by 2007. The City of Lathrop should also be responsible to initiate the design and construction of those said improvements.

4F

7. After year 2007 and until the ultimate I-5/Louise Ave interchange project is in place, any additional impact to the interchange resulting from the additional traffic from these new developments would be fully investigated and mitigated by the developers through the lead agency (City of Lathrop).

4G

8. Park-and-Ride facility should be evaluated and mitigated as part of this development. A Park-and-Ride facility in the vicinity of this project would be an integral part of other Transportation Control Measures designed to reduce vehicle miles traveled, thereby reducing congestion and motor vehicle emissions. A facility at this location would benefit all new developments in the area. In addition, a Park-and-Ride facility for this location has been identified in the CALTRANS District 10 Park-and-Ride Plan (Draft) and recommended by the Park-and-Ride Coordinator.

4H

9. Due to the restricted volume capacity established by Caltrans at Manthey and Mossdale hook ramps couple with the heavy volumes on I-5 at this location, Traffic Ops recommends that fair share for the placement of ramp meters at the I-5/Manthey/Mossdale ramps once it is warranted by Caltrans should be contributed as a supplemental mitigation for this development.

4I

Environmental

This project states that an encroachment permit shall be required. The following information is to assist the applicant in the permit process. The approved Environmental Document for the project must be included in the permit application.

If fair-share money is to be considered as an option, a scoping meeting for environmental fair-share costs should be completed prior to accepting final construction cost data.

The use of California State highways for other than normal transportation purposes may require written authorization from Caltrans in the form of an encroachment permit. The application must include the environmental document prepared for the project that addresses Caltrans right of way. At a minimum, documentation of cultural, biological, and hazardous waste studies within Caltrans right of way is required.

For cultural studies, at the minimum, a recent record search from the information center and an Archaeological Survey Report (ASR) is required.

A Natural Environment Study report shall be written documenting the results of biological surveys, this should include a record search from the California Department of Fish and Game Natural Diversity Database. A qualified biologist should conduct surveys at the appropriate time of year to determine if listed species or wetlands occur in the project area. Surveys should meet the state and federal protocol standards.

4J

If right of way is being dedicated to Caltrans, the applicant is required to submit a copy of Attachment A, confirming that the land to be dedicated to Caltrans is free of hazardous waste. Even if right of way is not being dedicated, it is a good practice to conduct a record search to obtain known hazardous waste locations.

Caltrans encourages contacting the Native American Heritage Commission 915 Capitol Mall, Room 364, Sacramento California 95814, (916) 653-4082, (916) 657-5390 [FAX] for advice on consulting with Native Americans regarding any cultural concerns within the project area.

For more information on encroachment permits, please visit our webpage at <http://www.dot.ca.gov/doingbusiness.html> then click on encroachment permits.

Ms. Bruce Coleman  
January 21, 2004  
Page 4

Intermodal Planning

The project should be required to provide, as mitigation for its impacts to the transportation system, a park and ride lot of approximately one space for every ten houses to be built (ten percent). The lot should be conveniently located to provide access for transit buses as well as car pools.

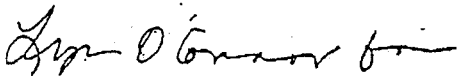
4K

We suggest that the City continue to coordinate and consult with Caltrans to identify and address potential cumulative transportation impacts that may occur from this Specific Plan. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on existing and future state transportation facilities.

4L

If you have any questions or would like to discuss these comments in more detail, please contact Lynn O'Connor at (209) 948-7575 (e-mail: [Lynn.OConnor@dot.ca.gov](mailto:Lynn.OConnor@dot.ca.gov)) or myself at (209) 941-1921. We look forward in continuing to work with you in a cooperative manner.

Sincerely,



**TOM DUMAS, Chief**  
**Office of Intermodal Planning**

c: State Clearing House  
Attn: Mr. Scott Morgan

RESPONSES TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION  
(CALTRANS), LETTER OF JANUARY 21, 2004

Response 4A: The traffic model generated volumes for 2007 and 2025 Base Case conditions with and without the project. The negative increases for the locations identified by the commentor are derived from a comparison of "with" versus "without" project. The question raised is "why do negative changes in volumes result at some turning movements from the 'with project' condition?"

The MLE project adds 483 residential units and 499,000 square feet of commercial space in Lathrop west of I-5. A primary route of access will be the Louise Avenue/I-5 Interchange, which is planned to connect to an expanded roadway network west of the freeway. The model shows redistribution of trips through the interchange as part of its region-wide projection for years 2007 and 2025. The commentor should note that with the project total ramp volumes are shown to substantially increase. Including the negative changes in volumes at some turning movements, in 2007 the project would add a total of 300 vehicle trips to the Louise Avenue I-5 ramp volumes during the AM peak hour and 345 vehicle trips to the same locations during the PM peak hour. In 2025 the project would add an additional 130 vehicle trips to Louise Avenue I-5 ramp volumes during the AM peak hour and 140 vehicle trips at the same locations during the PM peak hour. "With-project" negative changes in volumes occur primarily for ramp turning movements to and from east of the I-5 freeway (i.e., to and from the east side of Lathrop). This indicates a combination of both re-distributing of Origin-Destination trips and re-routing of peak hour commute traffic from the east to the west side of Lathrop where new housing and jobs are proposed. Tests conducted of modeling results show that this combination occurs locally as well as regionally. They pertain to trip origin destination and network congestion not just in the immediate project vicinity, but at great distances (i.e., Bay Area). For example, the original trips with destinations east of I-5 or further may shift to MLE (west of I-5) since there are more houses and jobs there than before. An increase in the northbound off-ramp left turn movement from 190 to 220 is due to this effect of redistribution. There are other trips that may change their original routes in order to reach the east side of I-5 rather than using the Louise Avenue northbound off-ramp right turn movement. This will result in higher traffic volumes at many other ramps and road segments in the study area (not just at the Louise interchange) with a reduction (negative changes) in traffic volumes on the northbound off-ramp right turn movement. Overall, while the negative changes in volumes (most of which range from -5 to -30 vehicle trips) are not considered to be sufficiently large to affect the results of the traffic analysis for the interchange, these estimated reductions and increases in volumes in the identified ramps and in many other intersections and ramp are mainly due to the redistribution of trips (change in trip patterns) as well as rerouting of trips.

Response 4B: In response to the commentor's question, the referenced Base Case (without project) Year 2025 AM and PM peak hour turning movements (southbound off-ramp right turn to Manthey Road and northbound off-ramp right turn to Mossdale Road) have been checked and verified. The traffic model demonstrates that the project within the West Lathrop Specific Plan area (including the River Island project) will use these hook ramps as one of several access routes to and from the I-5 and I-205 freeways. The referenced increase in volumes at the southbound off-ramp right turn to Manthey Road

is due to the planned housing, commercial (including a shopping center) and other uses proposed as part of the 2025 Base Case west of the I-5 freeway, which includes the River Island development. The largest component of the northbound off-ramp right turn volume to Mossdale Road uses the underpass to access Manthey Road northbound. (Note: we cannot verify the referenced 405% increase, rather the increase appears to be about 200%). The commentor is correct in stating that Manthey Road north of the ramps will be one-way (northbound).

Response 4C: *The referenced River Islands traffic analysis was conducted based on the best information available at the time, with a traffic count base from years 2000 and 2001 and land use data from projects in consideration in 2001-2002. While this analysis is still valid for the River Island project, for the Mossdale Landing East project the most recent information was used including new traffic counts and land use assumptions, which are different from the River Island project. The following provides the reason for reanalysis of the traffic impacts of development of the West Lathrop Specific Plan (WLSP) area, including the Mossdale Landing East site, as presented in the DEIR.*

The City of Lathrop adopted the West Lathrop Specific Plan (WLSP) in 1996. Although the WLSP provided an analysis of the traffic impacts of proposed development within the WLSP area, and the land area proposed for development has not increased, *many of the land uses proposed for the Stewart Tract (River Islands) part of the WLSP have changed. In addition, the character and intensity of the Stewart Tract (River Islands) development have changed.* The land uses proposed for the River Islands Project will create a broader range of jobs and housing, and will reduce the higher peak traffic flows than would have been experienced with the original entertainment-focused plan. In addition, traffic projections within the county and the anticipated timing of development have been updated, and the regional improvements assumed to be in place have changed. Reanalysis consisted of update of traffic counts, model recalibration, and update of all land use assumptions, including the West Lathrop Specific Plan (WLSP), Central Lathrop Specific Plan (CLSP). The following consists of excerpts from the DEIR relating this process.

1. Update of Traffic Counts

The DEIR describes the update of traffic counts and model recalibration since the conduct of the River Islands traffic analysis. In brief, weekday AM and PM peak period turn movement traffic counts (5:30-8:30 AM and 3:30-6:00 PM) were conducted by TJKM Associates in August 2003 at eight intersections in the study area. Count locations were:

- Louise Avenue/Manthey Road
- Louise Avenue/I-5 southbound ramps
- Louise Avenue/I-5 northbound ramps
- Louise Avenue/Harlan Road
- Manthey Road/I-5 Southbound Hook Ramps
- Mossdale Road/I-5 Northbound Hook Ramps
- Manthey Road/I-5 Underpass Connection to Mossdale Road
- Mossdale Road/I-5 Underpass Connection to Manthey Road

Weekday AM and PM peak period counts (5:30-8:30 AM and 4:00-6:00 PM) were also conducted by either TJKM Associates or "All Traffic Data" on an August Thursday in 2003.

- I-205 eastbound and westbound just west of I-5
- I-5 northbound and southbound just south of I-205
- SR 120 eastbound and westbound just east of I-5
- I-5 northbound just south of Louise Avenue and I-5 southbound just north of Louise Avenue

All intersection and freeway counts differentiated between autos and trucks. A summary presentation of intersection volumes is presented in DEIR Figures 16-3 and 16-4 for AM and PM peak hour conditions, respectively, while AM and PM peak hour freeway volumes are presented in DEIR Figure 16-5.

Overall, in most locations August 2003 counts on the local freeway network were higher to significantly higher than counts taken in mid-2001.

## 2. Model Calibration

### Existing Baseline (Year 2003)

Existing Baseline (represented as Year 2003) volumes were obtained from actual August and September 2003 traffic counts on the freeways and surface streets in the Lathrop area. While these counts were used to determine Existing Baseline (Year 2003) conditions, a set of AM and PM peak hour Existing Baseline (Year 2003) calibrated modeling runs were also developed in order to be able to more accurately project Existing Baseline (Year 2003) + Project volumes.

To develop an "existing traffic conditions" set of AM and PM peak hour traffic model calibration runs, this traffic analysis relied on the San Joaquin Council of Governments (SJCOG) Regional Traffic Model analysis for the year 2001 as updated in September 2003 to reflect (1) the current local street configuration in Lathrop, (2) redefined traffic analysis zones, (3) updated traffic counts, and (4) updated existing land use projections. To accurately evaluate traffic conditions resulting from the proposed project, in 2001 SJCOG's modeler (TJKM) first updated the SJCOG Regional Traffic Model to add many local Lathrop streets to the model network (the map of the streets used by the model). This step provided more accurate traffic projection detail in the Project area. Second, the SJCOG Regional Traffic Model traffic analysis zones were further refined to provide smaller traffic analysis zones in the Lathrop area in order to provide greater detail in the modeling projections. Lathrop originally comprised only 15 traffic zones; the model was updated to dis-aggregate the area into 109 separate traffic zones to more accurately predict impacts at a localized level. Third, the land use projections used in the SJCOG Regional Traffic Model were updated to reflect year 2001 development in Lathrop based on aerial photography and development records, and this development was further dis-aggregated into the 109 separate traffic zones described above. Finally, the model was re-calibrated to reflect additional traffic counts in the Lathrop area in order to predict more

accurately the year 2003 measured traffic volumes. As noted in the modeling explanation by TJKM included as part of this appendix, the recalibrated model very accurately predicts year 2003 traffic volumes on the streets and freeways in the Lathrop area, based upon comparison of actual counts and the traffic model calibration results.

### 3. Base Case (Without Project) Future Development Horizons

To evaluate future traffic conditions, the SJCOG model was used to develop Base Case (Without Project) AM and PM peak hour traffic projections for two different design years: 2007 and 2025. The Base Case represents existing, approved and planned development that is consistent with the City's General Plan and/or WLSP (although additional entitlement approvals are needed) and that is reasonably expected to occur in each of these two years, excluding the Mossdale Landing East development but including the recently approved River Islands project. The City of Lathrop allocated the level of development anticipated to occur within each of the 109 Lathrop traffic zones for each design year. The Base Case also included development in the balance of Lathrop projected in each design year based on adopted specific and general plans and approvals. The results were AM and PM Base Case model runs for 2007 and 2025.

Staff from both SJCOG and the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) confirmed that the level of development within San Joaquin County was accurately projected in the SJCOG model for the county as a whole for each of their design years. Development for the YEAR 2007 was interpolated between year 2005 and 2010 SJCOG data. To maintain an accurate projection of growth within San Joaquin County, SJCOG and SJVUAPCD staff confirmed that an increase in projected development in one location of the County (above that assumed in the original SJCOG model) should result in a corresponding proportionate decrease in projected growth in other regions within the County. Based upon available demographic and economic information and recent growth projections, SJCOG and the SJVUAPCD recommended the City adjust the land use inputs to the model so that increased development in Lathrop would be offset by a corresponding proportionate reduction in development growth elsewhere in the County. The resulting reapportioned land use data sets represent a total growth in San Joaquin County consistent with the original SJCOG model assumptions for each design year.

The DEIR did not assume any freeway improvements that are not included in the Regional Transportation Improvement Plan (RTIP). *Lacking regional freeway improvements, future model runs project extensive freeway congestion in the Base Case scenarios.*

Response 4D: The requested data has been provided to the commentor with its copy of the Final EIR on January 30, 2004.

Response 4E: The City's analysis included in the Draft SEIR identifies the subject improvements as being required in the base case, rather than the base case plus project, scenario. The base case scenario includes traffic contributions to this

intersection from other approved west Lathrop development projects, and, as noted in the Draft SEIR, the MLE project will contribute to these same impacts.

The area served by the I-5/Louise Avenue interchange is the subject of intensive land development activity, and it is difficult to predict with any precision the timing of the various approved projects and projects currently being processed by the City of Lathrop. For this reason, the City will collect proportionate share fees from all of the approved and proposed projects and make necessary traffic improvements as required.

Traffic impacts at the I-5/Louise Avenue interchange are the result of cumulative development, including full buildout of the West Lathrop Specific Plan Area. The City of Lathrop has developed a Capital Facilities Fee program that includes both a Traffic Impact Fee and a Regional Traffic Impact Fee component. Each development project within the West Lathrop Specific Plan area is required to pay these fees prior to issuance of a building permit. The fee program includes the costs anticipated to be necessary to plan, design and construct the ultimate improvements as determined necessary at the I-5/Louise Avenue interchange pursuant to pending I-5/Louise Avenue Project Study Report (PSR), including the improvements recommended in this comment. By paying this fee, the project will provide its proportional responsibility for the costs associated with this interchange improvement. Payment of City traffic impact fees is recommended as mitigation for this impact in the Draft SEIR (page 16-66). This mitigation is consistent with CEQA Guidelines Section 15130, which provides that a project's contribution to a cumulative impact is considered less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure designed to alleviate the impact.

Response 4F: The Draft SEIR Chapter 16.0 Transportation/Circulation requires the project to pay proportionate share costs of various transportation improvements, including improvements at the I-5/Louise Avenue interchange. The City's Capital Facilities Fee program has been established for this purpose, and the improvements necessitated by the project are included in this program. The City of Lathrop has collected, and will continue to collect, both local and regional transportation mitigation fees for use in design and construction of transportation improvements. The City anticipates that it will be responsible for initiating design and construction of those improvements.

Response 4G: The City of Lathrop requires an annual analysis of traffic impacts pursuant to its Traffic Monitoring Program (TMP) and will continue to do so. Traffic mitigation needs identified in these studies will continue to be met by development projects that generate significant impacts or contribute to projected significant impacts. The City's Capital Facilities Fee program provides the mechanism for these contributions.

Response 4H: Neither the City of Lathrop, Caltrans nor the San Joaquin Regional Transit Agency own any property within the project area that could be used for such a public use, nor is any such facility included in an adopted transit plan. The City of Lathrop General Plan does not designate any such facility within the project area. The City's General Plan Diagram does show two planned transit stations. One station is shown within the Stewart Tract (River Islands) south of the project area, and another station is near the junction of the S.P. lines at Lathrop Road and McKinley Avenue, north of the



project area. Either or both of these planned transit stations could be designed to accommodate a park-and-ride facility in the future.

Mitigation measures recommended in the Draft SEIR (page 16-79) require that the project applicants work with the local transit agency to incorporate potential future transit routes and transit stop designs into the improvement plans for Golden Valley Parkway, McKee Boulevard, Manthey Road, and Towne Centre Drive, and within commercial areas. All residences proposed within the project area would be located within less than 1/8<sup>th</sup> of a mile from any of these future transit lines. Residents within the project will have easy access to bus service along these lines at such time as it is provided by the transit agency. Development of a park-and-ride facility within the project area would not serve to facilitate the use of alternative modes of travel, or make such alternative modes any more convenient to project area residents than the transit routes and stops already recommended in the Draft SEIR. For these reasons, the City believes that development of a park-and-ride facility within the project area as mitigation for project impacts is infeasible and unnecessary to mitigate project impacts.

Response 4I: The Draft SEIR does not indicate that the project would have a significant impact at either the Manthey Rd./I-5 southbound hook ramp or the Mossdale Rd./I-5 northbound hook ramp. The un-signalized level of service at these intersections would continue to operate at LOS "A" under existing-plus-project conditions, with less than 1 second of increased delay attributable to the project. Therefore, mitigation for this impact is not warranted.

Response 4J: This comment advises the City and applicant of Caltrans processing requirements for state highway encroachments but does not comment on the Draft SEIR. Encroachment permit requirements are incorporated into the SEIR via Section 4.0 Errata. No further response is necessary.

Response 4K: See response to comment 4H above.

Response 4L: The City of Lathrop will continue to coordinate and consult with Caltrans as planned urban development within the City proceeds.

**DEPARTMENT OF WATER RESOURCES**1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791

December 11, 2003



Bruce Coleman, Community Development Director  
City of Lathrop  
16775 Howland Road, Suite 1  
Lathrop, California 95330

Staff for The Department of Water Resources has reviewed State Clearinghouse Document 2002052083 "Mossdale Landing East" and provides the following comments:

Portions of the project as proposed encroach upon the San Joaquin River, an adopted plan of flood control, over which The Reclamation Board has jurisdiction. The California Code of Regulations, Title 23, Waters, Article 3, require that a Board permit be obtained before the start of any work including excavation and construction activities where The Reclamation Board exercises their authority.

Section 8(b)(2) of the Regulations states that applications for permits submitted to the Board must include a completed environmental questionnaire that accompanies the application and a copy of any environmental documents if they are prepared for the project. For any foreseeable significant environmental impacts, mitigation for such impacts shall be proposed. Applications are reviewed for compliance with the California Environmental Quality Act.

Section 8(b)(4) of the Regulations states that additional information, such as geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses may be required at any time prior to Board action on the application.

If you have any questions, please contact me at (916) 574-0650, or Samuel Brandon at (916) 574-0651.

Sincerely,

A handwritten signature in black ink, appearing to read "Sterling Sorenson".

Sterling Sorenson  
Water Resources Engineering Associate  
Floodway Protection Section

cc: Richard Marshall, Chief  
Flood Project Inspection Section  
3310 El Camino Avenue, Room B-20  
Sacramento CA 95821

RECEIVED  
DEC 15 2003  
CITY OF LATHROP  
COM. DEV. DEPT.

5A

COMMENT #5

RESPONSES TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES, LETTER OF  
DECEMBER 11, 2003

Response 5A: The comment identifies The Reclamation Board's permitting requirements for work in the San Joaquin River or its associated levee system. Encroachment permit requirements are incorporated into the SEIR via Section 4.0 Errata.

## DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 942360001  
(916) 653-5791



JAN 20 2004

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

Dear Mr. Coleman:

The Department of Water Resources appreciates the opportunity to comment on the Draft Environmental Impact Report for the Mossdale Landing East Urban Design Concept. Because the proposed project will be protected by a federal project levee, DWR is concerned about potential flooding and the potential impacts on public safety.

As an administrator of the State's floodplain management programs, we seek to encourage wise use of floodplains. We seek to accomplish these goals through our administration of the Federal Emergency Management Agency's National Floodplain Insurance Program, through floodplain mapping, through development of improved analytical tools, through training, education, and public outreach, through development of model ordinances, and through responses to project proposals such as this one.

We encourage local land use planners and decision makers to give careful considerations to the potential inter-relationships between any proposed development and flood flows, flood stages, water velocities, debris, the integrity and maintenance of flood control works, and flood emergency response activities.

We have specific concerns about the integrity of the San Joaquin River Flood Control System levees protecting the proposed project area due to historical reports of levee and foundation seepage in the Mossdale area during flood events such as occurred in 1983 and 1997. We would also note that although the levees remained intact in this reach during the 1997 flood, local runoff and seepage resulted in flooding depths of two feet and more on the land side of the levee near in the proposed project area.

We believe levees protecting urban developments should provide protection against reasonably foreseeable flooding. To meet minimum flood insurance requirements, the flood control system should provide a 100-year level of protection, but we encourage communities to provide a higher level of protection, on the order of 200-years or more where feasible. We recommend that the federal project levees protecting this area be thoroughly evaluated from a technical perspective to assure that the levees are safe during a sustained high water event. Historical flood patterns for the San Joaquin River Flood Control System indicate that sustained high flows can over time result in excessive levee seepage, boils, slumping, and failures.

6A

6B

6C

6D

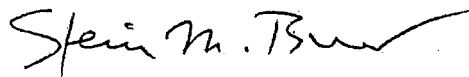
Mr. Bruce Coleman  
JAN 20 2004  
Page 2

As the lead State agency for fighting floods during emergencies, we encourage levee maintaining agencies and reclamation districts to maintain and strengthen their levees, maintain channels, and take any corrective and reasonable actions to improve flood protection for their communities.

6E

Thank you for the opportunity to comment on this project. If you have any questions, please call Ricardo Pineda at (916) 574-0611.

Sincerely,



Stein M. Buer, Chief  
Division of Flood Management

cc: Peter Rabbon, The Reclamation Board  
Jerry Johns, Room 1115-9  
Neil Gould, Room 1121-3  
Steve Verigin, Room 1115-2

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COMMENT #6

RESPONSES TO CALIFORNIA DEPARTMENT OF WATER RESOURCES, UNDATED LETTER

Response 6A: This comment defines the agency's interests in floodplain management and its general concerns related to the project. These concerns are addressed more specifically in subsequent comments. No response is necessary.

Response 6B: The City of Lathrop agrees with the need for careful consideration of potential hydrologic relationships between the project and water resources, including the San Joaquin River and its associated levee system. The City has consulted extensively with Reclamation District 17 (RD-17), which owns and maintains the levee system that protects the project site. The proposed project does not involve river encroachment. It has been designed to limit the volume of storm water discharge to the San Joaquin River, to provide setbacks from the San Joaquin River levee and to include a toe drain system that will help prevent weakening of the levee system during floods (Chapter 3.0). The subject SEIR also includes substantial consideration of hydrologic information, including flood protection and related issues, in Chapter 12.0 Hydrology and Water Quality.

Response 6C: This comment involves concerns similar to those identified by The Reclamation Board. Response 3B addresses these concerns.

Response 6D: The proposed project is protected by a levee system that provides a 100-year level of protection. The maintenance and improvement of the levee system is responsibility of RD 17. As reported in the SEIR, the levee system is considered adequate to provide 100-year flood protection.

Response 6E: The City of Lathrop will continue to work with RD 17, the agency responsible for levee maintenance and improvement, to ensure that planned urban areas are provided with adequate flood protection.



San Joaquin Valley  
Air Pollution Control District

January 21, 2004

RECEIVED  
JAN 23 2004  
CITY OF LATHROP  
BUILDING DEPT.

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

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR MOSSDALE  
LANDING EAST (SCH 2002052083).

Dear Mr. Coleman:

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

The DEIR adequately addresses existing air pollution conditions and current regulations. Based on the information provided in the "Air Quality" section 6.0 of the DEIR, the District concurs with the findings of significant impacts identified in the report. However, the District would like to suggest the following items as additional mitigation measures and clarifications:

1. Section 6.2 ENVIRONMENTAL IMPACTS AND MITIGATION, Construction-Related Emissions. Most of the mitigation measures listed in this section correspond to fugitive dust controls, which have no affect on NOx or ROG emissions. The following items from table 6-3 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) should be listed as potential mitigation measures:

- Install wind breaks at windward sides of construction areas.
- Any proposed renovation/demolition of existing building in the project area is subject to compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS). Specifically, the primary air pollutant of concern is asbestos. To ascertain whether this project is subject to NESHAPS, the project applicant is advised to review the enclosed *Asbestos - Compliance Assistance Bulletin*, dated December 1994. Brian Dodds is the Northern Region's District contact for the program and is available should you need further assistance.

David L. Crow  
Executive Director/Air Pollution Control Officer

7A

7B

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COMMENT #7

Additionally, Regulation VIII continues to undergo revision that the applicant should be aware of. At various stages during construction the City of Lathrop should have the applicant contact the District to maintain current on fugitive dust control regulations. The attached Compliance Assistance Bulletin highlights many of the requirements contained within Regulation VIII. The Compliance Assistance Bulletin is not meant to be all-inclusive, but it can be a useful compliance aid in the field and office alike.

7C

The following items were taken from Table 6-4 of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) should be listed as potential construction equipment mitigation measures:

- Use of alternative fueled construction equipment.
- Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use at any time.
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
- Curtail construction during periods of high ambient pollutant concentration; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways (or ceasing/reducing heavy duty equipment usage on Spare the Air Days).
- Prior to the issuance of construction contracts the City of Lathrop should perform a review of new technology, as it relates to heavy-duty equipment, to determine what if any advances in emission reduction are available for use. It is anticipated that in the near future both NOx and PM10 control equipment will be available. The District would be available for consultation on this process.

7D

2. Ozone Precursor Emissions. The following additional mitigation measures while unable to reduce emission to a less than significance level will help reduce operation emission to the maximum amount feasible:

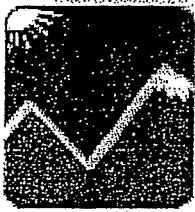
- Planting of deciduous trees on the south and westerly facing sides of buildings.

7E



- All housing units should include as part of the purchase an electric lawn mower and an electric edger.
- Air Quality impact fees should be developed to help fund additional air quality mitigation measure to further reduce air quality impacts.
- Establishment of clean fuel fueling stations open to the public (this could include electric charging stations, natural gas fueling stations, ect.).
- Promote the use of low emission vehicles, this will not reduce vehicles miles traveled, but rather promote the use of fuels and vehicles that are less polluting then gasoline or diesel. Air quality impact fees could be used to provide incentives to business or individual who purchase/use low emission vehicles.
- Allow business or individual through the zoning and building permit process the option of installing electric/natural gas fuel hookups.
- Telecommuting should be encouraged through land use mixes and zoning ordinances to provide incentives that minimize restrictions for in hone offices and satellite work centers.
- The District would like the opportunity to comment on individual projects as they move forward in the future.
- Increase wall and ceiling insulation beyond building code requirements.
- Install High-albedo (reflecting roofing material).
- Install ceiling fans and whole house fans.
- Provide energy efficient windows with awning or shading mechanisms.
- The project should include as many clean alternative energy features as possible to promote energy self-sufficiency. Examples include: photovoltaic cells, solar thermal electricity systems, small wind turbines, ect. There are rebate and incentive programs for alternative energy equipment, more information can be fount at [www.dsireusa.org](http://www.dsireusa.org), [www.rredc.nrel.gov](http://www.rredc.nrel.gov), and [www.energy.ca.gov/renewables](http://www.energy.ca.gov/renewables).

7E



# San Joaquin Valley Air Pollution Control District

## COMPLIANCE ASSISTANCE BULLETIN

September 2002

(Update from June 2002)

### *Fugitive Dust Control at Construction Sites*

Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions, of the District's Rules and Regulations regulates activities that generate fugitive dust. Fugitive dust is emitted to the air from open ground or caused by activities such as excavation, transporting bulk materials, or travel on unpaved surfaces. "PM<sub>10</sub>" is a term applied to small sized particulate matter - microscopic dust particles - in the air. The San Joaquin Valley currently exceeds the air quality standards for particulate matter. It is for this reason that the District adopted Regulation VIII in 1993. Significant amendments to Regulation VIII were adopted in 2001 and became effective May 15, 2002. The following dust control and administrative requirements are applicable at construction sites:

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

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

**Carryout and Trackout.** These requirements are found in Rule 8041 – *Carryout and Trackout*. Carryout and trackout are materials adhered to vehicle tires and transport vehicles carried from a construction site and deposited onto a paved public road. Should carryout and trackout occur, it must be cleaned up at least daily, and immediately if it extends more than 50 feet from the exit point onto a paved road. The recommended clean-up methods include manually sweeping, sufficiently wetting the area prior to mechanical sweeping to limit VDE or using a PM<sub>10</sub>-efficient street sweeper. A blower device, or dry sweeping with any mechanical device other than a PM<sub>10</sub>-efficient street sweeper is prohibited.

Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9321  
(209) 557-6400 • FAX (209) 557-6475

Central Region Office  
1990 East Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000 • FAX (559) 230-6062

Southern Region Office  
2700 "M" Street, Suite 275  
Bakersfield, CA 93301-2370  
(661) 326-6900 • FAX (661) 326-6985

Finally, as individual projects are considered for approval the applicant and the City of Lathrop should consider the toxic risk associated with diesel-fueled engines and vehicles. The California Air Resources Board has issued a report entitled **Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles** (October 2000). Appendix VII of the report provides several risk characterization scenarios, which may serve as a starting point for estimating risks from diesel engine emissions. The District will work with applicants to review appropriate methodology for estimating toxic risk.

7F

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at (209) 557-6400.

Sincerely,



John Cadrett  
Air Quality Planner  
Northern Region

APCD REF # 20030637

RESPONSES TO THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT,  
LETTER OF JANUARY 21, 2004

Response 7A: This comment affirms the Draft SEIR's air quality analysis, and indicates that the APCD would recommend additional mitigation measures, as set forth in the following comments. No further response to this comment is necessary.

Response 7B: Neither of mitigation measures recommended by the APCD would affect NOx or ROG emissions. The APCD's recommendation that mitigation measures include wind breaks is met by existing mitigation measure #6 on page 6-9 of the Draft SEIR which requires that the project "construct wind barriers and/or cover exposed potentially dust-generating materials." Together with other required dust control mitigation measures, the City does not believe that additional mitigation is needed. The Draft SEIR notes at page 11-6 that the Lathrop Building Department requires demonstration of compliance with NESHAP in conjunction with demolition permits. No further response is necessary.

Response 7C: The Draft SEIR outlines mitigation measures for construction impacts (pages 6-8 and 6-9) that would reduce these impacts to less than significant. Proposed mitigation measures include compliance with Regulation VIII. The mitigation measures also require the preparation of a dust control plan to the APCD 30 days prior to construction. This should provide the APCD ample opportunity to advise the developer of any new Regulation VIII requirements.

Response 7D: In this comment, the APCD recommends the inclusion of several potential mitigation measures intended to reduce the emission of carbon monoxide and ozone precursor emissions during construction. Although construction equipment emits carbon monoxide and ozone precursor emissions, the SJVAPCD has determined that these emissions may cause a significant air quality impact only in the cases of very large or very intense construction projects. The SJVAPCD's GAMAQI (GAMIQI page 24) indicates that the District will advise Lead Agencies on quantification procedures and significance for these emissions on a case by case basis. No information has been provided to the City of Lathrop by the District to indicate that the District considers this project to be either very large or very intense. In fact, the project will be constructed in phases over time, and each phase will represent only a portion of the project. Therefore, consistent with SJVAPCD guidelines, this project would not result in a significant emission of carbon monoxide and ozone precursor emissions during the construction period, and no mitigation measures are warranted or required. The mitigation measures included on page 6-8 of the Draft SEIR are sufficient to reduce construction air quality impacts from PM10 to less than significant. No additional mitigation measures are necessary.

Response 7E: In this comment, the APCD recommends that the project incorporate additional mitigation measures to reduce the amount of ozone precursors that would result from project operations. Recommended measures are listed in their comment letter.

The APCD's recommendations include a variety of measures that would involve additional requirements on home and landscape design and furnishings. A mitigation measure has been added via Chapter 4.0 Errata that would require the builder to submit a proposal for implementation of additional feasible ozone precursor mitigation measures to the City for review and approval.

Other APCD proposals, including air quality impact fees, clean-fuel stations, promotion of low-emission vehicles and promotion of telecommuting, are city-wide actions that are beyond the developer's control to implement. The APCD will be afforded the continuing opportunity to comment on development projects within the City of Lathrop in conjunction with the CEQA review process.

Response 7F: This comment recommends City consideration of potential toxic risks associated with diesel emissions. The proposed project would not involve substantial increases in diesel engine use outside of the construction period. The project would involve location of residences in the vicinity of Interstate 5, which accommodates substantial diesel truck traffic.

The *Risk Reduction Plan* appendix referenced by the APCD provides preliminary quantification of excess cancer risk associated with proximity to low and high-volume freeways. Excess cancer risk identified in the appendix ranges from less than 100 to 1,700 cancers per million population, based on the volume of truck traffic, a 70-year exposure and a receptor distance of 20 meters from the edge of freeway.

The proposed project would set proposed land uses involving long potential exposure times (residential areas) back from I-5. Setback distances would range upwards from 900 feet, with intervening uses consisting of relatively short-occupancy commercial uses. This would minimize potential exposure to diesel emissions.



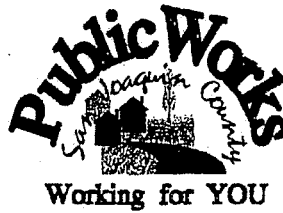
**THOMAS R. FLINN**  
DIRECTOR

**THOMAS M. GAU**  
DEPUTY DIRECTOR

**MANUEL SOLORIO**  
DEPUTY DIRECTOR

**STEVEN WINKLER**  
DEPUTY DIRECTOR

**BENTON ANGOVE**  
BUSINESS ADMINISTRATOR



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www.co.san-joaquin.ca.us

RECEIVED  
JAN 23 2004  
CITY OF LATHROP  
BUILDING DEPT.

January 22, 2004

Mr. Bruce Coleman, Director  
City of Lathrop  
Community Development Department  
16775 Howland Road, Suite 1  
Lathrop, California 95330

SUBJECT: PUBLIC REVIEW ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
MOSSDALE LANDING EAST TENTATIVE MAP, URBAN DESIGN CONCEPT  
AND RELATED APPROVALS

Dear Mr. Coleman:

The San Joaquin County Department of Public Works has reviewed the environmental document for the above-referenced project and our concerns, recommendations, and corrections are as follows:

The Public Services Division offers the following comments:

1. The Environmental Impact Report should examine Project Impacts and Mitigation Measures for Manthey Road, North of Louise Avenue. | 8A
2. If Project construction traffic uses Manthey Road, North of Louise Avenue, any roadway damage shall be repaired to the satisfaction of San Joaquin County. | 8B

The Storm Water Management - Flood Control Division offers the following comment:

1. Chapter 3.0 "Project Description", Section 3.7 "Permits and Approvals", Table 3-3, the list shall include the State Reclamation Board Encroachment Permit for all work done on San Joaquin River and its levee. | 8C

**COMMENT #8**

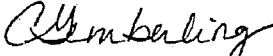
Mr. Bruce Coleman, Director - 2 -  
PUBLIC REVIEW ON DRAFT  
ENVIRONMENTAL IMPACT REPORT  
FOR THE MOSSDALE LANDING EAST  
TENTATIVE MAP

The Traffic Engineering Division offers the following comments:

1. Address the effects of additional bypass traffic demands that are going to be put onto the rural county infrastructure, which already are experiencing Interstate 205 bypass traffic on roads such as Mathews, Howard, Tracy Boulevard, Bethany Grant Line and Lammers because of mitigated, but very marginally acceptable level of services of the Project Infrastructure. 8D
2. These same roadways will be experiencing a 2007 and 2025 traffic demand from the Mountain House development to the west as trip ends from there will be put onto these roadways with the destination being Lathrop, Stockton, or Interstate 5 north. 8E
3. Address coordination of Interstate 5 and Interstate 205 improvements to ensure these lanes will be in service when the 2007 and 2025 development targets are implemented. Will there be a tie to agreements to trigger development as interstate lanes are constructed? 8F
4. Address whether or not there will be local jobs created as a result of commercial/ industrial development in the area that would provide opportunities for residents to work locally, which would reduce commuter trips to the Bay Area. 8G

Thank you for the opportunity to be heard. Should you have any questions or need additional information regarding the above comments, please contact me, at 953-7624.

Sincerely,

  
CLAUDIA GEMBERLING  
Environmental Coordinator

CG:ll  
TP-4A070-L1

c: Charles Kelley, Senior Civil Engineer  
Mike McDowell, Senior Transportation Planner  
Tom Okamoto, Senior Civil Engineer  
D. Trueman Phillips, Senior Civil Engineer

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COMMENT #8

RESPONSES TO THE SAN JOAQUIN COUNTY DEPARTMENT OF PUBLIC WORKS,  
LETTER OF JANUARY 22, 2004

Response 8A: The model shows that by 2007 the project will generate minor amounts of AM and PM commute peak hour traffic (6 two-way vehicle trips during the AM peak hour and 19 two-way trips during the PM peak hour) to Manthey Road north of Louise Avenue. For this reason, Manthey Road was not specifically included in the evaluation of impacts and mitigation measures for this project.

Response 8B: The City of Lathrop understands that any damage associated with applicant use of County roads for construction traffic will need to be repaired to the satisfaction of San Joaquin County. The City will coordinate with the County to minimize potential damage from development projects within the City, and to ensure that any required repairs are completed by the responsible project developers in a timely manner.

Response 8C: The requested change to the Draft SEIR has been made via Chapter 4.0 Errata.

Response 8D: The Draft SEIR analysis addressed the primary roadway network to be affected by project traffic. The model includes Mathews and Tracy Boulevard within its network, however, these roadways are projected to carry only very minor amounts of project traffic. The model cannot address the Mountain House developments effectively. While the model can be extended to include all the new developments in Mountain House area and many other new developments, such an analysis is not feasible for this project with the current model.

Response 8E: See response 8D.

Response 8F: The Draft SEIR includes mitigation measures that require the project to contribute proportional shares to the construction of necessary freeway improvements. It is beyond the scope of the project, and the ability of the City, to independently undertake or ensure the needed freeway improvements. Consistent with the statutory responsibility of the Department of Transportation, the City will necessarily rely on Caltrans to initiate, process and construct needed freeway improvements. The City will contribute accumulated funding and coordinate with Caltrans to the degree feasible in order to facilitate these improvements.

Response 8G: The proposed project would involve the eventual development of nearly 500,000 square feet of commercial development, generating more than 1,000 new jobs. Potential job generation was accounted for in the traffic modeling for the project. As a result, the project will provide opportunities for some residents of the project area to work locally, potentially reducing commuter trips to the Bay Area. Additional commercial development in the City of Lathrop may also be expected to capture some pass-by shopping and result in small reductions in out-of-city travel for retail shopping purposes.





**SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95206-6232  
PHONE: 209/468-3121 FAX: 209/468-3163

December 23, 2003

Bruce Coleman, Director  
Community Development Department  
16775 Howland Road  
Lathrop, California 95330

Dear Mr. Coleman:

Re: NOC for Draft EIR for the Mossdale Landing East Tentative Map, Urban Design  
Concept and Related Approvals

The Community Development Department has reviewed the above document and offers the following comments:

**Conversion of Agricultural Land (p. 5-3)**

The DEIR indicates that no mitigation measures are available for the significant conversion of agricultural land.

The California Environmental Quality Act (CEQA) Guidelines provide for five categories of mitigation measures that avoid, minimize, rectify, reduce, eliminate, or compensate for significant environmental effects of the proposed project (Section 15370). Compensation as a mitigation technique is used to justify the loss of habitat for rare, threatened, or endangered species.

Although mitigation by this project for the loss of farmland would not reduce the impact to less than significant, mitigation must still be provided to minimize, reduce, or compensate for the loss of farmland. This project must provide some mitigation for the significant loss of agricultural land.

There are several ways a "Project" proponent can minimize, reduce, or compensate for the significant loss of agricultural land, whether significant only by the loss proposed by "Project" or cumulatively significant, including, but not limited to:

1. By providing water supply for agriculture.
2. By assisting agriculturists in developing restoration and conservation projects.
3. By purchasing and combining smaller parcels to make agriculture more viable.
4. By conducting or funding flood plain restoration projects that benefit agriculture.
5. By developing or funding buffer zones between urban development and agricultural land.
6. By improving levees to protect agricultural land from flooding.
7. By conducting or funding erosion control projects that benefit agriculture.
8. By clustering development of the "Project" to support efficient use of agricultural lands.

9A

9. By conducting or providing funding for techniques that increase production by identifying new processes, new techniques, or new crop potential on heretofore limited agricultural production lands, i.e., converting grazing land to vineyards.
10. By conducting or funding programs that identify best agriculture management practices to increase efficiencies, such as land adjacent to wetlands, and potentially bring more agricultural land into production.
11. By conducting or funding Urban Limit Line studies that provide for improvement of geometric shape and compactness of urban development that reduce pressure to prematurely convert agricultural lands.

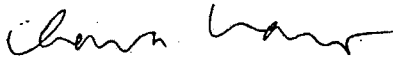
9A

For San Joaquin County to accommodate future anticipated population there will be a loss of agricultural land. This is because all cities in the County are built on and surrounded by agricultural land. Another method to mitigate for the loss of agricultural land is to obtain agricultural conservation easements that assure the availability of agricultural land for the long term. The county has hired a consultant to study the feasibility of establishing a countywide mitigation fee. Currently, the American Farmland Trust is assisting property owners in obtaining easements.

9B

Thank you for the opportunity to comment on this project. Please include the Community Development Department on the Final EIR distribution list.

Sincerely,



Chandler Martin  
Principal Planner

RESPONSES TO THE SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, LETTER OF DECEMBER 23, 2003

Response 9A: Contrary to the findings of the Draft SEIR, the commenter suggests that there are several ways that the proposed project could minimize, reduce or compensate for losses of agricultural land. The suggestions have been considered by City of Lathrop, and, as discussed below, they have been found to be not feasible with respect to the proposed project.

CEQA Guidelines Section 15370 lists five potential mitigation types including:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing or providing substitute resources or environments.

Only the last item has potential for mitigation of the agriculture effects of the proposed project. The proposed project site has been planned and designated for urban development, annexed to the City of Lathrop and is the subject of an approved specific plan. The potential effects of the proposed project on agriculture are not avoidable; relocation of the project to another site would involve equivalent or greater impacts on agriculture. This is documented at various locations in the Draft SEIR, including Chapter 19.0 Alternatives. Potential impacts on agriculture cannot reasonably be minimized; any potential urban use of the site would require conversion of agricultural lands; these uses are mutually exclusive. While marginal reductions in the size of the project site could be achieved, any such reduction in size would not result in a substantial reduction in impact. As surrounding lands are already committed to urban uses, any remaining lands would most reasonably be committed to future urban use as a more environmentally beneficial alternative to conversion of outlying agricultural lands.

The fifth mitigation opportunity, compensation, could provide potentially feasible avenues for mitigation, but there are no mitigation opportunities that would be feasible in the project context. According to the CEQA Guidelines, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.

The County lists eleven potential methods for mitigating the agricultural land impacts of the proposed project. It is the opinion of the City that none of these options are feasible. Of the eleven suggestions, four (1, 4, 6, 7) involve water resource development or

management that is the responsibility of existing federal, state and local agencies including the Bureau of Reclamation, California Department of Water Resources, San Joaquin County, the State Reclamation Board, the County Flood Control District and numerous reclamation districts in the County. The City has no direct expertise in water resource development or floodplain management, and would not be in a position to implement any of these measures.

Of the eleven suggestions, three (2,9,10) are related to agriculture development, primarily improvements involving large-scale planning activities. Expertise in these areas are available in existing agencies such as the U.S. Department of Agriculture, the federal Natural Resource Conservation Service, the County Agriculture Advisor's Office and others. The City of Lathrop has no expertise in agricultural development or management and would not be in a position to implement any of these measures.

An additional three suggestions (3,5,11) involve activities that are or can be conducted by local planning agencies such as the County or the City. While the City could embrace any of these programs, none of them could be implemented in conjunction with the project or on the project site. These programs are beyond the scope of the proposed project. The proposed project is, however, within the Lathrop city limits and its adopted urban services boundary. The project site is, thus, intended to be urbanized.

The County's eighth suggestion, clustering of development of the project, is inconsistent with the objectives of the proposed project. The project involves the development of low to medium urban density residential uses in an area surrounded by approved development that is under construction at this time. Additional densification of portions of the project, while holding potential development totals constant, could result in additional open space but would not result in the preservation of any substantial amount of agricultural land.

As discussed in the Draft SEIR (page 5-2), the potential agricultural land conversion impacts of urban development of the project site have already been considered in the WLSP EIR and need not be considered further. Section 15152(d) of the CEQA Guidelines indicates that "Where an EIR has been prepared and certified for a ... plan ... consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the ... plan ... should limit the EIR or negative declaration on the later project to effects which:

1. Were not examined as significant effects on the environment in the prior EIR; or
2. Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions or other means."

As discussed in detail above, the suggested mitigation measures would not result in any substantial reduction or avoidance of the agricultural land conversion impacts of the project.

Response 9B: This comment suggests that the applicant provide mitigation by purchasing agricultural conservation easements or providing funding to the American Farmland Trust (AFT) for this same purpose. As discussed in the Draft SEIR (page 5-2), there is no existing mechanism for paying for a mitigation fee, and CEQA case law indicates that off-site mitigation cannot reasonably serve as mitigation for agricultural land conversion. Additional information regarding this issue is provided in the response to Comments #1 and #2 from the California Department of Conservation.

# MANTECA UNIFIED SCHOOL DISTRICT

**Mary Karim, Facilities Planning Specialist**

P.O. Box 32

Manteca, CA 95336

(209) 825-3200 Ext.763

December 24, 2003

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

Subject: School Attendance Areas – Mossdale Landing

Dear Mr. Coleman:

This is to inform you that we are in receipt of the Public Review Draft Supplemental Environmental Impact Report for Mossdale Landing East and the Notice of Completion Draft Environmental Impact Report for the Mossdale Landing East (MLE) tentative Map, Urban Design Concept and Related Approvals. Manteca Unified is pleased to see the reference relative to the new schools and associated maps.

Manteca Unified School District would appreciate your bringing the following information to the attention of the developers of the Mossdale Landing East Project as it is imperative that they be made aware of the current Manteca Unified School District's Attendance Areas.

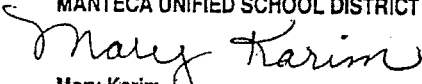
Please be aware that schools within the Manteca Unified School District are overcrowded. The policy of the Board of Education is that if all classrooms at a specific grade level are at capacity in the school attendance area in which a student lives, the new student will be bussed to another school where grade level capacity exists.

K-8	Joseph Widmer Jr. Elementary School 751 Stonebridge Lane Lathrop, CA 95330 (209) 858-0650	Or	K-8	Lathrop Elementary 15851 S. 5 <sup>th</sup> . Street Lathrop, CA95330 (209) 858-3050
9-12	Sierra High School 1700 Thomas St. Manteca, CA 95337 (209) 825-3175	Or	9-12	Weston Ranch High 4606 McCuen Ave. Stockton, CA 95206 (209) 825-3150 x-583

- This is also to inform you that attendance areas in Manteca Unified School District are subject to review annually (normally in the spring of each year) and are subject to change as population distribution changes in the District.

Should you have further questions regarding this matter I can be contacted at (209) 825-3200, extension 763.

Sincerely,  
MANTECA UNIFIED SCHOOL DISTRICT

  
Mary Karim  
Facilities Planning Specialist

RECEIVED

DEC 30 2003

10A

COMMENT #10

RESPONSES TO THE MANTECA UNIFIED SCHOOL DISTRICT, LETTER OF DECEMBER 24, 2003

Response 10A: The Draft SEIR addressed MUSD schools issues on pages 15-4, 15-5, and 15-10 through 15-12. The comment does not comment on the SEIR except to appreciate that planned school sites are referenced. The MUSD provides additional information regarding schools to that included in the SEIR. No additional response is necessary.

COMMENTS FROM THE LATHROP PLANNING COMMISSION, JANUARY 13, 2004

Commissioner Lazard raised questions regarding proposed storm drainage systems that were explained with information included in the Draft SEIR and project proposal documents. The commissioner questioned responsibility and was informed that this responsibility rested with Reclamation District 17. In response to the commissioner's question, it was confirmed that proposed Johnson Ferry Road will be a dead end at its eastern terminus. In the same fashion, it was confirmed that Pacific Union Homes (Mosssdale Landing project) will be responsible for construction of the new Mosssdale Village fire station, and that the proposed project will contribute fees toward the cost of this facility.

Commissioner Lazard also questioned the mechanism for assessing the need for regional transportation improvements. Staff noted that the project would be required to pay regional transportation fees and to participate in the Mosssdale Landing Transportation Management Plan, an annual forecast of traffic and transportation improvement requirements. The commissioner was informed that these fees could be directed to other transportation projects if other entities did not participate in funding regional projects.

Commissioner Jackson questioned whether the SEIR's morning limit on construction (7:00 AM) was reasonable and was informed that this time limit was established in the city code.

Chairman Gatto questioned the relationship between the proposed storm drainage detention basin and planned Service Commercial uses. Staff explained that the site is required for storm drainage detention but would be available for Service Commercial use if storm drainage detention was no longer necessary. The location of the storm drainage detention pond and sewage effluent spray fields on this parcel were confirmed as was the proposed fire station location shown in the Draft SEIR. Staff also confirmed in response to the Chairman's question that street names shown on the tentative subdivision map were indeed temporary. The Chairman indicated his agreement with proposed transit mitigation provided that transit traffic stays out of residential areas, due to speeding. Staff indicated that this would be the case.

No public comments were received at this meeting.

None of the comments made by the Planning Commission involved criticism or comment with respect to the content or findings of the Draft SEIR. All questions during the meeting raised were addressed by staff or consultants, as discussed above. No further response is required.



## 4.0 ERRATA

This section of the Final EIR identifies corrections, and the addition of new or revised information, to the Draft SEIR. Changes to the SEIR reflect the City's responses to comments received during the public and agency review period as well as new or updated information that has become available since publication of the Draft SEIR.

### Errata to Draft SEIR Chapter 2.0, Summary

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

### Errata to Draft SEIR Chapter 3.0, Project Description

The following items are added to Table 3-3 on page 3-32:

<u>Caltrans</u>	<u>Encroachment Permits, State Highway Improvements</u>
<u>The Reclamation Board</u>	<u>Encroachment Permit, Levee Improvements</u>

### Errata to Draft EIR Chapter 5.0, Agriculture

The following text is added to the discussion on Urban-Agricultural Conflicts on page 5-3 of the Draft SEIR.

The Mossdale Landing EIR (pages 8-3 and 8-4) analyzed the alternative of including a 50-100 yard buffer in the proposed project to separate planned urban development from the nearest farmland, as recommended by the WLSP EIR. The Mossdale Landing EIR found that this alternative was infeasible. The finding of infeasibility was based on 1) input from the applicant that reservation of the buffer strip was economically infeasible, 2) noise information that indicated that agricultural noise mitigation would be unreasonably costly and wasteful, 3) that even with noise mitigation, housing adjacent to agricultural lands would need to be limited to single-story homes, inconsistent with design guidelines for the UDC, and 4) that a noise wall would unreasonably limit future circulation in the project area.

## Errata to Draft EIR Chapter 6.0, Air Quality

The following mitigation measure #2 is added to the ozone precursor mitigation measures shown on page 6-11 of the Draft SEIR:

2. 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.

## Errata to Draft SEIR Chapter 15.0, Public Services

The second paragraph of Impact of Proposed Project on Animal Control Services on page 15-7 of the Draft SEIR is revised to read as follows:

Additional demands for animal control services will generate the need for additional start-up costs and contribute to the need for additional capital improvements. On-going costs of providing Funding for additional animal control services is typically offset by project-generated revenue such as property taxes; however, in the early stages of the project, required funding for additional services will not be realized. The applicants shall pay the one-time start up cost for animal control services, which shall be based on the City's costs for employing an animal control officer, and shall pay their proportionate share of ongoing costs associated with additional services until revenues generated from the project can cover the cost, as well as pay into the Capital Facility Fee – City Services. The applicants shall pay their proportionate share of startup costs associated with additional services until revenues generated from the project can cover the cost, as well as pay Capital Facility Fee – City Services. Educational programs will also help to alert new residents of their responsibility in containing their pets and how to live with wildlife that may enter residential neighborhoods.

The following animal control mitigation measure shall be added at page 15-8 of the Draft SEIR.

2. The applicant shall pay their proportionate share of ongoing costs associated with additional services until revenues generated from the project can cover the cost.

Draft SEIR mitigation measures 2 and 3 are renumbered and revised as follows:

32. The applicants shall pay Capital Facilities Fees to defray capital facilities costs associated with an animal control facility expansion.

43. 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.

## 5.0 DRAFT SEIR DISTRIBUTION LIST AND LEGAL NOTICES

This section displays the various documents circulated in conjunction with the Draft SEIR, including the notices prepared, evidence of publication and the distribution list for the Draft SEIR and Notice of Availability. These materials are organized as follows:

1. Notice of Completion
2. State Clearing House, Notice of Completion and Transmittal form
3. Proof of Publication in newspapers of general circulation
4. Draft SEIR Distribution List
5. Notice of Completion Mailing List
6. Record of Delivery, San Joaquin County Clerk
7. State Clearing House, Notification of Close of Review Period



# City of Lathrop

## NOTICE OF COMPLETION

### DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MOSSDALE LANDING EAST (MLE) TENTATIVE MAP, URBAN DESIGN CONCEPT AND RELATED APPROVALS (SCH: 2003122022)

#### PROJECT DESCRIPTION:

The project would be developed as a mixed use residential community with single and multi-family residential uses, highway, service and village commercial uses, a neighborhood park, pedestrian and bicycled paths, a roadway system, and levee/open space. Entitlements being sought from the lead agency include a Certified EIR, Urban Design Concept (UDC), Vesting Tentative Tract (Subdivision) Map, Final Map, Neighborhood Design Review, Building Permits, and Williamson Act Contract Cancellations. The project is considered to be consistent with the General Plan land use designations and applicable zoning.

The project to be developed contains 403 single-family dwelling units, 80 multi-family units, 27.5 acres of Highway Commercial development, 14 acres of Service Commercial development, 6.5 acres of Village Commercial development, and approximately 9.4 acres of parks and open space. Present General Plan/Zoning includes: General Plan land uses – Residential Low, Residential Medium, Highway Commercial, Service Commercial, Village Commercial and Public. Zoning – R-MV (Single Family Residential), RM-3-MV (Multi-Family Residential), FC-MV (Freeway Commercial), CS-MV (Service Commercial), CV-MV (Village Commercial) and RCO-MV (Resource Conservation and Open Space).

#### PROPOSED LOCATION:

The project site is generally located west of Interstate 5 and south of W. Louise Avenue, near the San Joaquin River. It contains approximately 150 acres located within the City of Lathrop corporate limits in an area known as Mossdale Village. The project site was included in the West Lathrop Specific Plan, adopted by the City Council in 1996.

#### ADDRESS WHERE COPIES AND REFERENCE DOCUMENTS ARE AVAILABLE:

Community Development Department: 16775 Howland Road, Lathrop, CA 95330  
Hours: 8:30 a.m. – 6:00 p.m. Monday through Thursday, 8:30 a.m. – 5:00 p.m. alternate Fridays.

The document is also available for review at the Stockton and Manteca Libraries.

#### PERIOD OF REVIEW:

December 8, 2003 through January 21, 2004. All comments should be in writing and must be received at the address shown by 6:00 p.m., January 21, 2004.

#### DATE, TIME AND PLACE OF PUBLIC HEARINGS:

The City of Lathrop Planning Commission will consider the DEIR and project approvals at its regularly scheduled public hearing of January 13, 2004, 6:00 p.m. at the City of Lathrop Council Chambers, 16775 Howland Road, Lathrop, California.

The City Council will also hold a public hearing and consider the DEIR and project approvals. This hearing is tentatively scheduled for March 2, 2004, 7:00 p.m. at the City of Lathrop Council Chambers, 16775 Howland Road, Lathrop, California.

#### LIST OF SIGNIFICANT ENVIRONMENTAL EFFECTS KNOWN AT THIS TIME:

Aesthetic/Visual	Floodplain/Flooding	Traffic/Circulation	Water Quality	Noise
Agricultural Land	Water Supply/Groundwater	Sewer Capacity	Wildlife	Solid Waste
Drainage/Absorption	Wetlands/Riparian	Growth Inducing	Fisheries	Vegetation
Archaeological/Historic	Public Services/Facilities	Cumulative Effects	Air Quality	Schools

There are no known hazardous sites on the project site as listed in Section 65962.5 of the Government Code.

#### CONTACT PERSON:

Mr. Bruce Coleman, Community Development Director, (209) 858-2860

Mailing List Attached – Includes State Clearinghouse, Responsible and Trustee Agencies and other Interested Individuals and Parties.

Notice of Completion & Environmental Document Transmittal

2003122022
SCH #

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

Project Title: Mossdale Landing East (formerly Lathrop Station)

Lead Agency: City of Lathrop

Contact Person: Bruce Coleman, Comm. Dev. Dir.

Street Address: 16775 Howland Road, Suite 1

Phone: (209) 858-2860

City: lathrop

Zip: 95330

County: San Joaquin

Project Location:

County: San Joaquin

City/Nearest Community: Lathrop

Cross Streets: I-5/Louise Avenue

Zip Code:

Total Acres: 150

Assessor's Parcel No. 191-190-8,20,21; 241-020-0

Section:

Twp.:

Range:

Base: Lathrop

Within 2 Miles: State Hwy #: I-5, SR-120

Waterways: San Joaquin River

Airports:

Railways:

Schools:

Document Type:

CEQA:

- NOI
Early Cons
Neg Dec
Draft EIR

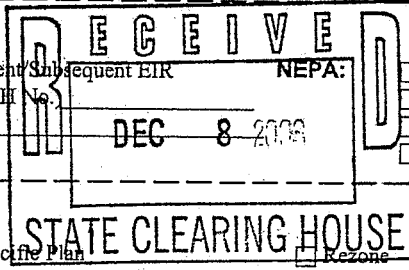
- Supplement/Subsequent EIR
(Prior SCH No.)
Other

NEPA:

- NOI
EA
Draft EIS
FONSI

Other:

- Joint Document
Final Document
Other



Local Action Type:

- General Plan Update
General Plan Amendment
General Plan Element
Community Plan

- Specific Plan
Master Plan
Planned Unit Development
Site Plan

- Rezone
Prezone
Use Permit

- Annexation
Redevelopment
Coastal Permit
Other Urban Design Plan

Development Type:

- Residential: Units 483 Acres 68
Office: Sq.ft. Acres Employees
Commercial: Sq.ft. 499 k Acres 50 Employees
Industrial: Sq.ft. Acres Employees
Educational
Recreational neigh. park

- Water Facilities: Type MGD
Transportation: Type
Mining: Mineral
Power: Type Watts
Waste Treatment: Type
Hazardous Waste: Type
Other:

Funding (approx.): Federal \$ State \$ Total \$

Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation:

Present use- agriculture. Zoning and General Plan designation - mix of urban uses including residential, commercial and public

Project Description:

The Mossdale Landing East project involves approximately 151 acres of urban development consistent with the City of Lathrop General Plan and adopted West Lathrop Specific Plan. The project is planned as a residential community centered around a Village commercial area, and also encompasses regional commercial uses. Includes subdivision map, Urban Design Concept, Williamson Act contract cancellation and Development Agreement.

# Reviewing Agencies Checklist

Form A, continued

### KEY

**S** = Document sent by lead agency

**X** = Document sent by SCH

✓ = Suggested distribution

#### Resources Agency

- Boating & Waterways
- Coastal Commission
- Coastal Conservancy
- Colorado River Board
- Conservation
- Fish & Game
- Forestry & Fire Protection
- Office of Historic Preservation
- Parks & Recreation
- Reclamation Board
- S.F. Bay Conservation & Development Commission
- Water Resources (DWR)

#### Business, Transportation & Housing

- Aeronautics
- California Highway Patrol
- CALTRANS District # \_\_\_\_\_
- Department of Transportation Planning (headquarters)
- Housing & Community Development

#### Food & Agriculture

#### Health & Welfare

Health Services \_\_\_\_\_

#### State & Consumer Services

- General Services
- OLA (Schools)

#### Environmental Protection Agency

- Air Resources Board
- California Waste Management Board
- SWRCB: Clean Water Grants
- SWRCB: Delta Unit
- SWRCB: Water Quality
- SWRCB: Water Rights
- Regional WQCB # \_\_\_\_\_ (\_\_\_\_\_)

#### Youth & Adult Corrections

- Corrections

#### Independent Commissions & Offices

- Energy Commission
- Native American Heritage Commission
- Public Utilities Commission
- Santa Monica Mountains Conservancy
- State Lands Commission
- Tahoe Regional Planning Agency

Other \_\_\_\_\_

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

Starting Date December 8, 2003

Ending Date January 21, 2004

Signature *Bruce A. Cole*

Date December 5, 2003

#### Lead Agency (Complete if applicable):

Consulting Firm: Insite Environmental  
Address: 6653 Embarcadero Drive  
City/State/Zip: Stockton, CA 95219  
Contact: Charlie Simpson, Principal  
Phone: (\_\_\_\_) see City of Lathrop contact person

#### For SCH Use Only:

Date Received at SCH \_\_\_\_\_  
Date Review Starts \_\_\_\_\_  
Date to Agencies \_\_\_\_\_  
Date to SCH \_\_\_\_\_  
Clearance Date \_\_\_\_\_

Notes:

**Applicant:** Western Pacific Housing, Watt McKee Ltd.  
Address: 1210 Central Boulevard  
City/State/Zip: Brentwood, CA 94513  
Phone: (925) 634-6023

City of Lathrop }  
Mossdale }  
# 12-23 }

State of California }  
County of San Joaquin } 2015.5 C.C.P.

of the said County, being duly sworn, deposes and says:

I am a citizen of the United States and a resident of the County aforesaid, I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Manteca Bulletin, a newspaper of general circulation, printed and published Daily in the City of Manteca, California, County of San Joaquin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, Department 4, of the County of San Joaquin, State of California, under the date of May 12th 1952, Case Number 52904; that the notice, of which the annexed is printed copy ( set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

Dec 9

All in the year 20 03  
I certify (or declare), under penalty of perjury that the foregoing is true and correct.

Dated at Manteca, California, this 9th  
day of December 20 03

Kimberly Pate  
Signature

# Manteca Bulletin

RANDY McCANTS • PUBLISHER  
P.O. BOX 1958  
531 EAST YOSEMITE AVE.  
MANTECA, CALIFORNIA 95336-0912  
PHONE (209)249-3500  
FAX (209) 249-3551

## Affidavit of Publication

The City of Lathrop is the Lead Agency. Questions regarding the document should be directed to Bruce Coleman, Community Development Director, at (209) 858-2860 Ext. 327.

### PROJECT LOCATION AND DESCRIPTION

The project site is generally located west of Interstate 5 and South of W. Louise Avenue near the San Joaquin River. It contains approximately 150 acres located within the City of Lathrop corporate limits in an area known as Mossdale Village. The project site was included in the West Lathrop Specific Plan adopted by the City Council in 1996.

The project would be developed with 200 single family dwelling units, 80 multi-family units, 27.5 acres of Highway Commercial development and approximately 20 acres of parks and open space.

Time period for Review: December 9, 2003 through January 21, 2004. All comments must be made in writing and must be received at the address above by 6:00 p.m. on January 21, 2004.

### NOTICE OF COMPLETION OF A DRAFT ENVIRONMENTAL IMPACT REPORT PROJECT TITLE:

MOSSDALE LANDING EAST

The City of Lathrop has completed a draft Environmental Impact Report (EIR) on the Mossdale Landing East project and the EIR is now available for public review at the City of Lathrop Planning Division, 16775 Howland Road, Lathrop, California 95336.

The City Planning Commission will consider the draft comments on the DEIR at its regularly scheduled public hearing on January 13, 2004 at 6:00 p.m. at the City of Lathrop Council Chambers, 16775 Howland Road, Lathrop, California.

Publication Dates: December 9, 2003

MB#12-23



## *EIR Mailing List*

Cal Trans District #10
Sierra Club
US Fish and Wildlife
San Joaquin County Public Works Department
Regional Water Quality Board
RD #17 Kjeldsen, Sinnock, Neudeck, Inc.
Western Pacific Housing
MacKay & Soms
City of Lathrop Planning Commissioner Ray Camara
City of Lathrop Councilmember Leroy Griffith
City of Lathrop Councilmember Augie Beltran
City of Lathrop Assistant City Manager Ramon Batista
City of Lathrop Police Chief Dave Levesey
City of Lathrop City Attorney Susan Burns Cochran
City of Lathrop Dep. Public Works Director Ken Buck

Steve McKee
US Army Corp of Engineers
LAFCO
Pacific Union Homes
TCN Properties
State Department of Health Services
San Joaquin County COG
City of Lathrop Planning Commissioner George Jackson
City of Lathrop Planning Commissioner Diane Lazard
City of Lathrop Councilmember Stephen Dresser
City of Lathrop Mayor Gloryanna Rhodes
City of Lathrop Comm. Dev. Director Bruce Coleman
City of Lathrop Parks & Rec. Director Floyd Lewis
City of Lathrop Finance Director Susan Halligan
City of Lathrop Principal Planner Deanna Walsh

Department of Fish and Game
S.J.V.U.A.P.C.D.
Nomellinin & Grilli RD #17 and Central Delta Water Agency
Richland Communities
Tracy Library
Stockton-San Joaquin County Library
Manteca Library
City of Lathrop Planning Commissioner Bennie Gatto
City of Lathrop Planning Commissioner Sonny Dhaliwal
City of Lathrop Councilmember Robert Oliver
City of Lathrop City Manager Pam Carder
City of Lathrop Public Works Director Cary Keaten
City of Lathrop Building Official Matt Browne
City of Lathrop Animal Control Administrator Becky Enneking
City of Lathrop City Clerk Nancy Rustigian

*EIR Mailing List*

Lathrop Manteca Fire District
San Joaquin County Community Development Department

State Clearinghouse
NOA Fisheries

Manteca Unified School District
------------------------------------

## Notice of Completing Mailing List

Natural Heritage Commission
State Lands Commission
SJ County Farm Bureau
Lathrop Associates
City of Manteca
Mossdale Associates, LTD.
National Marine Fisheries
Modesto Bee
State Board of Reclamation
North Valley Yokut Tribe
DDRW-Sharpe
Georgianna Reichelt
Jefferey Greenberg Attorney
US Dept. of Agriculture
Delta Protection Commission
Doctor & Doctor Realtors
SJ Regional Transit
Moneyline Financial Group
San Joaquin Public Health
LOF Glass
Richard & C McMahon
Ada J Zottarelli
Tr Queirolo
Ermel V Azevedo
Kenneth R Cunningham

South San Joaquin County Irrigation District
Jerry Robinson C/O Robinson Bell Ranch
Leal Charonnat
Charles Steidtmann Attorney
City of Tracy
San Joaquin Board of Supervisors
Barbara Terry
Association of CA Water Agencies
South Delta Water Agency
Tracy Press
Reclamation District #17
Office of Historic Preservation
FEMA
CPUC
Pacific Bell
Native American Heritage Commission
Stockton Record
Tri Valley Herald
San Joaquin County Superintendent of Schools
Crossroads Crea Investors
Richard D & Anna Mello
Nestle Food Company
Dennis W & A Saunders
Marie A Vallentyne
William C & June Darden

SJ County Community Development Department
US Army Corp of Engineers
Thomas Osborn
City of Stockton
Northern CA Water Agencies
Water Reuse Association
Builders Exchange
Catlin Properties
Cal-Fed Delta Program
PG&E
CUWA
CCIM Investments
Office of Water Recycling
Manteca Bulletin
SJ County Open Space & Farmland Trust
Mosquito & Vector Control
BIA
Delta Keeper
San Joaquin Partnership
TCN Properties
Homer A. McDonald
Laura N Condy
Angelo Queirolo
Pedroncelli
Angie Queirolo

*Notice of Completing Mailing List*

James O & J Harris
JW & B Silveira
Robert T Mckee
Harman
Cathie B Luckey
Eugene & Hanna Seus
Indrapat Enterprise Inc.
Spring Wildflower Partners

Creek LLC
Heather Robinson
Gladys A Ratto
Golden Arch Ltd Ptp
Ronald R & Robyne Edwards
Michael Robinson
Steven R McKee
James O & J Harris

I 5 Plaza PTP
Maurice & M Cotton
Carl Karcher Enterprises
Manuel & Ellen Castro
1 <sup>st</sup> Interstate Bank of CA
Lathrop Business Park LLC
Beebe J & Carol Allen
Barbara Terry



# City of Lathrop

RECEIVED

JAN 22 2004

CITY OF LATHROP  
BUILDING DEPT.

## NOTICE OF COMPLETION

DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE MOSSDALE LANDING EAST (MLE) TENTATIVE MAP, URBAN DESIGN CONCEPT AND RELATED  
APPROVALS  
(SCH: 2002052083)

ASSESSOR RECORDER  
COUNTY CLERK  
GARY W. FREEMAN

03 DEC -8 PM 3:54

SAN JOAQUIN COUNTY

*Patricia Paulsen*  
DEPUTY

### PROJECT DESCRIPTION:

The project would be developed as a mixed use residential community with single and multi-family residential uses, highway, service and village commercial uses, a neighborhood park, pedestrian and bicycled paths, a roadway system, and levee/open space. Entitlements being sought from the lead agency include a Certified EIR, Urban Design Concept (UDC), Vesting Tentative Tract (Subdivision) Map, Final Map, Neighborhood Design Review, Building Permits, and Williamson Act Contract Cancellations. The project is considered to be consistent with the General Plan land use designations and applicable zoning.

The project to be developed contains 403 single-family dwelling units, 80 multi-family units, 27.5 acres of Highway Commercial development, 14 acres of Service Commercial development, 6.5 acres of Village Commercial development, and approximately 9.4 acres of parks and open space. Present General Plan/Zoning includes: General Plan land uses - Residential Low, Residential Medium, Highway Commercial, Service Commercial, Village Commercial and Public. Zoning - R-MV (Single Family Residential), RM-3-MV (Multi-Family Residential), FC-MV (Freeway Commercial), CS-MV (Service Commercial), CV-MV (Village Commercial) and RCO-MV (Resource Conservation and Open Space).

### PROPOSED LOCATION:

The project site is generally located west of Interstate 5 and south of W. Louise Avenue, near the San Joaquin River. It contains approximately 150 acres located within the City of Lathrop corporate limits in an area known as Mossdale Village. The project site was included in the West Lathrop Specific Plan, adopted by the City Council in 1996.

### ADDRESS WHERE COPIES AND REFERENCE DOCUMENTS ARE AVAILABLE:

Community Development Department: 16775 Howland Road, Lathrop, CA 95330  
Hours: 8:30 a.m. - 6:00 p.m. Monday through Thursday, 8:30 a.m. - 5:00 p.m. alternate Fridays.

The document is also available for review at the Stockton and Manteca Libraries.

### PERIOD OF REVIEW:

December 8, 2003 through January 21, 2004. All comments should be in writing and must be received at the address shown by 6:00 p.m., January 21, 2004.

### DATE, TIME AND PLACE OF PUBLIC HEARINGS:

The City of Lathrop Planning Commission will consider the oral comments on the DEIR at its regularly scheduled public hearing of January 13, 2004, 6:00 p.m. at the City of Lathrop Council Chambers, 16775 Howland Road, Lathrop, California.

The City Council will also hold a public hearing and consider the DEIR and project approvals. This hearing is tentatively scheduled for March 2, 2004, 7:00 p.m. at the City of Lathrop Council Chambers, 16775 Howland Road, Lathrop, California.

### LIST OF SIGNIFICANT ENVIRONMENTAL EFFECTS KNOWN AT THIS TIME:

Aesthetic/Visual	Floodplain/Flooding	Traffic/Circulation	Water Quality	Noise
Agricultural Land	Water Supply/Groundwater	Sewer Capacity	Wildlife	Solid Waste
Drainage/Absorption	Wetlands/Riparian	Growth Inducing	Fisheries	Vegetation
Archaeological/Historic	Public Services/Facilities	Cumulative Effects	Air Quality	Schools

There are no known hazardous sites on the project site as listed in Section 65962.5 of the Government Code.

### CONTACT PERSON:

Mr. Bruce Coleman, Community Development Director, (209) 858-2860, Ext. 258

Mailing List Attached - Includes State Clearinghouse, Responsible and Trustee Agencies and other Interested Individuals and Parties.

16775 Howland Road, Suite One, Lathrop, California 95330  
Ph: 209.858.2860 Ext. 327 Fax: 209.858.5259

1-11-04



Arnold  
Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Jan Eoel  
Acting Deputy  
Director

January 22, 2004

RECEIVED

JAN 23 2004

CITY OF LATHROP  
BUILDING DEPT.

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

Subject: Mossdale Landing East (formerly Lathrop Station)  
SCJ#: 2002052083

Dear Bruce Coleman:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 21, 2004, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in all future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding the activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

*Terry Roberts*

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2002052083  
**Project Title** Mossdale Landing East (formerly Lathrop Station)  
**Lead Agency** Lathrop, City of

**Type** EIR Draft EIR  
**Description** The Mossdale Landing East project involves approximately 151 acres of urban development consistent with the City of Lathrop General Plan and adopted West Lathrop Specific Plan. The project is planned as a residential community centered around a Village commercial area, and also encompasses regional commercial uses. Includes subdivision map, Urban Design Concept, Williamson Act contract cancellation and Development Agreement.

**Lead Agency Contact**

**Name** Bruce Coleman  
**Agency** City of Lathrop Department of Community Development  
**Phone** 209-858-2860 x 269 **Fax**  
**email**  
**Address** 16775 Howland Rd., Ste. One  
**City** Lathrop **State** CA **Zip** 95330

**Project Location**

**County** San Joaquin  
**City** Lathrop  
**Region**  
**Cross Streets** I-5/Louise Avenue  
**Parcel No.** 191-190-8,20,21;241-020-0  
**Township** **Range** **Section** **Base** Lathrop

**Proximity to:**

**Highways** I-5, SR-120  
**Airports**  
**Railways**  
**Waterways** San Joaquin River  
**Schools**  
**Land Use** Agriculture  
 Mix of urban uses including residential, commercial and public

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

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

**Date Received** 12/08/2003 **Start of Review** 12/08/2003 **End of Review** 01/21/2004

Note: Blanks in data fields result from insufficient information provided by lead agency.

