

## ITEM 5.1

### **CITY MANAGER'S REPORT DECEMBER 9, 2019 CITY COUNCIL REGULAR MEETING**

**ITEM:** **PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF THE IWRMP PW 10-10 AND WW 15-08**

**RECOMMENDATION:** **City Council to Consider the Following:**

- 1. Hold a Public Hearing; and**
- 2. Adopt Resolution Certifying the Environmental Impact Report (SCH# 2019029106), Including the Adoption of Findings of Fact and Statement of Overriding Considerations and Adoption of the Integrated Water Resources Master Plan PW 10-10 and WW 15-08**

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#### **SUMMARY:**

The Integrated Water Resources Master Plan (IWRMP), is a comprehensive update to the City's Water, Wastewater and Recycled Water System master documents. Implementation of the draft IWRMP is a discretionary project for the City, and is therefore subject to environmental review under the California Environmental Quality Act (CEQA). An Environmental Impact Report (EIR) for this project has been completed in accordance with CEQA requirements. Following tonight's public hearing, the City Council of the City of Lathrop is requested to certify the Environmental Impact Report and adoption of the City of Lathrop IWRMP to be used to support the General Plan and as the basis for regulatory compliance documents, to support utility operations, budget, rate studies, land use planning and development fees.

#### **BACKGROUND:**

A comprehensive update to the City's water, wastewater and recycled water master plan documents is needed to forecast and update water and sewer demand projections, address changes in regulatory requirements, population and growth projections, proposed land use, climate change and other factors. Collectively, these documents known as the Integrated Water Resources Master Plan (IWRMP), are a component of the City's General Plan and are used as the basis for regulatory compliance documents, and are also used to support utility operations, budget, rate studies, land use planning and development fees. In May 2016, the City approved an agreement with EKI Environment & Water, Inc. to prepare the IWRMP. The draft IWRMP documents were completed in early March 2018 and subsequently revised in December 2018, and July 2019.

Implementation of the draft IWRMP is a discretionary project for the City, and is therefore subject to environmental review under CEQA. The completion of CEQA is required prior to formal adoption by the City. In May 2018, the City approved an agreement with De Novo Planning Group to prepare a Programmatic Environmental

**CITY MANAGER'S REPORT** **PAGE 2**  
**DECEMBER 9, 2019 CITY COUNCIL REGULAR MEETING**  
**CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT AND ADOPTION**  
**OF IWRMP PW 10-10 AND WW 15-08**

A DEIR reflecting input received in response to the NOP was prepared and released for public and agency review on August 15, 2019 with a 45-day public review period ending on September 30, 2019. A Final Environmental Impact Report (FEIR) that incorporates by reference the DEIR and also responds to the comments received by the public and agencies on the DEIR was prepared and a notice of this public hearing was given pursuant to Government Code section 65091.

**RECOMMENDATION:**

The City Council of the City of Lathrop is requested to certify the Final Environmental Impact Report and adopt the Lathrop Integrated Water Resources Master Plan. The Environmental Impact Report has been completed in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The EIR was prepared, published, circulated, and reviewed in accordance with the requirements of CEQA and the State CEQA Guidelines, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in full compliance with the requirements of CEQA and the State CEQA Guidelines. The EIR has been presented to the City Council, and the City Council has considered the information contained in the EIR prior to acting on the proposed project, and that the EIR reflects the City Council's independent judgement and analysis.

**FISCAL IMPACT:**


There is no direct fiscal impact associated with the recommended action. The IWRMP will be used to support CIP planning, budget and rate studies for water, wastewater and recycled water improvement projects.

**ATTACHMENTS:**

- A. Resolution Certifying the Environmental Impact Report, Including the Adoption of Findings of Fact and Statement of Overriding Considerations (SCH# 2019029106) and Adoption of the Integrated Water Resources Master Plan PW 10-10 and WW 15-08
- B. Final Environmental Impact Report for the City of Lathrop Integrated Water Resources Master Plan
- C. Findings of Fact for the Lathrop Integrated Water Resources Master Plan
- D. Integrated Water Resources Master Plan, updated December 2018

**CITY MANAGER'S REPORT**  
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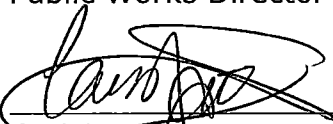
**APPROVALS:**

  
\_\_\_\_\_  
Greg Gibson  
Senior Civil Engineer


11/7/19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Michael King  
Public Works Director

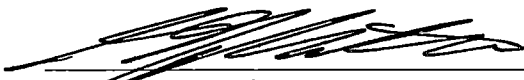
11-13-19  
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Date

  
\_\_\_\_\_  
Cari James  
Finance & Administrative  
Services Director

11/15/19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Salvador Navarrete  
City Attorney

11-8-19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Stephen J. Salvatore  
City Manager

11.19.19  
\_\_\_\_\_  
Date

**RESOLUTION NO. 19 -**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, INCLUDING THE ADOPTION OF FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS (SCH# 2019029106) AND ADOPTION OF THE INTEGRATED WATER RESOURCES MASTER PLAN PW 10-10 AND WW 15-08**

**WHEREAS**, a comprehensive update to the City's water, sewer and recycled water master plan documents is needed to forecast and update water and sewer demand projections, address changes in regulatory requirements, population and growth projections, proposed land use, climate change and other factors; and

**WHEREAS**, collectively, these documents known as the Integrated Water Resources Master Plan (IWRMP), are a component of the City's General Plan and are used as the basis for regulatory compliance documents, and are used to support utility operations, budget, rate studies, land use planning and development fees; and

**WHEREAS**, in May 2016, the City approved an agreement with EKI Environment & Water, Inc., (EKI) to prepare the IWRMP, and in March 2018 EKI completed the draft IWRMP documents that were subsequently revised in December 2018, and July 2019; and

**WHEREAS**, implementation of the Draft IWRMP is a discretionary project for the City, and is therefore subject to environmental review under the California Environmental Quality Act (CEQA), and completion of CEQA is required prior to formal adoption of the IWRMP by the City; and

**WHEREAS**, in May 2018, the City approved an agreement with De Novo Planning Group to prepare a Programmatic Environmental Impact Report for the IWRMP; and

**WHEREAS**, a Notice of Preparation of a Draft Environmental Impact Report (DEIR) and Scoping Meeting was issued on February 20, 2019 soliciting public input and a public scoping meeting was conducted on March 13, 2019; and

**WHEREAS**, a DEIR reflecting input received in response to the NOP was prepared and released for public and agency review on August 15, 2019 with a 45-day public review period ending on September 30, 2019; and

**WHEREAS**, a Final Environmental Impact Report (FEIR) that incorporates by reference the DEIR and also responds to the comments received by the public and agencies on the DEIR was prepared; and

**WHEREAS**, notice of this public hearing was given pursuant to Government Code section 65091.

**NOW, THEREFORE, BE IT RESOLVED, that:**

1. The City Council of the City of Lathrop hereby certifies the Final Environmental Impact Report for the Lathrop Integrated Water Resources Master Plan. The Environmental Impact Report has been completed in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The EIR was prepared, published, circulated, and reviewed in accordance with the requirements of CEQA and the State CEQA Guidelines, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in full compliance with the requirements of CEQA and the State CEQA Guidelines. The EIR has been presented to the City Council, and the City Council has considered the information contained in the EIR prior to acting on the proposed project, and that the EIR reflects the City Council's independent judgement and analysis.
2. The City Council of the City of Lathrop adopts the Integrated Water Resources Master Plan to be used to support the General Plan and as the basis for regulatory compliance documents, to support utility operations, budget, rate studies, land use planning and development fees.

The foregoing resolution was passed and adopted this 9th day of December 2019, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

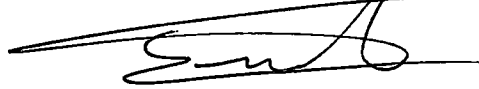
ABSENT:

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Sonny Dhaliwal, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**



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Teresa Vargas, City Clerk

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Salvador Navarrete, City Attorney



FINAL  
ENVIRONMENTAL IMPACT REPORT

FOR THE

LATHROP INTEGRATED WATER RESOURCES  
MASTER PLAN  
(SCH: 2019029106)

NOVEMBER 2019

*Prepared for:*

City of Lathrop, Public Works Department  
390 Towne Centre Drive  
Lathrop, CA 95330  
(209) 941-7430

*Prepared by:*

De Novo Planning Group  
1020 Suncastr Lane, Suite 106  
El Dorado Hills, CA 95762  
(916) 580-9818

D e N o v o P l a n n i n g G r o u p

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A Land Use Planning, Design, and Environmental Firm



FINAL  
ENVIRONMENTAL IMPACT REPORT

FOR THE

LATHROP INTEGRATED WATER RESOURCES  
MASTER PLAN  
(SCH: 2019029106)

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FINAL EIR

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## INTRODUCTION

The City of Lathrop (City) determined that a program-level environmental impact report (EIR) was required for the proposed Lathrop Integrated Water Resources Master Plan (IWRMP) Project (project) pursuant to the requirements of the California Environmental Quality Act (CEQA).

The program-level analysis considers the broad environmental effects of the IWRMP. CEQA Guidelines Section 15168 states that a Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- 1) Geographically;
- 2) As logical parts in the chain of contemplated actions;
- 3) In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
- 4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

A program-level analysis may be prepared for a long-term program before the details of each phase or project have been developed. For the IWRMP, facilities will be implemented in the near-term and long-term. The long-term components do not currently have specific construction and operational details provided. This Program EIR serves as a first-tier environmental document that focuses on the overall effects of implementing the IWRMP.

## PROJECT DESCRIPTION

The following provides a brief summary and overview of the proposed project. Section 2.0 of the Draft EIR includes a detailed description of the proposed project, including maps and graphics. The reader is referred to Section 2.0 of the Draft EIR for a more complete and thorough description of the components of the proposed project.

The project site is located throughout Lathrop, California. The IWRMP includes the improvement projects summarized in the proposed Water System Master Plan, Wastewater System Master Plan, and Recycled Water System Master Plan.

The City of Lathrop is located in San Joaquin County, approximately 10 miles south of the City of Stockton and directly west of the City of Manteca. The City lies east of the Coastal Range that separates California's Central Valley from the San Francisco Bay Area. Interstate 5 (I-5), a major north-south interstate corridor, bisects the City. The City is also connected by State Route (SR) 120 which runs east-west through the southeastern-most part of the City, and by Interstate 205, which connects Interstate 580 to I-5. The City is also served by the Altamont Commuter Express (ACE) train, which travels along the southern and eastern border of the City. The community was originally developed primarily east of I-5. However, most major new developments have recently

been constructed west of I-5 and others are currently planned or under construction in this area. See Figure 2.0-3 for the aerial view of the City.

The City is relatively flat with natural gentle slope from east to west. The City's topography has an average elevation of approximately 20 feet above sea level.

The City's water service area is generally contiguous with the City limits and includes the railroad cargo container commercial enterprise that is outside of the City limits. The City's wastewater collection system service area is generally contiguous with the City limits. The City's existing recycled water distribution system is generally contiguous with the City limits, and some future facilities are planned for north of the City limits.

The proposed project includes adoption and implementation of the IWRMP, which includes the improvement projects summarized in the proposed Water System Master Plan, Wastewater System Master Plan, and Recycled Water System Master Plan.

The Water System Master Plan focuses on development of water demand unit factors and projections, hydraulic assessment of the City's existing water infrastructure and key planned improvements, and development of recommended water system capital improvement projects (CIPs). The Wastewater System Master Plan focuses on development of wastewater flow unit factors and projections, hydraulic assessment of the City's existing infrastructure and key planned conveyances, and development of recommended wastewater CIPs. The Recycled Water System Master Plan focuses on an evaluation of recycled water use and disposal alternatives, recycled water balance analyses, hydraulic assessment of the City's existing recycled water infrastructure and key planned improvements, and development of recommended recycled water system improvements and operational recommendations.

Generators would be provided in conjunction with the proposed water pump station improvements. The generators will be added as the new essential facilities are constructed and brought on-line, such as the Central Lathrop Specific Plan (CLSP) water tank, River Islands water tank/SSJID turnout, and sewer pump stations. The generators would all be for emergency operations in the event of a power outage, and would only be run for maintenance and air quality permit testing requirements.

Additionally, Supervisory Control and Data Acquisition (SCADA) communication towers would also be provided. Currently, SCADA towers are located at the City of Lathrop Corporation Yard (2112 E. Louise Avenue), the City of Lathrop City Hall (390 Town Centre Drive), the Lathrop Consolidated Treatment Facility (LCTF) (18800 Christopher Way), and at a few other locations in the River Islands and CLSP development areas. The proposed SCADA towers are required in order to provide a line-of-sight for radio communications between the facilities. The towers would be 50- to 100-feet in height, or taller.

Refer to Section 2.0, Project Description, in the Draft EIR for a more complete description of the details of the proposed project.

## ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed project. The alternatives analyzed in this EIR include the following two alternatives in addition to the proposed Lathrop IWRMP Project:

- No Project (No Build) Alternative
- Near-Term Improvements Alternative

These alternatives are described in detail in Section 5.0, Alternatives to the Proposed Project, in the Draft EIR. The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. The environmentally superior alternative was determined using a numerical scoring system, which assigns a score of “2,” “3,” or “4” to the proposed project and each of the alternatives with respect to how each alternative compares to the proposed project in terms of the severity of the environmental topics addressed in the Draft EIR. A score of “2” indicates that the alternative would have a better (or lessened) impact when compared to the proposed project. A score of “3” indicates that the alternative would have the same (or equal) level of impact when compared to the proposed project. A score of “4” indicates that the alternative would have a worse (or greater) impact when compared to the proposed project. The project alternative with the lowest total score is considered the environmentally superior alternative.

The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Near-Term Improvements Alternative ranks higher than the proposed project. However, the Near-Term Improvements Alternative would not fully meet all of the project objectives.

## COMMENTS RECEIVED

The Draft EIR addressed environmental impacts associated with the proposed project that are known to the City, were raised during the Notice of Preparation (NOP) process, or raised during preparation of the Draft EIR. The Draft EIR discussed potentially significant impacts associated with cultural and tribal resources and land use.

During the NOP process, several comments were received related to the analysis that should be included in the Draft EIR. These comments are included as Appendix A of the Draft EIR, and were considered during preparation of the Draft EIR.

The City of Lathrop received four comment letters regarding the Draft EIR from public agencies and a private development group. These comment letters on the Draft EIR are identified in Table 2.0-1 of this Final EIR. The comments received during the Draft EIR review processes are addressed within this Final EIR.

This Final Environmental Impact Report (Final EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Lathrop (Lathrop, or City) is the lead agency for the environmental review of the Lathrop Integrated Water Resources Master Plan (IWRMP) Project (project) and has the principal responsibility for approving the project. This Final EIR assesses the expected environmental impacts resulting from approval of the project and associated impacts from subsequent development and operation of the project, as well as responds to comments received on the Draft Environmental Impact Report (Draft EIR).

## 1.1 PURPOSE AND INTENDED USES OF THE EIR

### CEQA REQUIREMENTS FOR A FINAL EIR

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This Final EIR for the proposed project has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that a Final EIR consist of the following:

- 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 public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development, and an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

### PURPOSE AND USE

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The City of Lathrop, as the lead agency, has prepared this Final EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from approval, construction, and operation of the proposed Lathrop IWRMP Project. Responsible and trustee agencies that may use the EIR are identified in Sections 1.0 and 2.0 of the Draft EIR.

## 1.0 INTRODUCTION

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The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used as the primary environmental document to evaluate all aspects of construction and operation of the proposed project. The details and operational characteristics of the proposed project are identified in Chapter 2.0, Project Description, of the Draft EIR (December 2017).

### 1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

#### NOTICE OF PREPARATION AND INITIAL STUDY

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The City circulated an Initial Study and NOP of an EIR for the proposed project on February 20, 2019 to trustee agencies, the State Clearinghouse, and the public. A public scoping meeting was held on March 13, 2019 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses to the NOP by interested parties are presented in Appendix A of the Draft EIR.

#### NOTICE OF AVAILABILITY AND DRAFT EIR

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The City of Lathrop published a public Notice of Availability (NOA) for the Draft EIR on August 15, 2019 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2019029106) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from August 15, 2019 through September 30, 2019.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.



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## RESPONSE TO COMMENTS/FINAL EIR

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The City of Lathrop received four comment letters regarding the Draft EIR from public agencies and a private development group. These comment letters on the Draft EIR are identified in Table 2.0-1, and are found in Section 2.0 of this Final EIR.

In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received on the Draft EIR, as required by CEQA. This Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Revisions. This document, as well as the Draft EIR as amended herein, constitute the Final EIR.

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## CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

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The City of Lathrop will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete," the Lathrop City Council may certify the Final EIR in accordance with CEQA and City of Lathrop environmental review procedures and codes. The rule of adequacy generally holds that an EIR can be certified if:

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and
- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project which intelligently take account of environmental consequences.

Upon review and consideration of the Final EIR, the Lathrop City Council may take action to approve, revise, or reject the project. A decision to approve the Lathrop IWRMP Project, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. A Mitigation Monitoring and Reporting Program, as described below, would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Program has been designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

## 1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

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### CHAPTER 1.0 – INTRODUCTION

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Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead, agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

## CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

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Chapter 2.0 provides a list of commenters, copies of written and electronic comments made on the Draft EIR (coded for reference), and responses to those written comments.

## CHAPTER 3.0 – REVISIONS

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Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments received on the Draft EIR.

## CHAPTER 4.0 – FINAL MMRP

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Chapter 4.0 consists of a Mitigation Monitoring and Reporting Program (MMRP). The MMRP is presented in a tabular format that presents the impacts, mitigation measure, and responsibility, timing, and verification of monitoring.

## 2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the Lathrop Integrated Water Resources Master Plan (IWRMP) Project, were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

CEQA Guidelines Section 15088.5 states that: *New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.*

Sections 2.0 and 3.0 of this Final EIR include information that has been added to the EIR since the close of the public review period in the form of responses to comments and revisions.

## 2.2 LIST OF COMMENTERS

Table 2.0-1 lists the comments on the Draft EIR that were submitted to the City of Lathrop during the 45-day public review period for the Draft EIR. The assigned comment letter or number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed. Letters received are coded with letters (A, B, etc.).

**TABLE 2.0-1 LIST OF COMMENTERS ON DRAFT EIR**

RESPONSE LETTER/NUMBER	INDIVIDUAL OR SIGNATORY	AFFILIATION	DATE
A	Scott Morgan	Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit	10-1-2019
B	Plan Review Team	Pacific Gas and Electric Company	8-13-2019
C	Susan Dell’Osso	River Islands	9-30-2019
D	Laurel Boyd	San Joaquin Council of Governments	9-25-2019

## 2.3 COMMENTS AND RESPONSES

### REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information

requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commenters provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the Lathrop IWRMP Project Draft EIR.

## RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter is lettered or numbered (i.e., Letter A) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).



Gavin Newsom  
Governor

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



Kate Gordon  
Director

RECEIVED

OCT 08 2019

CITY OF LATHROP  
PUBLIC WORKS

October 1, 2019

Greg Gibson  
Lathrop, City of  
390 Towne Centre Drive  
Lathrop, CA 95330

Subject: Lathrop Integrated Water Resources Master Plan  
SCH#. 2019029106

Dear Greg Gibson

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 9/30/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, <https://ceqanet.opr.ca.gov/2019029106/2>.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

A-1

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL 1-916-445-0613 state.clearinghouse@opr.ca.gov www.opr.ca.gov

**Response to Letter A: Governor's Office of Planning and Research, State Clearinghouse and Planning Unit**

**Response A-1:** The comment acknowledges that the City has complied with the State Clearinghouse review requirements, pursuant to CEQA. No further response is necessary.



Plan Review Team  
Land Management

PGEPlanReview@pge.com  
6111 Bolinger Canyon Road 3370A  
San Ramon, CA 94583

August 13, 2019

Rosemary Martinez  
City of Lathrop  
390 Towne Centre Dr  
Lathrop, CA 95330

Ref: Gas and Electric Transmission and Distribution

Dear Ms. Martinez,

Thank you for submitting the IWRMP plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

B-1

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

B-2

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

B-3

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management



**Pacific Gas and  
Electric Company**

### Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <http://usanorth811.org/wp-content/uploads/2017/05/CA-LAW-English.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches  $[24/2 + 24 + 36/2 = 54]$  away, or be entirely dug by hand.)





Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes,



*Pacific Gas and  
Electric Company*

service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

**Response to Letter B: Pacific Gas & Electric Company**

- Response B-1:** This comment is noted. This comment serves as an introduction to the comment letter. The attachments provided in this comment letter have been forwarded to the City for their information. No further response is necessary.
- Response B-2:** The commenter notes that: the Pacific Gas & Electric (PG&E) plan review process does not replace the application process for PG&E gas or electric service that maybe required for the project; if a project is being submitted as part of a larger project, the entire scope and PG&E facilities should be included in the CEQA document; and, an engineering deposit may be required to review plans for a project. This comment is noted. This comment letter and the associated attachments have been forwarded to the City for their information. No further response is necessary.
- Response B-3:** The commenter notes that any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required. Any proposed uses within a PG&E easement associated with the project would include a Section 851 filing. This comment letter and the associated attachments have been forwarded to the City for their information. No further response is necessary.

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES



September 30, 2019

Mr. Greg Gibson, Senior Civil Engineer  
City of Lathrop  
390 Towne Centre Drive  
Lathrop, California 95330

Re: Comments on City of Lathrop Integrated Water Resources Master Plan Update DEIR

Dear Greg

On March 21, 2019, we provided the City comments on the Notice of Preparation (NOP) for the proposed Draft EIR for the Integrated Water Resources Master Plan (IWRMP) Update. In that letter (attached), we noted a number of issues for inclusion in the DEIR. We found that some of these issues were included in the document, however, others were not. In specific:

C-1

1. River Islands and the City entered into a Fifth Amendment to the River Islands Development Agreement (5<sup>th</sup> Amendment) by City Council action in February 2019 (effective date April 11, 2019) that clarifies the process sewer and water allocations are made for the River Islands project; a copy of the 5<sup>th</sup> Amendment is attached for your reference. The 5<sup>th</sup> Amendment requires that both parties monitor actual usage and resulting data regarding potable water and sewer allocations. The DEIR project description for wastewater and potable water should note the provisions of the 5<sup>th</sup> Amendment, including the ability of the City Manager to administratively adjust future allocations. Additionally, the project description for the DEIR should note this adjustment process agreed to by the City and River Islands and its effect on resultant wastewater demands.

C-2

Further, we continue to analyze City water consumption data for residential uses. We continue to find that water demand for River Islands residential customers appears to be much lower than the 430 gallons per day per unit currently assumed in the IWRMP and the Urban Water Management Plan. The DEIR should note that adjustments to demand assumptions for residential water usage may occur with future updates of the IWRMP.

C-3

2. We did not find in the DEIR information regarding the current status of SSJID's filed legal action against the State of California regarding any possible infringement on its water rights. While the DEIR does an adequate job of providing a summary of the current water development agreement provisions for the possible curtailment of water deliveries, the DEIR should also mention changes in deliveries that could occur as a result of State and/or Federal actions and the possibility of legal actions. Additionally, SSJID has additional treatment of potable water available with implementation of Phase 2 of the South County Surface Water Project and the IWRMP and DEIR should also include the potential for additional potable water capacity as a result.

C-4

3. Page 3.6-10 states that a second SSJID turnout is "planned" for the River Islands area. These facilities are currently under construction and are anticipated for implementation in 2020. This description should be updated as a result.

C-5

4. The DEIR states that the potential for discharge of recycled water into the San Joaquin River is a possible area of controversy. The DEIR does not however include much in the way of programmatic background information regarding the potential year-round discharge of

C-6

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Lathrop, California 95330

209.879.7900

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recycled water into the San Joaquin River system. The effort for a possible year-round discharge is on-going and the DEIR should at least mention this effort.

C-6  
cont'd

- 5. The DEIR figures do not include recycled water storage ponds S11, S12, and S13 within River Islands. While these ponds may not be necessary if a seasonal or year-round discharge of recycled water becomes available, they should still be included in the figures and description as possible infrastructure during buildout conditions.

C-7

Thank you for the opportunity to comment on the DEIR. Please provide us with notice of future documents and meetings regarding the IWRMP and the DEIR. Should you have any questions or concerns regarding this letter, please contact me at (209) 879-7900.

C-8

Sincerely,

*Susan Dell'Osso*  
 Susan Dell'Osso  
 President

cc: Mark Meissner, Community Development Director  
 Stephen Salvatore, City Manager  
 Glenn Gebhardt, City Engineer

73 West Stewart Road  
 Lathrop, California 95330  
 209.879.7900  
 RiverIslands.com



March 21, 2019

Mr. Greg Gibson, Senior Civil Engineer  
City of Lathrop  
390 Towne Centre Drive  
Lathrop, California 95330

Re: Comments on Notice of Preparation – City of Lathrop Integrated Water Resources  
Master Plan Update DEIR

Dear Greg:

We have reviewed the Notice of Preparation for the proposed Draft EIR for the Integrated Water Resources Master Plan (IWRMP) Update and have the following comments:

1. River Islands and the City entered into a Fifth Amendment to the River Islands Development Agreement (5<sup>th</sup> Amendment) by City Council action in February 2019 (effective date April 11, 2019) that clarifies the process sewer and water allocations are made for the River Islands project; a copy of the 5<sup>th</sup> Amendment is attached for your reference. The 5<sup>th</sup> Amendment requires that both parties monitor actual usage and resulting data regarding potable water and sewer allocations. The proposed IWRMP should reflect the provisions of the 5<sup>th</sup> Amendment, including the ability of the City Manager to administratively adjust future allocations. Additionally, River Islands staff has been analyzing recent water consumption data for its residents (from 2014 to February 2019) and have found that the water demand for River Islands residential customers appears to be much lower than the 430 gallons per day per unit currently assumed in the IWRMP and the Urban Water Management Plan. We look forward to working with you and your consultants on continuing to address this issue in the near future.
2. The NOP states that the DEIR will analyze potential reductions in potable water resources due to "curtailment of South San Joaquin Irrigation District surface water rights." It should be noted that SSJID has filed legal action against the State of California regarding any possible infringement on its water rights. The IWRMP and the DEIR needs to monitor this legal action and potential Court action or potential settlement. Additionally, SSJID has additional treatment of potable water available with implementation of Phase 2 of the South County Surface Water Project and the IWRMP and DEIR should also include the potential for additional potable water capacity as a result.
3. Tables 1 and 2 of the NOP lists current and planned Capital Improvement Program (CIP) projects within the City for sewer and water facilities. The tables do not cover River Islands related improvements, including L-2 SSJID turnout for water, booster pump station and storage, permanent sewer pump station and other facilities already under construction and others planned for the River Islands planning area. The IWRMP should include River Islands facilities; we can provide additional information on these projects to you and your consultants.
4. The NOP states that, "the Plan also recommends that the City initiate discussion with the Regional Water Quality Control Board (RWQCB) to better assess the potential for a river discharge permit." This discussion has already begun and the City's consultant, Robertson-Bryan, Inc. has been actively collecting data towards this effort. The IWRMP needs to include background information and relative data regarding the potential year-round discharge of

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recycled water into the San Joaquin River system and the DEIR should at least analyze the potential effects on a programmatic basis.

5. The draft IWRMP includes storage ponds S11, S12, and S13 within River Islands. The City should note that these ponds and possibly others may not need to be constructed if either a seasonal or year-round discharge of recycled water becomes available.

Thank you for the opportunity to comment on the NOP. Please provide us with notice of future documents and meetings regarding the IWRMP and the DEIR. Should you have any questions or concerns regarding this letter, please contact me at (209) 879-7900.

Sincerely,

A handwritten signature in black ink that reads "Susan Dell'Osso" followed by a stylized flourish.

Susan Dell'Osso  
Project Director

cc: Mark Meissner, Community Development Director  
Glenn Gebhardt, City Engineer

73 West Stewart Road  
Lathrop, California 95330  
209.879.7900  
RiverIslands.com

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Teresa Vargas  
City Clerk  
City of Lathrop  
390 Towne Centre Drive  
Lathrop, CA 95330

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(Above Space for Recorder's Use Only)

FIFTH AMENDMENT  
TO 2003 AMENDED AND RESTATED DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
THE CITY OF LATHROP  
AND  
CALIFIA, LLC

THIS FIFTH AMENDMENT TO 2003 AMENDED AND RESTATED DEVELOPMENT AGREEMENT (the "Fifth Amendment") is entered into this 14<sup>th</sup> day of January, 2019 by and between the CITY OF LATHROP, a municipal corporation (the "City"), CALIFIA, LLC, a California limited liability company ("Califia") and RIVER ISLANDS DEVELOPMENT, LLC, a California limited liability company ("RID"), successor in interest to The Cambay Group, Inc., a California corporation ("Cambay"). Califia and RID are collectively referred to hereinafter as "Califia."

### RECITALS

A. The City, Cambay and Califia entered into that certain 2003 Amended and Restated Development Agreement (the "Original Agreement") dated as of February 4, 2003 and recorded on March 31, 2003 in the Official Records of San Joaquin County (the "Official Records") as Document No. 2003-069319, as amended by that certain First Amendment to 2003 Amended and Restated Development Agreement By and Between the City of Lathrop and Califia, LLC dated as of July 12, 2005 and recorded on October 19, 2005 in the Official Records as Document No. 2005-260875 (the "First Amendment"), and as further amended by that certain Second Amendment to 2003 Amended and Restated Development Agreement By and Between the City of Lathrop and Califia, LLC (the "Second Amendment") dated as of November 5, 2012 and recorded on November 6, 2012 in the Official Records as Document No. 2012-145503, and as further amended by that certain Third Amendment to the 2003 Amended and Restated Development



Agreement By and Between the City of Lathrop and Califa, LLC, (the "Third Amendment") dated October 7, 2013 and recorded on December 20, 2013 in the Official Records as Document No. 2013-156622, and as further amendment by that Fourth Amendment to the 2003 Amended and Restated Development Agreement By and Between the City of Lathrop and Califa, LLC (the "Fourth Amendment") dated as of March 16, 2015 and recorded on April 15, 2015 in the Official Records as Document No. 2015-042142.

B. The Original Agreement, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment and this Fifth Amendment collectively constitute the "Development Agreement." The Development Agreement establishes the terms providing for the development of the Project at the Project Site.

C. The City and Califa desire to further amend the Development Agreement to make the changes as more particularly set forth herein.

NOW THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS ACKNOWLEDGED, THE CITY AND CALIFIA AGREE AS FOLLOWS:

#### AGREEMENT

1. INCORPORATION OF RECITALS. The foregoing recitals are correct and are incorporated into this Fifth Amendment by this reference.
2. DEFINED TERMS. All capitalized terms not defined herein shall have the meanings ascribed to them in the Development Agreement, the First Amendment, or the Second Amendment, as the case may be.
3. EFFECTIVE DATE AND OPERATIVE DATE. This Fifth Amendment shall be effective upon its recordation pursuant to California Government Code section 65868.5 (the recordation date is the "Effective Date" of this Fifth Amendment), which date in no event shall be earlier than the effective date of Ordinance No. 19-\_\_\_ approving this Fifth Amendment. Section 65868.5 of the Government Code requires this Fifth Amendment be recorded in the Official Records no later than 10 days after the City enters into this Fifth Amendment, and that the burdens of this Fifth Amendment shall be binding upon, and the benefits of this Fifth Amendment shall inure to, all successors in interest to the parties to this Fifth Amendment and/or to the land depicted in Exhibit A.
4. OWNED LAND. Exhibit A to this Fifth Amendment depicts the properties which constitute the "Owned Land" and the "Optioned Land" which are benefitted and burdened by the Development Agreement.

5. WASTEWATER TREATMENT CAPACITY ALLOCATION. Section 6.05.03 is hereby added to the Development Agreement as follows:

Section 6.05.03. Wastewater Treatment Capacity Allocation. The City hereby acknowledges that the Project's development and infrastructure, including the City's sanitary sewer pump stations and sanitary sewer collection system that serves the Project Site are isolated from the balance of the City's planning areas and that the Project's sewer flows that enter into the City's sanitary sewer collection system and into the sanitary sewer pump station that serves the Project can be measured precisely and separately from the rest of the City before such flows reach the City's Lathrop Consolidated Treatment Facility ("LCTF"). As a result, actual sewer flows from the Project's sewer pump station facilities can be utilized to estimate residential and non-residential (e.g. commercial) wastewater treatment capacity allocations for the Project's development. As such, as described below, the City shall utilize the measurement of the actual flows as generated from the Project to allocate wastewater treatment capacity for the Project.

For residential uses, the City allocates wastewater treatment capacity in Equivalent Capacity Units or "ECU's", with each ECU being equivalent to the capacity of one single family residential dwelling. As of the Operative Date of this Agreement, the City shall allocate ECUs for the Project based upon the actual measurement of wastewater flows generated from occupied homes within the Project over time, plus a reasonable buffer at the discretion of the City, to account for variations in data, and adjust the number of gallons per day ("gpd") of each ECU accordingly. As of August 2018, the City has adjusted the allocation per ECU to 200 gpd for all areas utilizing the LCTF; this shall be the starting allocation for the Project as of the Operative Date. Further, the City shall retroactively adjust all prior allocations of ECU's to 200 gpd for the Project starting with the first dwelling constructed in the project in 2014. Within 30 days of the Operative Date, the City shall provide a summary of this reallocation in writing to RID.

Keeping sewage strength as a contributing factor as noted below, the City shall base future ECU allocations beyond the initial allocation upon the actual measurement of wastewater flows from occupied homes in the Project into the City sewer system, plus a reasonable buffer at the discretion of the City, to account for variations in data. As of the Operative Date, the Parties shall continue to monitor the amount of actual flows from the Project and review data for variations in flow over time. This will include the use of separate meters for non-residential uses unless an alternative methodology is agreed upon to

determine non-residential inflows versus residential. At any time thereafter, either Party shall have the right to request an adjustment to the ECU allocation for the Project, subject to verification by the other Party, limited to only one such request within two calendar years. Any resulting adjustments are exclusive to this Project and shall not affect any other development area of the City. Any resulting adjustments shall be made administratively by the City Manager under recommendation by the Director of Public Works. Any costs associated with the adjustment shall be borne by the requesting Party. Unless agreed to by the Parties, future adjustments will not be retroactively applied, but shall only be applied to new residential subdivisions that are approved after the adjustment has been made.

With respect to sewer strength, City staff reviewed the strength (BOD5 or 5 Day Biological Oxygen Demand) of the current sewer effluent versus the strength when the gallons per day per ECU was 260. The most recent City observed strength has increased 50%, due to the reduction in potable water in the waste stream due to the water conserving fixtures used in the newer buildings. These results indicate that the amount of waste needing treatment in the existing wastewater flow per day is effectively the same as there was when the volume of flow was substantially higher. The LCTF was recently reconstructed with a design that anticipated an increase in sewer strength as measured by BOD5. The LCTF may not be able to process a higher BOD5 concentration than currently anticipated, so any additional concentrations of sewage strength may trigger dilution, or changes to the treatment process to handle that stronger flow. For this reason, any future analysis of lower sewer flows per unit (ECU) will need to include a review of sewage concentration (BOD5) or other constituents that may create a problem for the treatment of sewage or the disposal of treated sewage due to increased concentration (eg. electro conductivity) to determine if it will result in issues in the effective treatment of influent at the LCTF, in the City's collection system/pumping systems, or in the City's ability to dispose of the treated effluent before any future reductions can be approved.

6. POTABLE WATER ALLOCATION. Section 6.05.04 is hereby added to the Development Agreement as follows:

Section 6.05.04. Potable Water Allocation. The Parties hereby acknowledge that the Project depends on a consistent and reliable potable water supply as required by Applicable Law. In accordance with adopted conditions of approval for the Vesting Tentative Map Tract No. 3694 ("VTM 3694") the City shall develop a River Islands Water Conservation Plan ("Conservation Plan") that shall include,

but not be limited to: recycled water restricted landscaping plant palettes, supplemental non-potable water sources (such as water from Project lakes), irrigation saving designs for residential and non-residential private development, water saving fixtures for both residential and non-residential uses, and use of energy efficient "smart" controllers utilized when potable water is the primary source of irrigation water. The Conservation Plan shall be required to be adopted by the City Council prior to the filing of the first final map outside the VTM 3694. Further, the Plan shall have determined the actual water usage within River Islands based on annual monitoring of water usage in the VTM 3694 area and voluntarily implemented conservation measures. After this determination is made and prior to the first final map outside VTM 3694, the City shall retroactively adjust all prior allocations of ECU's to the actual usage for the Project starting with the first dwelling constructed in the project in 2014. Califa shall be responsible for its fair share contribution towards funding of the Conservation Plan. As a result of the Conservation Plan, the City shall re-allocate potable water for the Project and determine the estimated amount of potable water necessary for build out of the Project after Phase 1. The Parties may wish to update the Conservation Plan for Phase 2 development to ensure adequate supplies for the Project's build out.

The intent of the Conservation Plan is to reduce the volume of water used per ECU. Implementation of that Conservation Plan should result in lowered water usage, and that lower usage will be reflected in the required potable water to be provided for each future ECU, as explained below.

For residential uses, the City allocates potable water capacity in Equivalent Capacity Units or "ECU's", with each ECU being equivalent to the capacity of one single family residential dwelling. As of the Operative Date of this Agreement, the City shall allocate ECUs for the Project based upon the actual measurement of water flows (as measured from water meters) generated from the Project over time and adjust the number of gallons per day ("gpd") of each ECU accordingly. As of August 2018, the City has adjusted the water allocation per ECU to 430 gpd for all areas of the City; this shall be the starting allocation for the Project as of the Operative Date. Further, the City shall retroactively adjust all prior allocations of ECU's to 430 gpd for the Project starting with the first dwelling constructed in the project in 2014. Within 30 days of the Operative Date, the City shall provide a summary of this reallocation in writing to RID.

The City shall base future ECU water allocations beyond the initial allocation upon the actual measurement of water flows. As of the Operative Date, the Parties shall continue to monitor the amount of actual flows from the Project and review data for variations in flow over time. This will include the separate review of meters for residential uses. At any time thereafter, either Party shall have the right to request an adjustment to the ECU allocation for the Project, subject to verification by the other Party, limited to only one such request in two calendar years. Any resulting adjustments are exclusive to this Project and shall not affect any other development area of the City. Any resulting adjustments shall be made administratively by the City Manager under recommendation by the Director of Public Works. Any costs associated with the adjustment shall be borne by the requesting Party. Future adjustments will not be retroactively applied, but shall only be applied to new residential subdivisions that are approved after the adjustment has been made.

7. EFFECT OF THIS FIFTH AMENDMENT. Except as expressly modified by this Fifth Amendment, the Development Agreement shall continue in full force and effect according to its terms as amended to date, and the City and Califia ratify and affirm all of their respective rights and obligations under the Development Agreement. In the event of any conflict between this Fifth Amendment and the Development Agreement, the provisions of this Fifth Amendment shall govern.

8. COUNTERPARTS. This Fifth Amendment may be executed in counterparts, each of which shall constitute an original and all of which constitute the same document.

IN WITNESS WHEREOF, the City and Califia have signed this Fifth Amendment effective as of the Effective Date.

CITY OF LATHROP

By: \_\_\_\_\_  
 Sonny Dhaliwal, Mayor.

CALIFIA, LLC

a California limited liability company

By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Its: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
 Teresa Vargas, City Clerk

RIVER ISLANDS DEVELOPMENT,  
 LLC

a California limited liability company

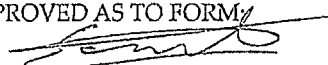
(Municipal Seal)

By: \_\_\_\_\_

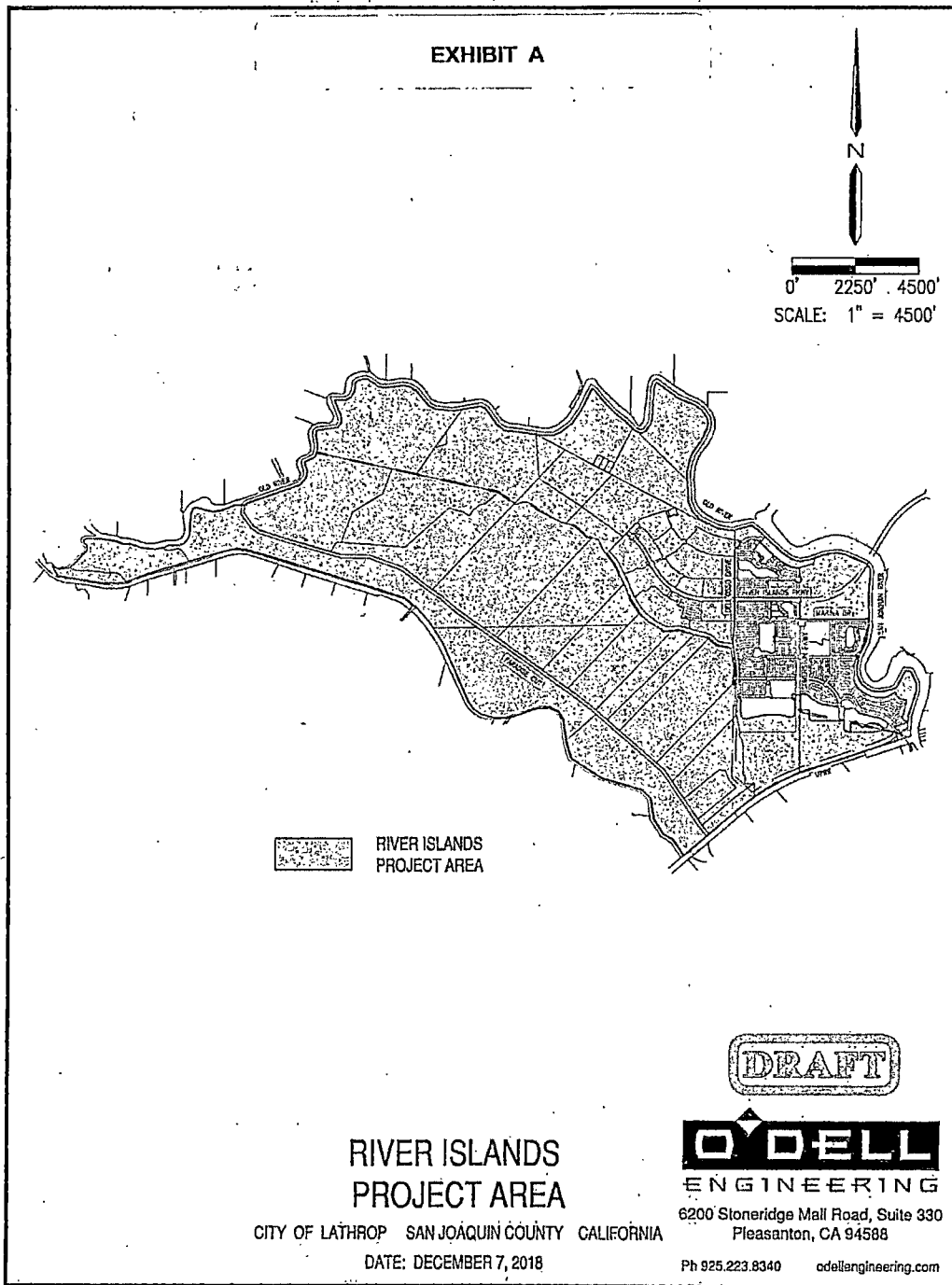
Name: \_\_\_\_\_

Its: \_\_\_\_\_

APPROVED AS TO FORM

By:   
\_\_\_\_\_  
Salvador V. Navarrete, City Attorney

[INSERT NOTARY ACKNOWLEDGMENTS]



T:\25501-RIVER ISLANDS\DWG\EXHIBITS\APN EXHIBIT\25501\_RL\_PROJECT AREA EXHIBIT.DWG

**Response to Letter C: River Islands**

**Response C-1:** This comment is noted. This comment serves as an introduction to the comment letter. The attachments provided in this comment letter have been forwarded to the City for their information. See Responses C-2 through C-7 for further explanations regarding the Draft EIR. No further response is necessary.

**Response C-2:** The commenter provides details regarding the Fifth Amendment to the River Islands Development Agreement (5th Amendment) which was adopted by City Council action in February 2019 (effective date April 11, 2019) that clarifies the process sewer and water allocations are made for the River Islands project. The commenter also requests that the Project Description chapter of the Draft EIR note the provisions of the Fifth Amendment and the adjustment process agreed to by the City and River Islands and its effect on resultant wastewater demands.

This comment is noted. See Chapter 3.0, Revisions, of this Final EIR for the requested revisions to the Project Description.

**Response C-3:** The commenter notes that the water demand for River Islands' residential customers appears to be much lower than the 430 gallons per day per unit currently assumed in the IWRMP and the City's Urban Water Management Plan. The commenter concludes that the Draft EIR should note that adjustments to demand assumptions for residential water usage may occur with future updates of the IWRMP.

This comment is noted. See Chapter 3.0, Revisions, of this Final EIR for the requested revisions to the Project Description.

**Response C-4:** The comment notes that information regarding the current status of SSJID's filed legal action against the State of California regarding any possible infringement on its water rights is not included in the Draft EIR. The commenter also notes that while the Draft EIR does an adequate job of providing a summary of the current water development agreement provisions for the possible curtailment of water deliveries, the Draft EIR should also mention changes in deliveries that could occur as a result of State and/or Federal actions and the possibility of legal actions. Additionally, the commenter concludes that SSJID has additional treatment of potable water available with implementation of Phase 2 of the South County Surface Water Project and the IWRMP, and notes that the Draft EIR should also include the potential for additional potable water capacity as a result.

This comment is noted. See Chapter 3.0, Revisions, of this Final EIR for the requested revisions to the Project Description.

**Response C-5:** The comment notes that the planned SSJID turnout for the River Islands area is currently under construction and are anticipated for implementation in 2020. The commenter also requests that this information on page 3.6-10 of the Draft EIR be updated as a result.

This comment is noted. See Chapter 3.0, Revisions, of this Final EIR for the requested revisions to the Project Description.

**Response C-6:** The comment notes that the Draft EIR does not include much information regarding the potential year-round discharge of recycled water into the San Joaquin River, which is identified in the Draft



EIR as a possible area of controversy. The comment also notes that the effort for a possible year-round discharge is on-going and the Draft EIR should mention this effort.

As discussed on pages 2.0-7 and 2.0-8 of Chapter 2.0, Project Description, of the Draft EIR, alternative uses of recycled water were evaluated in Phase 2B and beyond, including increased percolation and river discharge of CTF effluent to the San Joaquin River. These alternatives have the potential to provide increased water supply benefits and reduce the areas required for recycled water storage and disposal. The City has initiated discussions with Central Valley Regional Water Quality Control Board (RWQCB) staff regarding obtaining a National Pollutant Discharge Elimination System (NPDES) permit for a surface water discharge as a means of disposing of CTF effluent in the future and is currently preparing a report for the RWQCB regarding regionalization, reclamation, recycling, and conservation to support the permitting effort. The Recycled Water System Master Plan recommends that the City initiate a percolation study to assess locations in the City which have suitable soils for a percolation.

This section of Chapter 2.0 of the Draft EIR has been revised as requested. See Chapter 3.0, Revisions, of this Final EIR.

**Response C-7:** The comment notes that the Draft EIR figures do not include recycled water storage ponds S11, S12, and S13. The commenter also requests that the figures and descriptions be included in the Draft EIR figures.

This comment is noted. Storage pond S13 is included in Figure 2.0-8 on page 2.0-23 of Chapter 2.0, Project Description, of the Draft EIR. This storage pond is included in Phase 2B of the proposed recycled water system infrastructure improvements. Storage pond S13 is also discussed on page 2.0-7 of Chapter 2.0. See Chapter 3.0, Revisions, of this Final EIR for the requested revisions to the Project Description regarding storage ponds S11 and S12.

**Response C-8:** This comment is noted. This comment serves as a conclusion to the comment letter. The City will provide River Islands with notice of future documents and meetings regarding the IWRMP and Draft EIR. No further response is necessary.


**S J C O G , I n c .**

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX(209) 235-0438

*San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)*
**SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ)  
ADVISORY AGENCY NOTICE TO SJCOG, Inc.**
**To:** Greg Gibson, City of Lathrop, Community Development Department

**From:** Laurel Boyd, SJCOG, Inc.

**Date:** September 25, 2019

**-Local Jurisdiction Project Title:** Notice of Availability for the Lathrop Integrated Water Resources Master Plan Draft EIR

**Assessor Parcel Number(s):** Multiple

**Local Jurisdiction Project Number:** N/A

**Total Acres to be converted from Open Space Use:** Unknown

**Habitat Types to be Disturbed:** Agricultural, Multi-Purpose, Natural and Urban Habitat Land

**Species Impact Findings:** Findings to be determined by SJMSCP biologist.

Dear Mr. Gibson:

SJCOG, Inc. has reviewed the Notice of Availability for the Lathrop Integrated Water Resources Master Plan Draft Environmental Impact Report. The proposed project includes the adoption and implementation of the IWRMP, which includes the improvement projects summarized in the proposed Water System Master Plan, Wastewater System Master Plan, and Recycled Water System Master Plan. The Water System Master Plan focuses on the development of water demand unit factors and projections, hydraulic assessment of the City's existing water infrastructure and key planned improvements, and development of recommended water system capital improvement projects (CIPs). The Wastewater System Master Plan focuses on development of wastewater flow unit factors and projections, hydraulic assessment of the City's existing infrastructure and key planned conveyances, and development of recommended wastewater CIPs. The Recycled Water System Master Plan focuses on an evaluation of recycled water use and disposal alternatives, recycled water balance analyses, hydraulic assessment of the City's existing recycled water infrastructure and key planned improvements, and development of recommended recycled water system improvements and operational recommendations. Generators would be provided in conjunction with the proposed water pump station improvements. Additionally, Supervisory Control and Data Acquisition communication towers would also be provided. The IWRMP is located throughout the City of Lathrop.

D-1

The City of Lathrop is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

***This Project is subject to the SJMSCP.*** This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.

D-2

2 | SJCOG, Inc.

2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
  3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
    - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
    - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - d. Purchase approved mitigation bank credits.
  4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
    - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
    - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - c. Purchase approved mitigation bank credits.
- Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

D-2  
cont'd

- Receive your Certificate of Payment and release the required permit

*It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.*

If you have any questions, please call (209) 235-0600.

3 | S J C O G , I n c .

**S J C O G , I n c .***San Joaquin County Multi-Species Habitat Conservation & Open Space Plan*

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

**SJMSCP HOLD**

**TO:** Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other: \_\_\_\_\_

**FROM:** Laurel Boyd, S J C O G , I n c .

**DO NOT AUTHORIZE SITE DISTURBANCE  
DO NOT ISSUE A BUILDING PERMIT  
DO NOT ISSUE \_\_\_\_\_ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, S J C O G , I n c . staff will sign the ITMMs. This is the effective date of the ITMMs.
  2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
  3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
    - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
    - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - d. Purchase approved mitigation bank credits.
  4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
    - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
    - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - c. Purchase approved mitigation bank credits.
 Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: Notice of Availability for the City of Lathrop Integrated Water Resources Master Plan DEIR

Assessor Parcel #: Multiple

T \_\_\_\_\_, R \_\_\_\_\_, Section(s): \_\_\_\_\_

Local Jurisdiction Contact: Greg Gibson

**The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.**

**Response to Letter D: San Joaquin Council of Governments**

**Response D-1:** The commenter indicates that SJCOG, Inc. has reviewed the project and states that the City of Lathrop is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and participation in the SJMSCP requirements satisfies both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The commenter states that the "LOCAL JURISDICTION" retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. The commenter indicates that the project is subject to the SJMSCP.

This comment is noted. These comments are largely intended to be informative and are adequately addressed in the Draft EIR Section 3.1, Biological Resources. These comments do not warrant a response. No further response is necessary.

**Response D-2:** The commenter provides some information regarding the process and requirements. The commenter requests that the City and/or applicant contact SJMSCP staff regarding completing the steps to satisfy SJMSCP requirements. The commenter also notes that if the project has any potential impacts to waters of the United States (pursuant to Section 404 Clean Water Act), it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days.

The SJMSCP is discussed in Section 3.1, Biological Resources, of the Draft EIR. Tables 3.1-1 and 3.1-2 on pages 3.15 through 3.1-12 of Section 3.1 include columns that show whether each potential plant or animal species is covered by the SJMSCP. Background information and implementation strategies associated with the SJMSCP are also discussed on pages 3.1-17 through 3.1-19 the Draft EIR. Mitigation Measure 3.1-1 on page 3.1-28 of the Draft EIR requires the Project proponent to seek coverage under the SJMSCP to mitigate for habitat impacts to covered special-status species. Coverage involves compensation for habitat impacts on covered species through implementation of incidental take and minimization Measures (ITMMs) and payment of fees for conversion of lands that may provide habitat for covered special-status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. Obtaining coverage for a project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a), California Fish and Game Code Section 2081, and the Migratory Bird Treaty Act. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species.

*This page left intentionally blank.*

This section includes minor edits and changes to the Draft EIR. These modifications resulted from responses to comments received during the public review period for the Draft EIR, as well as City staff initiated edits to clarify the details of the project.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5.

Other minor changes to various sections of the Draft EIR are also shown below. These changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

### 3.1 REVISIONS TO THE DRAFT EIR

#### ES EXECUTIVE SUMMARY

No changes were made to Chapter ES of the Draft EIR.

#### 1.0 INTRODUCTION

No changes were made to Section 1.0 of the Draft EIR.

#### 2.0 PROJECT DESCRIPTION

The following change was made to page 2.0-2 of Chapter 2.0 of the Draft EIR:

The IWRMP has identified significant changes from previously approved master plan documents. Some of these changes include:

- Changes in demand factors for water, sewer and associated recycled water storage and disposal capacity.
- Changes in land use and growth projections from the General Plan.
- Closure of the Sharpe Army Depot and need for City to provide water and sewer service to the Army & Air Force Exchange Services (AAFES) and other organizations at the military base.
- Potential reductions to the City’s water supply due to Sustainable Groundwater Management Act implementation, and curtailment of South San Joaquin Irrigation District surface water rights.
- Consolidation of existing proposed wastewater treatment facilities into a single facility and associated recycled water system used for land disposal of effluent.
- Need for additional treatment of groundwater for arsenic, manganese, uranium and other constituents of concern.

The project site includes the River Islands development in southwestern Lathrop. River Islands and the City of Lathrop entered into a Fifth Amendment to the River Islands Development Agreement (5<sup>th</sup> Amendment) by City Council action in February 2019 (effective date April 11, 2019) that clarifies the process sewer and water allocations are made for the River Islands project. The 5<sup>th</sup> Amendment requires that both parties monitor actual usage and resulting data regarding potable water and sewer allocations. Under the 5<sup>th</sup> Amendment provisions, the City Manager has the ability to

## 3.0 REVISIONS

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administratively adjust future allocations. This adjustment process was agreed to by the City and River Islands.

It is noted that the River Islands development group continues to analyze City water consumption data for residential uses. Water demand for River Islands' residential customers appears to be significantly lower than the 430 gallons per day per unit currently assumed in the IWRMP and City's the Urban Water Management Plan. In accordance with the 5<sup>th</sup> Amendment provisions, adjustments to the demand assumptions for residential water usage may occur with future updates of the IWRMP.

The following change was made to pages 2.0-6 and 2.0-7 of Chapter 2.0 of the Draft EIR:

During 2017 and 2018, the Phase 2A improvements were implemented, with the exception that LAA A34 was not constructed. This resulted in an interim disposal capacity of approximately 1.55 MGD. In late 2018, LAA A34 was constructed, but as of December 2018, the permitting has not yet been performed to increase the disposal capacity to approximately 1.9 MGD.

In late 2018, there were some developments that may affect the phasing of the recycled water capacity as well as the configuration of Phase 2B. These developments include the possible removal or replacement of selected storage ponds and/or LAAs. These removals and/or replacements were not anticipated at the time of the original drafting of the Recycled Water System Master Plan and are therefore not considered in the analysis included in the Master Plan. Additional storage ponds or LAAs have also been identified in the Recycled Water Master Plan beyond the 2.5 MGD capacity in case they are needed in the future. Further, in late 2019, the RWQCB improved an increase in capacity from 1.55 MGD to 1.69 MGD, including the addition of LAA A34 and increases in capacity at PB-1 (percolation basin).

The following change was made to pages 2.0-7 and 2.0-8 of Chapter 2.0 of the Draft EIR:

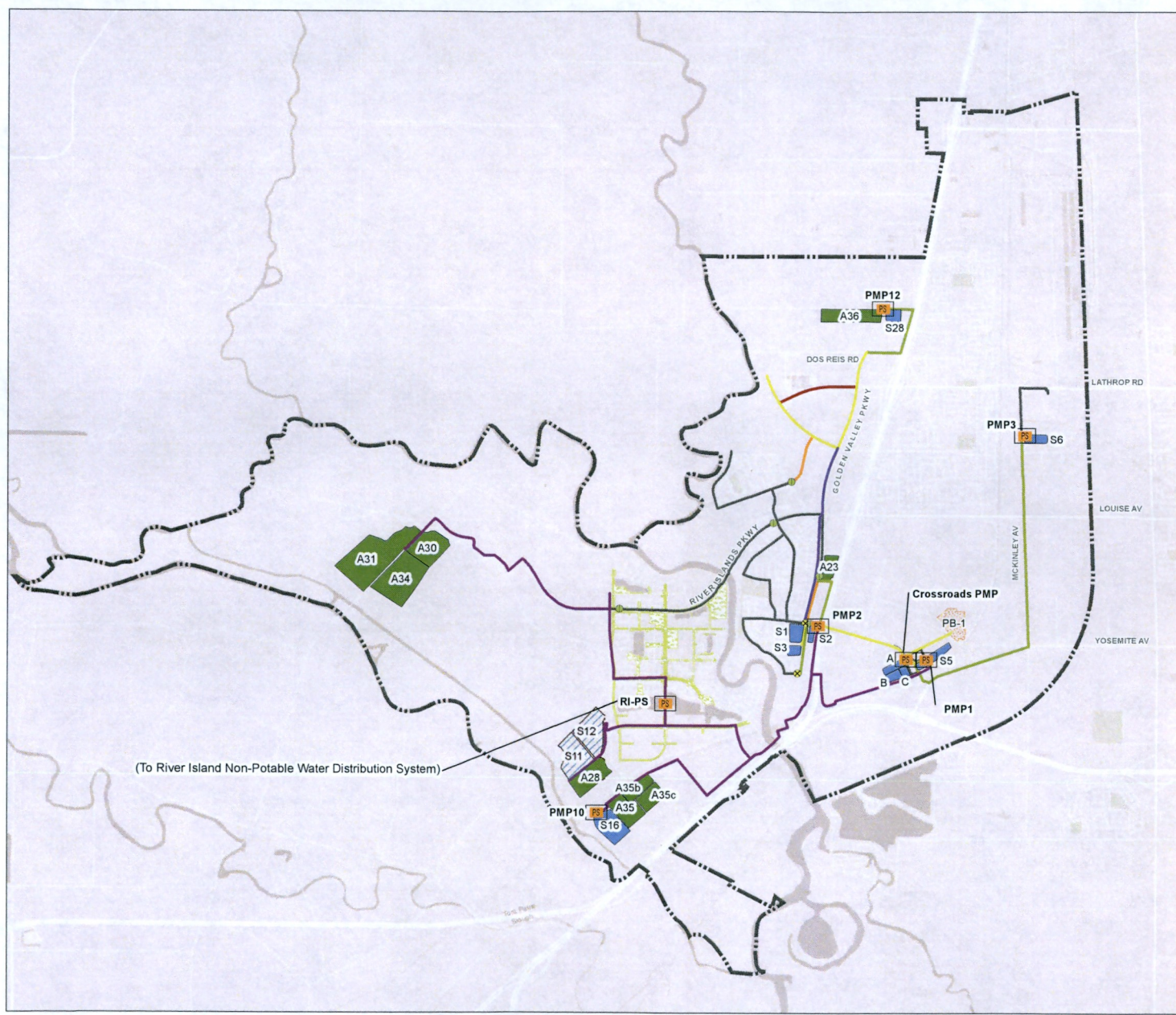
Alternative uses of recycled water were evaluated in Phase 2B and beyond, including increased percolation and river discharge of CTF effluent to the San Joaquin River. The possibility of a year-round discharge of recycled water to the San Joaquin River is ongoing. These alternatives have the potential to provide increased water supply benefits and reduce the areas required for recycled water storage and disposal. The City has initiated discussions with Central Valley Regional Water Quality Control Board (RWQCB) staff regarding obtaining a National Pollutant Discharge Elimination System (NPDES) permit for a surface water discharge as a means of disposing of CTF effluent in the future. The City recently submitted the report on regionalization, reclamation, recycling, and conservation to support the permitting effort. The Recycled Water System Master Plan recommends that the City initiate a percolation study to assess locations in the City which have suitable soils for a percolation.

Figures 2.0-7 and 2.0-8 on pages 2.0-21 and 2.023 of Chapter 2.0 of the Draft EIR have been replaced with the images on the following pages:



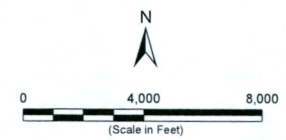
LATHROP  
INTEGRATED WATER RESOURCES  
MASTER PLAN

Figure 2.0-7  
Phase 2A Recycled Water System  
Infrastructure Projects



Legend

- Sphere of Influence
- Pipe Diameter, Inches**
  - 6
  - 8
  - 10
  - 12
  - 16
  - 18
  - 20
  - 24
  - Inactive Pipe
- Recycled Water Distribution Infrastructure**
  - Storage Pond
  - Percolation Basin
  - Land Application Area
  - Landscape Irrigation Area
  - Future Permitted
  - Pump Station
- Other Infrastructure**
  - Closed Valve
  - Isolation Plate

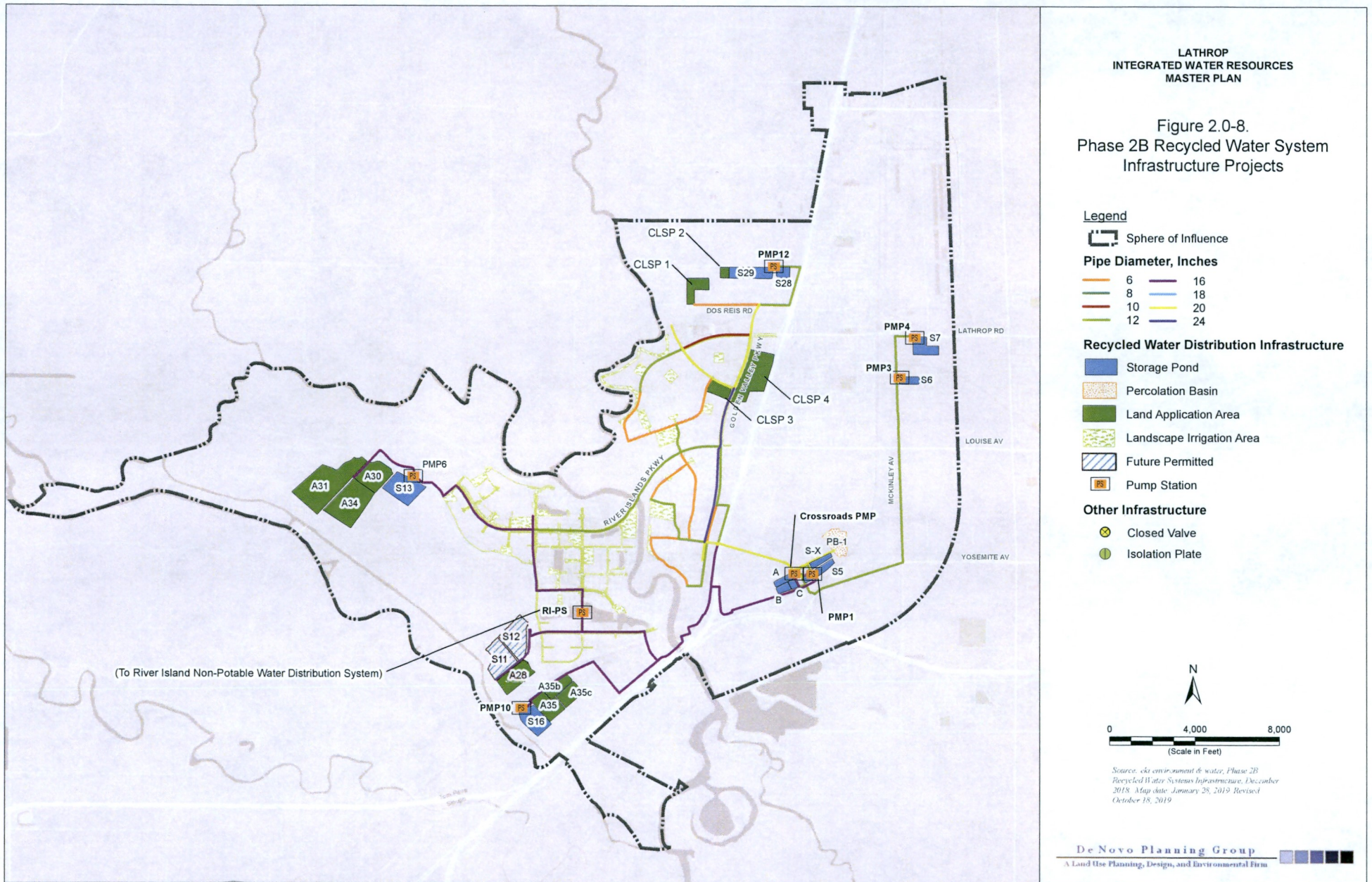


Source: *de environment & water, Phase 2A Recycled Water Systems Infrastructure, December 2018. Map date: January 28, 2019. Revised October 18, 2019.*



LATHROP  
INTEGRATED WATER RESOURCES  
MASTER PLAN

Figure 2.0-8.  
Phase 2B Recycled Water System  
Infrastructure Projects



### 3.1 BIOLOGICAL RESOURCES

No changes were made to Section 3.1 of the Draft EIR.

### 3.2 CULTURAL AND TRIBAL RESOURCES

No changes were made to Section 3.2 of the Draft EIR.

### 3.3 GEOLOGY AND SOILS

No changes were made to Section 3.3 of the Draft EIR.

### 3.4 HAZARDS AND HAZARDOUS MATERIALS

The following changes were made to pages 3.4-15 and 3.4-16 of Chapter 3.4 of the Draft EIR:

Chapter 11.34, Stormwater Management and Discharge Control, of the City's Municipal Code outlines appropriate design standards and best management practices for new development and redevelopment projects. According to Section 11.34.120 of Chapter 11.34, any person performing construction in the City shall prevent pollutants from entering the stormwater conveyance system and comply with all applicable federal, state and local laws, ordinances or regulations including but not limited to the State Construction Activity Stormwater Permit and the City grading, erosion and sediment control policies. Additionally, any person performing construction work on a City project shall prevent pollutants from entering the stormwater conveyance system and comply with all applicable federal, state and local laws, ordinances or regulations including but not limited to the State Construction Activity Stormwater Permit and the City grading, erosion and sediment control policies. Further, each person applying for a grading or building permit for any project which does not require compliance with regulations governing State Construction Activity Stormwater Permits shall submit to the City, and implement, an erosion and sediment control plan adequate to accomplish all of the following:

- (1) Retain on site the sediments generated on or brought to the project site, using treatment control or structural best management practices;
- (2) Retain construction-related materials and wastes, spills and residues at the project site and prevent discharges to streets, drainage facilities, and the stormwater conveyance system, receiving waters or adjacent properties;
- (3) Contain non-stormwater runoff from equipment and vehicle washing at the project site; and
- (4) Control erosion from slopes and channels through use of effective best management practices, such as limitation of grading during the wet season, inspection of graded areas during rain events; planting and maintenance of vegetation on slopes, if any, and covering any slopes susceptible to erosion.

~~Mitigation Measure 3.4.1 presented below requires a Soils Management Plan (SMP) to be submitted and approved by the San Joaquin County Department of Environmental Health. The SMP will establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. Compliance with Chapter 11.34 of the City's Municipal~~

## 3.0 REVISIONS

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~~Code~~ Implementation of Mitigation Measure 3.4-1 will ensure that this potential impact is reduced to a **less than significant** level.

### OPERATIONAL PHASE IMPACTS

The operational phase of the project will occur after construction is completed and the water, wastewater and recycled water improvements have been brought on-line. The proposed pump stations, pipelines, agriculture irrigation areas, storage ponds, and related improvements would not involve the handling of hazardous materials.

The proposed emergency generators would use diesel fuel, although the generators would only be run for maintenance and air quality permit testing requirements. Diesel fuel may also be stored on-site, such as within a building. If handled appropriately, diesel fuel would not pose a significant risk. There will be a risk of release of these materials into the environment if they are not stored and handled in accordance with best management practices approved by San Joaquin County Environmental Health Division and the Lathrop Fire Department. Implementation of Mitigation Measure 3.4-~~12~~ will ensure that this potential impact is reduced to a **less than significant** level.

### MITIGATION MEASURE(S)

~~**Mitigation Measure 3.4-1:** A Soils Management Plan (SMP) shall be submitted and approved by the San Joaquin County Department of Environmental Health prior to the issuance of the first grading permit for each phase of the project. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. The approved SMP shall be posted and maintained onsite during construction activities and all construction personnel shall acknowledge that they have reviewed and understand the plan.~~

**Mitigation Measure 3.4-~~12~~:** Prior to bringing hazardous materials onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to San Joaquin County Environmental Health Division (CUPA) for review and approval. If during the construction process the contractors or the subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).

## 3.5 HYDROLOGY AND WATER QUALITY

No changes were made to Section 3.5 of the Draft EIR.

## 3.6 UTILITIES

The following changes were made to pages 3.6-9 and 3.6-10 of Chapter 3.6 of the Draft EIR:

### Surface Water Facilities

In 2005, SSJID began providing treated surface water from the Stanislaus River to the Cities of Lathrop, Manteca, and Tracy, as part of the SCWSP. SSJID's supply is the Stanislaus River and is based on pre-1914 water rights and post-1914 appropriative water rights for direct diversion to storage. SSJID's surface water rights are subject to a 1988 Agreement and Stipulation with the United States Bureau of Reclamation regarding the New Melones Reservoir operation. Phase I of

the SCWSP construction was completed in July 2005. Phase II, including delivery to the City of Escalon, will be initiated when the participants notify SSJID of an impending need.

The SCWSP provides treated surface water from the Stanislaus River via Woodward Reservoir under a 300,000 acre-foot per year (AFY) entitlement. The supply is treated at SSJID's Nick C. DeGroot Water Treatment Plant which includes air floatation clarification and a submerged membrane filtration system. There are three large storage tanks and four pump stations that deliver the water over 20 miles to the City via SSJID's Drinking Water Pipeline.

SSJID has additional treatment of potable water available with implementation of Phase 2 of the South County Surface Water Project and the proposed IWRMP, which could result in additional potable water capacity.

On January 10, 2019, Oakdale Irrigation District and SSJID joined with other members of the San Joaquin Tributaries Authority (SJTA) in a lawsuit challenging the state's right to arbitrarily increase flows in the Stanislaus and two other rivers. The injunction request was filed in Tuolumne County Superior Court against the State Water Resources Control Board over its proposed Bay-Delta Phase 1 unimpaired flow proposal, adopted Dec. 12, 2018. The plaintiffs are OID, SSJID, the Turlock Irrigation District, and the City and County of San Francisco.

The lawsuit contends that the water board's plan to require 40% in unimpaired flows, with a range of 30% to 50% between February and June, "directly and irreparably" harms the SJTA members. The plan "will cause substantial losses to the surface water supply relied upon by the SJTA member agencies for agricultural production, municipal supply, recreational use, hydropower generation, among other things. Implementation will also cause direct impacts to groundwater resources relied upon by the SJTA member agencies."

Depending on the ultimate outcome of the lawsuit, changes in deliveries could occur as a result of State and/or Federal actions and the possibility of legal actions.

The following changes were made to page 3.6-10 of Chapter 3.6 of the Draft EIR:

The City's water distribution system consists of a single pressure zone and approximately 142 miles of distribution pipelines ranging from 2 inches to 30 inches in diameter. The following list describes the major components of the City's water distribution system facilities; these facilities include City-owned or City-operated infrastructure required to serve groundwater, surface water, and recycled water supplies:

- The City of Lathrop has an emergency intertie with the City of Stockton for potable supply.
- The City receives SSJID treated surface water at SSJID Turnout 1, which includes a 1.0 MG tank and 7.5 mgd peak capacity. Turnout 1 is not owned by the City, and is therefore not included in the City's water storage. A second SSJID turnout is currently under construction ~~planned~~ in the River Islands area with a 1 million-gallon treated storage. Turnout 1 is anticipated for implementation in 2020.

#### 4.0 OTHER CEQA-REQUIRED TOPICS

No changes were made to Chapter 4.0 of the Draft EIR.

#### 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

No changes were made to Chapter 5.0 of the Draft EIR.

#### 6.0 REPORT PREPARERS

No changes were made to Chapter 6.0 of the Draft EIR.

#### 7.0 REFERENCES

No changes were made to Chapter 7.0 of the Draft EIR.



# FINAL MITIGATION MONITORING AND REPORTING PROGRAM

4.0

This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Lathrop Integrated Water Resources Master Plan (IWRMP) Project (project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR.

## 4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Lathrop will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
BIOLOGICAL RESOURCES				
Impact 3.1-1: The proposed project has the potential to result in direct or indirect effects on special-status species	<b>Mitigation Measure 3.1-1:</b> Prior to commencement of any grading activities, the project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Coverage involves compensation for habitat impacts on covered species through implementation of incidental take and minimization Measures (ITMMs) and payment of fees for conversion of lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. Obtaining coverage for a Project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a), California Fish and Game Code Section 2081, and the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species.	San Joaquin Council of Governments	Prior to commencement of any grading activities	
CULTURAL AND TRIBAL RESOURCES				
Impact 3.2-1: The proposed project has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074	<b>Mitigation Measure 3.2-1:</b> All construction workers shall receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. The sensitivity training shall cover laws pertaining to cultural resources, examples of cultural resources that may be discovered in the project site, and what to do if a cultural resource, or anything that may be a cultural resource, is discovered.  If any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Lathrop Community Development Department shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If tribal resources are	City of Lathrop Community Development Department  Native American Heritage Commission	Prior to and during site work	



ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>found during grading and construction activities, the applicant shall notify the Native American Heritage Commission. If paleontological resources are found during grading and construction activities, a qualified paleontologist shall be retained to determine the significance of the discovery.</i></p> <p><i>The archaeologist and/or paleontologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), further mitigation would be necessary, which might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.</i></p> <p><i>Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory. Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852(a)), and the definition of tribal cultural resources set forth in Public Resources Code Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary</i></p>			

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FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Native American Heritage Commission. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Native American Heritage Commission for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.</i></p> <p><i>The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for the development of the project.</i></p>			
<p>Impact 3.2-2: The proposed project has the potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5</p>	<p><b>Implement Mitigation Measure 3.2-1</b></p>	<p>See Mitigation Measure 3.2-1</p>	<p>See Mitigation Measure 3.2-1</p>	
<p>Impact 3.2-3: The proposed project has the potential to directly or indirectly destroy a unique paleontological resource or sit or unique geologic feature</p>	<p><b>Implement Mitigation Measure 3.2-1</b></p>	<p>See Mitigation Measure 3.2-1</p>	<p>See Mitigation Measure 3.2-1</p>	
<p>Impact 3.2-4: The proposed project has the potential to disturb human remains, including those interred outside of formal cemeteries</p>	<p><b>Mitigation Measure 3.2-2:</b> <i>If human remains are discovered during the course of construction during any phase of the project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the San Joaquin County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:</i></p> <ul style="list-style-type: none"> <li>• <i>The coroner shall contact the Native American Heritage</i></li> </ul>	<p>City of Lathrop Community Development Department  San Joaquin County Coroner</p>	<p>If human remains are discovered during the course of construction during any phase of the</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>Commission in order to ascertain the proper descendants from the deceased individual. The coroner shall make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.</i></p> <ul style="list-style-type: none"> <li>• <i>The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:</i> <ul style="list-style-type: none"> <li>○ <i>The Native American Heritage Commission is unable to identify a descendent.</i></li> <li>○ <i>The descendant identified fails to make a recommendation.</i></li> </ul> </li> </ul> <p><i>The City of Lathrop or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</i></p>		project	
<b>GEOLOGY AND SOILS</b>				
Impact 3.3-2: The proposed project may result in substantial soil erosion or the loss of topsoil	<p><b>Mitigation Measure 3.3-1:</b> <i>Prior to clearing, grading, and disturbances to the ground such as stockpiling, or excavation for each phase of the project, the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the SWRCB to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ &amp; 2012-0006-DWQ). The SWPPP shall be designed with Best Management Practices (BMPs) that the SWRCB has deemed as effective at reducing erosion, controlling sediment, and managing runoff. These include: covering disturbed areas with mulch, temporary</i></p>	State Water Resources Control Board  City of Lathrop Community Development Department	Prior to clearing, grading, and disturbances to the ground such as stockpiling, or excavation for each phase of	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Sediment control BMPs, installing silt fences or placing straw wattles below slopes, installing berms and other temporary run-on and runoff diversions. These BMPs are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. Final selection of BMPs will be subject to approval by City of Lathrop and the SWRCB . The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the SWRCB .</p>		the project	
<p>Impact 3.3-3: The proposed project has the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse</p>	<p><b>Mitigation Measure 3.3-2:</b> Prior to earthmoving activities for each phase of the project, a certified geotechnical engineer, or equivalent, shall be retained to perform a final geotechnical evaluation of the soils at a design-level as required by the requirements of the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 related to expansive soils and other soil conditions. The evaluation shall be prepared in accordance with the standards and requirements outlined in California Building Code, Title 24, Part 2, Chapter 16, Chapter 17, and Chapter 18, which addresses structural design, tests and inspections, and soils and foundation standards. The final geotechnical evaluation shall include design recommendations to ensure that soil conditions do not pose a threat to the health and safety of people or structures, including threats from liquefaction or lateral spreading. The grading and improvement plans for each phase of the project shall be designed in accordance with the recommendations provided in the final geotechnical evaluation.</p>	<p>City of Lathrop Community Development Department  Certified geotechnical engineer</p>	<p>Prior to earthmoving activities for each phase of the project</p>	
<p>Impact 3.3-4: The proposed project has the potential to be located on expansive soils which may create substantial risks to life or property</p>	<p>Implement <b>Mitigation Measure 3.3-2.</b></p>	<p>See Mitigation Measure 3.3-2</p>	<p>See Mitigation Measure 3.3-2</p>	
HAZARDS AND HAZARDOUS MATERIALS				
<p>Impact 3.4-1: The proposed project has the potential to create a significant hazard</p>	<p><b>Mitigation Measure 3.4-1:</b> Prior to bringing hazardous materials onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to San Joaquin County Environmental Health Division (CUPA) for review and</p>	<p>San Joaquin County Environmental</p>	<p>Prior to bringing hazardous</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	<i>approval. If during the construction process the contractors or the subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).</i>	Health Division	materials onsite	
<b>HYDROLOGY AND WATER QUALITY</b>				
Impact 3.5-1: The proposed project has the potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction	<i>Implement Mitigation Measure 3.3-1.</i>	See Mitigation Measure 3.3-1	See Mitigation Measure 3.3-1	

FINAL MITIGATION MONITORING AND REPORTING  
PROGRAM

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# FINDINGS OF FACT

FOR THE

## LATHROP INTEGRATED WATER RESOURCES MASTER PLAN (SCH: 2019029106)

NOVEMBER 2018

*Prepared for:*

City of Lathrop, Public Works Department  
390 Towne Centre Drive  
Lathrop, CA 95330  
(209) 941-7430

*Prepared by:*

De Novo Planning Group  
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D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm

# FINDINGS OF FACT

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FINDINGS OF FACT

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# FINDINGS FOR THE LATHROP INTEGRATED WATER RESOURCES MASTER PLAN

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code, § 21000 et seq.)

## I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requires the City of Lathrop (City), as the CEQA lead agency, to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

This document explains the City's findings regarding the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the Lathrop Integrated Water Resources Master Plan (IWRMP). These findings do not include the statement of overriding considerations because significant and unavoidable environmental impacts would not result from the project.

As required under CEQA, the Final EIR describes the project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment.

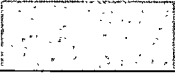
The Final EIR (which includes the Draft EIR, comments, responses to comments, and revisions to the Draft EIR) for the project, examined the proposed project and several alternatives to the project including: No Project (No Build) Alternative and Near-Term Improvements Alternative.

The Findings are presented for adoption by the City Council, as the City's findings under CEQA and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the project. The Findings provide the written analysis and conclusions of this City Council regarding the project's environmental impacts, mitigation measures, and alternatives to the project.

## II. GENERAL FINDINGS AND OVERVIEW

### **Project Overview**

The project site is located throughout Lathrop, California. The City of Lathrop is located in San Joaquin County, approximately 10 miles south of the City of Stockton and directly west of the City of Manteca. The City lies east of the Coastal Range that separates California's Central Valley from the San Francisco Bay Area. Interstate 5 (I-5), a major north-south interstate corridor, bisects the City. The City is also connected by State Route (SR) 120 which runs east-west through the southeastern-most part of the City, and by Interstate 205, which connects Interstate 580 to I-5. The City is also served by the Altamont Commuter Express (ACE) train, which travels along the



southern and eastern border of the City. The community was originally developed primarily east of I-5. However, most major new developments have recently been constructed west of I-5 and others are currently planned or under construction in this area.

The City is relatively flat with natural gentle slope from east to west. The City's topography has an average elevation of approximately 20 feet above sea level.

The City's water service area is generally contiguous with the City limits and includes the railroad cargo container commercial enterprise that is outside of the City limits. The City's wastewater collection system service area is generally contiguous with the City limits. The City's existing recycled water distribution system is generally contiguous with the City limits, and some of the future facilities are planned for north of the City limits.

The proposed project includes adoption and implementation of the IWRMP, which includes the improvement projects summarized in the proposed Water System Master Plan, Wastewater System Master Plan, and Recycled Water System Master Plan.

The Water System Master Plan focuses on development of water demand unit factors and projections, hydraulic assessment of the City's existing water infrastructure and key planned improvements, and development of recommended water system capital improvement projects (CIPs). The Wastewater System Master Plan focuses on development of wastewater flow unit factors and projections, hydraulic assessment of the City's existing infrastructure and key planned conveyances, and development of recommended wastewater CIPs. The Recycled Water System Master Plan focuses on an evaluation of recycled water use and disposal alternatives, recycled water balance analyses, hydraulic assessment of the City's existing recycled water infrastructure and key planned improvements, and development of recommended recycled water system improvements and operational recommendations.

Generators would be provided in conjunction with the proposed water pump station improvements. The generators will be added as the new essential facilities are constructed and brought on-line, such as the Central Lathrop Specific Plan (CLSP) water tank, River Islands water tank/SSJID turnout, and sewer pump stations. The generators would all be for emergency operations in the event of a power outage, and would only be run for maintenance and air quality permit testing requirements.

Additionally, Supervisory Control and Data Acquisition (SCADA) communication towers would also be provided. Currently, SCADA towers are located at the City of Lathrop Corporation Yard (2112 E. Louise Avenue), the City of Lathrop City Hall (390 Town Centre Drive), the Lathrop Consolidated Treatment Facility (LCTF) (18800 Christopher Way), and at a few other locations in the River Islands and CLSP development areas. The proposed SCADA towers are required in order to provide a line-of-sight for radio communications between the facilities. The towers would be 50- to 100-feet in height, or taller.

The principal objective of the proposed project is the approval and subsequent implementation of the Lathrop IWRMP.

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## PROCEDURAL BACKGROUND

**Notice of Preparation Public Circulation:** The City circulated an Initial Study and NOP of an EIR for the proposed project on February 20, 2019 to trustee agencies, the State Clearinghouse, and the public. A public scoping meeting was held on March 13, 2019 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The IS and NOP comments are presented in Appendix A of the Draft EIR. The commenting agencies are provided below.

1. Central Valley Regional Water Quality Control Board (March 14, 2019);
2. Pacific Gas and Electric (February 20, 2019);
3. River Islands (March 21, 2019);
4. San Joaquin County Department of Public Works (March 22, 2019);
5. San Joaquin Valley Air Pollution Control District (March 19, 2019);
6. Terra Land Group (March 18, 2019).

**Notice of Availability and Draft EIR:** The City of Lathrop published a public Notice of Availability (NOA) for the Draft EIR on August 15, 2019, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2019029106) the County Clerk, and a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The public review period was from August 15, 2019 through September 30, 2019 (45 days).

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

**Final EIR:** The City of Lathrop received four comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the comments received during the public review period. This Final EIR also responds to all comments received after the public review period had ended. The Final EIR also contains minor edits to the Draft EIR, which are included in Section 3.0, Errata. This document and the Draft EIR, as amended herein, constitute the Final EIR.

Responses to comments do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Each response is provided in the Final EIR.

## CEQA FINDINGS

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### RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

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

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the project (e.g., NOA).
- The Draft EIR and Final EIR, including comment letters, and technical materials cited in the documents.
- All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants in relation to the EIR.
- Minutes and transcripts of the discussions regarding the project and/or project components at public hearings held by the City.
- Staff reports associated with City Council meetings on the project.
- Those categories of materials identified in Public Resources Code § 21167.6.

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

### FINDINGS REQUIRED UNDER CEQA

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

The mandate and principles established by the Legislature in Public Resources Code § 21002 are implemented, in part, through the requirement in Public Resources Code § 21081 that agencies must adopt findings before approving projects for which an EIR is required.

CEQA Guidelines § 15091 provides the following direction regarding findings:

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

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

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

As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15126.6(f)(1) [determining the feasibility of alternatives].) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a “reduced herd” alternative to a proposed dairy as infeasible because the alternative failed to meet the “fundamental objective” of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.

#### MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program has been prepared for the project and has been adopted concurrently with these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1).) The City will use the Mitigation Monitoring Program to track compliance with project mitigation measures.

#### CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

In adopting these Findings, this City Council finds that the Final EIR was presented to this City Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment of the City.

SEVERABILITY

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

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

A. AIR QUALITY

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1. IMPACTS (A-C): CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN; RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS NON-ATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD; AND, EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

(a) Potential Impact. The potential for the project to conflict with or obstruct implementation of the applicable air quality plan, result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, and expose sensitive receptors to substantial pollutant concentrations is discussed on pages 32 and 33 of the Initial Study.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 1 and 2.

(c) Findings. Air quality emissions would be generated during construction of the proposed project. Operational emissions would be negligible as the project does not propose any new structures or uses that would increase trip generation or vehicle-miles-travelled (VMT). The proposed project is not a traffic generator and would not cause an intersection to decline to level of service (LOS) D, E, or F. Additionally, the proposed project would not increase traffic volumes on nearby roadways by 10 percent or more. Therefore, localized carbon monoxide modeling is not warranted for this project.

Construction would result in numerous activities that would generate dust. Fine, silty soils and often strong afternoon winds exacerbate the potential for dust, particularly during the summer months. Grading, leveling, earthmoving and excavation are the activities that generate the most particulate emissions. Impacts would be localized and variable. The initial phase of project construction would involve grading and



leveling the various project site areas and associated improvements such as underground infrastructure.

Construction activities that could generate dust and vehicle emissions are primarily related to grading and other ground-preparation activities in order to prepare the various project site areas for paving. All construction activities shall comply with all applicable measures from SJVAPCD Rule VIII which limits construction related emissions and particulates.

Mitigation Measure 1 requires compliance with San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule VIII. Mitigation Measure 2 requires additional fugitive dust emission reduction measures to be implemented during construction.

In accordance with Public Resources Code, § 21081, Mitigation Measures 1 and 2 are appropriate changes or alterations that have been required in, or incorporated into, the project which avoids or substantially lessens the significant environmental effect as identified in the Initial Study. Based upon the Initial Study and the entire record before this City Council, this City Council finds that the potential for the project to conflict with or obstruct implementation of the applicable air quality plan, result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, and expose sensitive receptors to substantial pollutant concentrations will be mitigated to a less than significant level.

## B. BIOLOGICAL RESOURCES

1. IMPACT 3.1-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS SPECIES.
  - (a) Potential Impact. The potential for the project to result in direct or indirect effects on special-status species is discussed on pages 3.1-23 through 3.1-28 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.1-1.
  - (c) Findings. According to the CNDDDB, there are 11 special-status invertebrates that are documented within the 9-quad region for the project site. Six of these invertebrate species are covered species under the SJMSCP. All of the amphibian species are covered species under the SJMSCP, and 17 of the 18 documented bird species are covered. The least Bell's vireo (*Vireo bellii pusillus*) (FE/CE) is not covered by the SJMSCP, but this bird species is not a resident of the regional vicinity. Additionally, two of the five documented fish species are covered species under the SJMSCP, and six of the eight mammal species are covered under the SJMSCP. Further, three of the seven documented reptile species are covered under the SJMSCP, and 17 of the 33 documented plant species are covered.

The improvement projects included in the IWRMP are all designed to be within areas that are either existing roadway, existing urban areas, existing vacant fields, or existing agricultural lands. Any CIP projects constructed in the road right-of-way or urban areas would have minimal, if any, disturbance to special status species and/or their habitats given that this area is already disturbed and provides little to no habitat value. The CIP projects that would be constructed in the agricultural areas would also be considered low impact on special status species for several reasons. First, any pipe installation would be underground such that the impact would be temporary and the surface would be restored after construction. The installation of pump stations, meters, control valves, and a SCADA system would have minimal footprint. Any new LAA would remain as an agricultural field or vacant field, but the irrigation system would change from surface water well water to recycled water in some cases. The proposed LAAs near the River Islands development have surface water available as a supplemental water source, and the surrounding fields currently use surface water instead of well water. The net impact from a new LAA would be negligible because the agricultural field would remain as foraging habitat for a variety of species that use the fields.

The Recycled Water Master Plan includes development of new storage ponds during Phase 2A and 2B. The construction of proposed storage ponds would be located near existing and proposed LAAs in vacant fields or agricultural areas. The new and existing ponds provide some habitat value for water fowl and other wildlife.

Powerlines and trees located in the region represent potentially suitable nesting habitat for a variety of special-status birds. Additionally, the agricultural land represents potentially suitable nesting habitat for the ground-nesting birds, as well as foraging habitat for many species. In general, most nesting occurs from late February and early March through late July and early August, depending on various environmental conditions. New sources of noise and light during the construction and operational phases of the project could adversely affect nesters if they located adjacent to the project site in any given year. Additionally, the proposed project would temporarily disturb some agricultural areas, which serve as potential foraging habitat for birds throughout the year.

Mitigation Measure 3.1-1 requires participation in the SJMSCP. As part of the SJMSCP, SJCOG requires preconstruction surveys for projects that occur during the avian breeding season (March 1 – August 31). When active nests are identified, the biologists develop buffer zones around the active nests as deemed appropriate until the young have fledged. SJCOG also uses the fees to purchase habitat as compensation for the loss of foraging habitat.

In accordance with Public Resources Code, § 21081, and pursuant to CEQA Guidelines § 15065(b)(2), Mitigation Measure 3.1-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR

and the entire record before this City Council, this City Council finds that the potential for adverse effects on special-status species will be mitigated to a less than significant level.

2. **IMPACT 3.1-5: THE PROPOSED PROJECT HAS THE POTENTIAL TO CONFLICT WITH AN ADOPTED HABITAT CONSERVATION PLAN.**

- (a) **Potential Impact.** The potential for the project to conflict with an adopted habitat conservation plan is discussed on pages 3.1-31 and 3.1-32 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.1-1.
- (c) **Findings.** The proposed project is subject to the SJMSCP, which is an adopted Habitat Conservation Plan (USFWS) and Natural Community Conservation Plan (CDFW). The key purpose of the SJMSCP, is to provide a strategy for balancing the need to conserve Open Space and the need to Convert Open Space to non-Open Space uses while protecting the region's agricultural economy; preserving landowner property rights; providing for the long-term management of plant, fish and wildlife species, especially those that are currently listed, or may be listed in the future, under the Federal Endangered Species Act (FESA) or the California Endangered Species Act (CESA); providing and maintaining multiple-use Open Spaces which contribute to the quality of life of the residents of San Joaquin County; and accommodating a growing population while minimizing costs to Project Proponents and society at large.

The proposed project is subject to the SJMSCP. Mitigation Measure 3.1-1 requires participation in the SJMSCP.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.1-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to conflict with an adopted habitat conservation plan will be mitigated to a less than significant level.

## C. CULTURAL AND TRIBAL RESOURCES

1. **IMPACT 3.2-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5, OR A SIGNIFICANT TRIBAL CULTURAL RESOURCE, AS DEFINED IN PUBLIC RESOURCES CODE §21074.**

- (a) **Potential Impact.** The potential for the project to cause a substantial adverse change to a significant historical resource or tribal cultural resources is discussed on pages 3.2-11 and 3.2-12 of the Draft EIR.

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(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1.

(c) Findings. As noted in Chapter 3.2, 172 cultural resources have been identified within the City of Lathrop General Plan Study Area, according to files maintained by the Central California Information Center (CCIC) of the California Historical Resources Information System (CHRIS). The 172 recorded cultural resources span both the prehistoric and historic periods and range from a Native American village site to historic period railroads, a school, buildings and single-family homes. The recorded resources include a Point of Historical Interest and two California Historical Landmarks. The greatest number of recorded cultural resources are buildings at the Sharpe facility. There are no properties or districts currently listed on the National Register of Historic Places (NRHP) or California Register of Historic Places (CRHR) for the City of Lathrop.

As with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown historical resource or tribal cultural resource. Implementation of Mitigation Measure 3.2-1 would require construction to halt in the event that a buried and previously undiscovered cultural or historical resource is encountered during construction activities so that it can be appropriately evaluated by a qualified professional.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.2-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change to a significant historical resource or tribal cultural resources will be mitigated to a less than significant level.

2. IMPACT 3.2-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE.

(a) Potential Impact. The potential for the project to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature is discussed on page 3.2-13 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1.

(c) Findings. The project site is not expected to contain subsurface paleontological resources, although it is possible. The majority of the proposed improvements would be developed in previously-disturbed areas, such as within roadway rights-of-way. Some of the proposed improvements, particularly those related to recycled water,

would be located on agricultural areas near the San Joaquin River. There will be a temporary impact to agricultural lands during construction of the water and recycled water pipes, land application areas for recycled water, and storage ponds for recycled water. Paleontological resources are not likely to be found in the urban areas of the City, and would be more likely to occur in areas near the San Joaquin River.

Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. Implementation of Mitigation Measure 3.2-1 would require construction to halt in the event that a paleontological resource is encountered during construction activities so that it can be appropriately evaluated by a qualified professional.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.2-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature will be mitigated to a less than significant level.

3. IMPACT 3.2-4: THE PROPOSED PROJECT HAS THE POTENTIAL TO DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES.

- (a) Potential Impact. The potential for the project to disturb human remains, including those interred outside of formal cemeteries, is discussed on page 3.2-14 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-2.
- (c) Findings. Indications suggest that humans have occupied San Joaquin County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

Under CEQA, human remains are protected under the definition of archaeological materials as being "any evidence of human activity." Additionally, Public Resources Code Section 5097 has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during project implementation.

Implementation of Mitigation Measure 3.2-2 would require construction to halt in the event that human remains are encountered during construction activities.

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In accordance with Public Resources Code, § 21081, Mitigation Measure 3.2-2 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to disturb human remains, including those interred outside of formal cemeteries, will be mitigated to a less than significant level.

### D. GEOLOGY AND SOILS

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1. IMPACT 3.3-2: THE PROPOSED PROJECT MAY RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL.
  - (a) Potential Impact. The potential for the project to result in substantial soil erosion or the loss of topsoil is discussed on pages 3.3-14 through 3.3-17 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1.
  - (c) Findings. To ensure that construction activities are covered under General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ), projects in California must prepare a Stormwater Pollution Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP is reviewed by the State Water Resources Control Board (SWRCB) as part of the permitting process. The SWPPP, once approved, is kept on site and implemented during construction activities and must be made available upon request to representatives of the SWRCB and/or the lead agency.

In accordance with the NPDES Stormwater Program, Mitigation Measure 3.3-1 requires an approved SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the SWRCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. In accordance with Public Resources Code, § 21081, Mitigation Measure 3.3-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in substantial soil erosion or the loss of topsoil will be mitigated to a less than significant level.

2. IMPACT 3.3-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF PROJECT IMPLEMENTATION, AND POTENTIALLY RESULT IN LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE.

- (a) Potential Impact. The potential for the project to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse, is discussed on pages 3.3-17 and 3.3-18 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-2.
- (c) Findings. The project site does not have a significant risk of becoming unstable as a result landslide, subsidence, or soil collapse. There is a potential for liquefaction, liquefaction induced settlement, and lateral spreading. Implementation of Mitigation Measure 3.3-2 requires a final geotechnical evaluation of the soils at a design-level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.3-2 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the project to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse, will be mitigated to a less than significant level.

3. IMPACT 3.3-4: THE PROPOSED PROJECT HAS THE POTENTIAL TO BE LOCATED ON EXPANSIVE SOILS WHICH MAY CREATE SUBSTANTIAL RISKS TO LIFE OR PROPERTY.

- (a) Potential Impact. The potential for the proposed project to be located on expansive soils which may create substantial risks to life or property is discussed on page 3.3-19 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-2.
- (c) Findings. According to the NRCS Web Soil Survey, the soils in the project area vary from a low shrink-swell potential to a moderate shrink-swell potential. Figure 3.3-3 provides a map of the shrink-swell potential of the soils at the project site and in the vicinity.

The California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 requires specific geotechnical evaluation when a preliminary geotechnical evaluation

determines that expansive or other special soil conditions are present, which, if not corrected, would lead to structural defects. Implementation of Mitigation Measure 3.3-2 requires a final geotechnical evaluation of the soils at a design-level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.3-2 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for expansive soils to create substantial risks to life or property will be mitigated to a less than significant level.

## E. HAZARDS AND HAZARDOUS MATERIALS

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1. IMPACT 3.4-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.
  - (a) Potential Impact. The potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.4-15 and 3.4-16 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1 and 3.4-2.
  - (c) Findings. Construction activities would occur in phases through the development of the proposed improvements. Construction equipment and materials would likely require the use of petroleum-based products (oil, gasoline, diesel fuel), and a variety of chemicals including paints, cleaners, and solvents. The use of these materials at a construction site will pose a reasonable risk of release into the environment if not properly handled, stored, and transported. A release into the environment could pose significant impacts to the health and welfare of people and/or wildlife, and could result in contamination of water (groundwater or surface water), habitat, and countless important resources. Mitigation Measure 3.4-1 requires a Soils Management Plan (SMP) to be submitted and approved by the San Joaquin County Department of Environmental Health. The SMP will establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction.

The operational phase of the project will occur after construction is completed and the water, wastewater and recycled water improvements have been brought on-line. The proposed pump stations, pipelines, agriculture irrigation areas, storage ponds, and related improvements would not involve the handling of hazardous materials.



The proposed emergency generators would use diesel fuel, although the generators would only be run for maintenance and air quality permit testing requirements. Diesel fuel may also be stored on-site, such as within a building. If handled appropriately, diesel fuel would not pose a significant risk. There will be a risk of release of these materials into the environment if they are not stored and handled in accordance with best management practices approved by San Joaquin County Environmental Health Division and the Lathrop Fire Department. Mitigation Measure 3.4-2 requires a Hazardous Materials Business Plan to be submitted to the Joaquin County Environmental Health Division prior to bringing hazardous materials onsite.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-1 and 3.4-2 are appropriate changes or alterations that have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be mitigated to a less than significant level.

## F. HYDROLOGY AND WATER QUALITY

1. IMPACT 3.5-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUND WATER QUALITY DURING CONSTRUCTION.
  - (a) Potential Impact. The potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction is discussed on pages 3.5-17 through 3.5-19 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1.
  - (c) Findings. Grading, excavation, removal of vegetation cover, and loading activities associated with construction activities could temporarily increase runoff, erosion, and sedimentation. Construction activities also could result in soil compaction and wind erosion effects that could adversely affect soils and reduce the revegetation potential at construction sites and staging areas. To ensure that construction activities are covered under General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ), projects in California must prepare a Stormwater Pollution Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary

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

In accordance with the NPDES Stormwater Program, Mitigation Measure 3.3-1 contained in Section 3.3 Geology and Soils, ensures compliance with existing regulatory requirements to prepare a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The RWQCB has stated that these erosion control measures are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.3-1 is an appropriate change or alteration that has been required in, or incorporated into, the project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to violate water quality standards or waste discharge requirements during construction will be mitigated to a less than significant level.

#### IV. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

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

**Aesthetics and Visual Resources:** The following were found to be less than significant or were found to have no impact: (A), (B), (C), and (D).

**Agricultural Resources:** The following were found to have no impact: (A), (B), (C), (D), and (E).

**Air Quality:** The following specific impact was found to be less than significant: (D).

**Biological Resources:** The following specific impacts were found to be less than significant: 3.1-2, 3.1-3, and 3.1-4.

**Energy:** The following specific impacts were found to be less than significant: (A) and (B).

**Geology and Soils:** The following specific impact was found to be less than significant: (E).

**Greenhouse Gas Emissions:** The following specific impacts were found to be less than significant: (A) and (B).

**Hazards and Hazardous Materials:** The following specific impacts were found to be less than significant: 3.4-2, 3.4-3, 3.4-4, 3.4-5, and 3.4-6.

**Hydrology and Water Quality:** The following specific impacts were found to be less than significant: 3.5-2, 3.5-3, 3.5-4, 3.5-5, and 3.5-6.

**Land Use, Population, and Housing:** The following were found to be less than significant or were found to have no impact: (A) and (B).

**Mineral Resources:** The following were found to have no impact: (A) and (B).

**Noise:** The following were found to be less than significant or were found to have no impact: (A), (B), and (C).

**Population and Housing:** The following were found to be less than significant or were found to have no impact: (A) and (B).

**Public Services:** The following was found to have no impact: (A).

**Recreation:** The following were found to have no impact: (A) and (B).

**Transportation and Circulation:** The following specific impacts were found to be less than significant: (A), (B), (C), and (D).

**Utilities:** The following specific impacts were found to be less than significant: 3.6-1, 3.6-2, 3.6-3, 3.6-4, 3.6-5, 3.6-6, 3.6-7, and 3.6-8.

**Wildfire:** The following specific impacts were found to be less than significant: (A), (B), (C), and (D).

The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

**Biological Resources:** The following specific impact was found to be less than cumulatively considerable: 4.1.

**Cultural and Tribal Resources:** The following specific impact was found to be less than cumulatively considerable: 4.2.

**Geology and Soils:** The following specific impact was found to be less than cumulatively considerable: 4.3.

**Hazards and Hazardous Materials:** The following specific impact was found to be less than cumulatively considerable: 4.4.

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**Hydrology and Water Quality:** The following specific impacts were found to be less than cumulatively considerable: 4.5, 4.6, 4.7, and 4.8.

**Utilities:** The following specific impacts were found to be less than cumulatively considerable: 4.9, 4.10, 4.11, 4.12, and 4.13.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the project;
- The EIR determined that the project would have a less than cumulatively considerable contribution to the cumulative impact; or
- The EIR determined that the impact is beneficial (would be reduced) for the project.

## V. PROJECT ALTERNATIVES

### A. IDENTIFICATION OF PROJECT OBJECTIVES

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

The principal objective of the proposed project is the approval and subsequent implementation of the Lathrop Integrated Water Resources Master Plan (IWRMP).

The proposed project identifies the following objectives:

- Construct improvements that are integrated with the City’s infrastructure geographic information system (GIS) and allow for automatic synchronization between the model and infrastructure GIS to limit future maintenance efforts;
- Provide cost-effective and fiscally responsible water, wastewater, and recycled water services that meet the water quantity, water quality, system pressure, and reliability requirements of the City’s customers;
- Improve or replace existing City water, wastewater, and recycled water system infrastructure;
- Provide future water, wastewater, and recycled water system infrastructure necessary to meet projected growth of the City’s service area.

## B. ALTERNATIVES ANALYSIS IN EIR

The alternatives analysis provides a summary of the relative impact levels of significance associated with each alternative for each of the environmental issue areas analyzed in the Draft EIR. The environmental analysis for each of the alternatives is included at the project-level within each impact statement following the analysis for the proposed project within Sections 3.1 through 3.6. The cumulative analysis for each alternative is included in Chapter 4.0.

### 1. NO PROJECT (NO BUILD) ALTERNATIVE:

The **No Project (No Build) Alternative** is discussed on pages 5.0-3 through 5.0-7 the Draft EIR. Under the No Project (No Build) Alternative development of the project site would not occur, and the project site would remain in its current existing condition. The water, wastewater, and recycled water infrastructure improvements would not occur. It is noted that the No Project (No Build) Alternative would fail to meet the project objectives identified by the City of Lathrop.

Findings: Environmental benefits of this alternative over the proposed project include the reduction of impacts to biological resources, cultural and tribal resources, geology and soils, hazards and hazardous materials, and hydrology and water quality.

While the City recognizes the environmental benefits of the No Project (No Build) Alternative, this alternative would not achieve any of the project objectives. Specifically, this alternative would not: construct improvements that are integrated with the City's infrastructure GIS and allow for automatic synchronization between the model and infrastructure GIS to limit future maintenance efforts; provide cost-effective and fiscally responsible water, wastewater, and recycled water services that meet the water quantity, water quality, system pressure, and reliability requirements of the City's customers; improve or replace existing City water, wastewater, and recycled water system infrastructure; or provide future water, wastewater, and recycled water system infrastructure necessary to meet projected growth of the City's service area.

For these reasons, this alternative is rejected.

### 2. NEAR-TERM IMPROVEMENTS ALTERNATIVE:

The **Near-Term Improvements Alternative** is discussed on pages 5.0-3, 5.0-4, and 5.0-7 through 5.0-9 of the Draft EIR. Under the Near-Term Improvements Alternative, only the improvements proposed to be completed in the near-term would be constructed. The long-term water and recycled water improvements would not be constructed. The long-term water improvements include the South San Joaquin Irrigation District (SSJID) Turnout 2 Expansion, the Sadler Oak Transmission Improvement Project, and the SSJID Transmission Improvement Project. Table 5.0-1 in Chapter 5.0 summarizes all the water system improvement projects and their estimated planning level opinion of probable costs (OPCs) that would occur under this alternative.

Because all of the wastewater improvements would be completed in the near-term, this alternative would include development of all of the proposed wastewater improvements. The long-term recycled water improvements include the Phase 2B improvements, which would expand the disposal capacity to the full 2.5 million-gallons-per day (MGD) Lathrop Consolidated Treatment Facility (CTF) Phase 2 treatment capacity. The Phase 2B improvements would not be constructed under this alternative, which include:

- Increase the capacity of the PMP-1 pump station in conjunction with the installation of Pond S-X (located directly north of S5).
- Install a new pond and pump station in the western portion of the City, potentially at locations S13 storage pond and PMP-6 pump station, to meet storage requirements and to meet system pressure criteria in Phase 2B.

The recycled water Phase 2A improvements were based on the planned initial infrastructure improvements as of October 2017, which were planned to provide a disposal capacity of 1.9 MGD. The Phase 2A improvements would be constructed under this alternative. The SCADA towers and generators would also be constructed under this alternative.

Findings: Environmental benefits of this alternative over the proposed project include the reduction of impacts to biological resources and cultural and tribal resources. Impacts to geology and soils, hazards and hazardous materials, and hydrology and water quality would be the same as the proposed project.

The Near-Term Improvements Alternative would not fully meet the project objectives identified by the City of Lathrop. Specifically, this alternative would not: provide cost-effective and fiscally responsible water, wastewater, and recycled water services that meet the water quantity, water quality, system pressure, and reliability requirements of the City's customers; improve or replace existing City water, wastewater, and recycled water system infrastructure; or provide future water, wastewater, and recycled water system infrastructure necessary to meet projected growth of the City's service area.

For these reasons, this alternative is rejected.

### 3. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As shown on Table 5.0-2 of the Draft EIR (on page 5.0-9), a comparison of alternatives is presented. The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally

superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Near-Term Improvements Alternative ranks higher than the proposed project.

It should be noted that the Near-Term Improvements Alternative does not meet all of the project objectives. This alternative would construct improvements that are integrated with the City's infrastructure GIS and allow for automatic synchronization between the model and infrastructure GIS to limit future maintenance efforts. However, as noted above, this alternative would not: provide cost-effective and fiscally responsible water, wastewater, and recycled water services that meet the water quantity, water quality, system pressure, and reliability requirements of the City's customers; improve or replace existing City water, wastewater, and recycled water system infrastructure; or provide future water, wastewater, and recycled water system infrastructure necessary to meet projected growth of the City's service area.

For the reasons provided above, this alternative is rejected.

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ATTACHMENT "D"

**CITY OF LATHROP INTEGRATED WATER RESOURCES MASTER PLAN  
UPDATE (IWRMP)**

Dated December 2018

Due to the size of this document, it is not included with the staff report. Copies are available for public inspection at the City Clerk's Office at Lathrop City Hall, located at  
390 Towne Centre Dr. Lathrop, CA 95330  
(209) 941-7220

This document is also available on the City's website at:  
<http://www.ci.lathrop.ca.us/com-dev/page/public-review-documents>

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